

BOARD OF COUNTY COMMISSIONERS' MEETING

April 23-24, 1975

Wednesday, April 23, 1975

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

The meeting was called to order at 9:00 a.m. by Commissioner President McKay.

READING AND APPROVAL OF MINUTES

The minutes of April 16-17 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Millison. All Commissioners voted in favor.

AMENDMENT TO AIRPORT LEASE AGREEMENT

Present: Joseph Ernest Bell, II, County Attorney
Tom Howard
Robert Gabrelcik, Chairman, Airport Commission
George Clark, Airport Commission member
Charles Norris, Attorney (Professional Flight Service)
Larry DeAngelis (Professional Flight Service)

The comments submitted by members of the Airport Commission pertaining to the Airport Lease Agreement have been reviewed by the County Attorney and other members of the Lease Committee and discussed same with the Commissioners. All present were in agreement that the lease be signed. Commissioner Jarboe made a motion to accept the lease as presented by the Airport Commission and consultant, Tom Howard, and authorize Commissioner President McKay to sign said lease, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

CITIZENS FOR PROGRESS (VISTA)

Present: Joseph Ernest Bell, II, County Attorney

With regard to the County's authority to appropriate funds for certain projects for various agencies, Mr. Bell recommended that in next year's legislative session, additional expressed authority be given to the Commissioners for this purpose.

Commissioner Millison made a motion that funds be budgeted in FY '76 to support the activities of Citizens For Progress by helping to sponsor the program Volunteers In Service

to America (VISTA) on a shared basis with the Federal Government in an amount not to exceed \$9,000 to be disbursed and accounted for in accordance with budgetary and auditing procedures established by the County's Budget Office, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

BILLS APPROVED

The following bills were approved by the Commissioners:

Owens Electric, for wiring of recreation building at Laurel Grove as per contract - \$2,484.00;

Cross and Adreon, architects, for professional services in the Nursing Home project - \$1,325.17;

Charles County Commissioners. for Walden Counseling Center Crisis Aides salaries from July 1, 1974 to March 31, 1975 - \$8,207.31.

Robert G. Dean, Dean Construction Company for construction of asphalt ramp adjoining concrete apron of County Airport Hangar - \$1,767.00.

Commissioner Jarboe made a motion to approve payment of the above bills, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

ELMS PROPERTY STUDY COMMITTEE

Mr. Cox, Chief Clerk, reported to the Commissioners that Mr. Dick Pulliam will not be able to serve on the Elm's Property Study Committee; however, Father Charles Goetz has expressed a desire to serve. Commissioner Jarboe made a motion to appoint Father Goetz, seconded by Commissioner Millison. All Commissioners voted in favor.

PROCLAMATION NO. 75-31
MARCH OF DIMES WALKATHON

Present: Mary Stumpf
Rose Slade

The Commissioners presented Proclamation No. 75-31 to the above persons proclaiming Saturday, May 3, 1975, as March of Dimes Walkathon Day.

PROCLAMATION NO. 75-32
REALTOR WEEK

Present: Mrs. "Billie" Mattingly
J. Harry Norris III
Mr. Robert Haston

The Commissioners presented Proclamation No. 75-32 to the above persons proclaiming the week of April 20 through

April 26, 1975, as Realtor Week in recognition of the work being done by the Southern Maryland Board of Realtors.

Mrs. Mattingly raised several questions pertaining to the various fees required by the Office of Land Use and development; specifically the \$5.00 zoning permit fee even though a building permit is not being applied for.

ST. MARY'S COUNTY BENEFIT AIR FAIR

Present: Ken Rossignol, Program Chairman

Mr. Rossignol came before the Commissioners to invite the Commissioners to participate in the opening ceremonies for this year's St. Mary's County Benefit Air Fair on May 17, 1975 at 10:00 a.m. The Air Fair is scheduled for May 17 and 18 and proceeds will go to the building fund for the Developmental Center for the Mentally Retarded.

COUNTY COMMISSIONERS' MEETING

Present: Ken Rossignol, Lexington Park Jaycee's

Mr. Rossignol stated that the Lexington Park Jaycee's recommend that the Commissioners hold some of their meetings in the evening and in the Lexington Park area in order that there would be more citizen attendance at these meetings.

Commissioner McKay was of the opinion that Public Hearings could be held in the Lexington Park area; but that regular Commissioner meetings would have to be held at the Courthouse to have access to files and personnel.

CHILD WELFARE DAY

Correspondence was received from Marvin S. Kaminetz, Juvenile Master, with regard to "Child Welfare Day" sponsored under the leadership of Judge Joseph A. Mattingly to be held Friday, May 23, 1975 from 9:00 a.m. to 3:30 p.m. at the Breton Bay Country Club. Various agencies will be participating to share information of their respective roles and how they can complement each other. A representative is requested from the County Commissioners' Office to participate.

AMENDMENT NO. 3 - JOHN HANCOCK LIFE INSURANCE COMPANY
COUNTY GROUP LIFE INSURANCE

Pre

Mr. Cox, Chief Clerk, presented Amendment No. 3 pertaining to rate structure. Rate structure was based on the average age of employees, rather than actual age. The County Attorney has reviewed the amendment and he and the Finance Director recommend that the Commissioners approve this amendment. Commissioner Dean made a motion to approve and authorize Commissioner McKay to sign Amendment No. 3, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

COUNTY GROUP LIFE INSURANCE POLICY

Present: Harris Sterling, Finance Director
Joseph Ernest Bell, II, County Attorney

Mr. Cox brought to the attention of the Board of County Commissioners that a problem has developed with the former carrier of the group health and life insurance policy for County employees. In the second week of June, 1974, the County was notified of an increase of rates to be made effective the end of June. Mr. Cox contacted the Prudential agent to request a delay in the effective date of said increase, because we withhold a month in advance and the notice was not given in sufficient time to appropriately notify the employees, and to withhold in a timely fashion. The delay in the effective date was granted until the end of July, 1974. Meanwhile the County started negotiations with other insurance agencies to obtain bids on the group insurance policy including Prudential. During negotiations, Mr. Cox was notified that the increase in rates should be disregarded and that insurance payments from the County should be made at the former rate. When the choice was made to select a carrier other than Prudential and after the effective date of the new policy, a new notice arrived from Prudential notifying us that we would have to pay retroactively to the July effective date the increased rates. Mr. Sterling explained the financial impact of the problem. The total readjustment requested by Prudential amounts to \$577.21. However, Prudential has agreed to subtract from the total amount overpayment by Mrs. Fowler, a County employee, the amount of \$255.36; thus, leaving a balance of \$321.85 requested by Prudential.

County Attorney, Mr. Bell, has discussed the issue with Mr. Sterling and Mr. Cox and has been in contact with Dunn and Bradstreet regarding the problem. It is Mr. Bell's opinion that the County should pursue a course of action which would request from Prudential a rebate of the overpayment by Mrs. Fowler and also a recall of the billing at the increased rates. The Commissioners were in agreement with Mr. Bell's opinion and requested him to pursue the matter accordingly.

ROAD RESOLUTIONS

Present: John Norris, County Engineer

GERSHWIN ROAD AND OAKS ROAD - R-75-9 - The County Engineer presented a Road Resolution to designate Gershwin Road as a Stop Street at its intersection with Oaks Road, Melody Acres Subdivision, Fifth Election District.

MAPLE DRIVE AND HOLLY LANE - R-75-10 - The County Engineer presented a Road Resolution designating Maple Drive as a Stop Street at it's intersection with Holly Lane, located in the Cape St. Mary's area, Sixth Election District.

SOCIETY HILL SUBDIVISION - R-75-11 - The County Engineer presented a Road Resolution designating that Society Hill Road be a through street and that "Stop" signs be erected on the following streets where they intersect with Society Hill Road: Potomac View Drive, Spring House Lane, Lake and Breton View Drive, South 40 Drive and Port Place.

Commissioner Dean made a motion to approve and authorize Commissioner McKay to sign the above Road Resolutions 75-9 through 75-12, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

CHANGE ORDER NO. 7 - NURSING HOME PROJECT

Present: John Norris, County Engineer

Mr. Norris presented Change Order No. 7 providing for a sprinkler system in the Occupational Therapy Room, approximately six heads at a cost of \$1,064. The Change Order was approved by the Contractor, M. M. Dean, and the architect, Cross and Adreon.

Commissioner Jarboe made a motion to authorize Commissioner McKay to sign Change Order No. 7, subject to Mr. Norris investigating the possibility of reducing the amount of the cost for providing this addition to the sprinkler system, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

EQUIPMENT OPERATOR I

Present: John Norris, County Engineer

The County Engineer stated that the position was advertised, applicants were interviewed and rated and therefore, Mr. Norris recommended that Mr. B. A. Tippet be employed as Equipment Operator I for the Solid Waste Disposal Operation at Grade 5, Base, effective immediately.

Commissioner Jarboe made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

REQUEST FOR GRADE INCREASE - SOLID WASTE DISPOSAL OPERATION PERSONNEL

Present: John Norris, County Engineer

Mr. Norris discussed with the Commissioners the possibility of grade increases for the Solid Waste Disposal Operation Equipment Operators and Operator Supervisor.

The Commissioners advised Mr. Norris that this matter will be discussed during budget review.

TANNER'S CREEK DREDGING

Present: John Norris, County Engineer

Mr. Norris stated correspondence dated April 14, 1975 was received from the Department of Natural Resources indicating that \$200,000 has been set aside for the dredging of the entrance to Tanner's Creek and requested the County to advertise, bid the project and inspect the construction, and handle all local miscellaneous problems, such as claims for damage. The County would make periodic payments to the contractor and would be reimbursed by the Department of Natural Resources within a 30-day period. Mr. Norris recommended that the County participate with the Department of Natural Resources by providing these services. The Department had indicated that they would fund the engineer costs for the marine projects at Kingston Creek and Lewis Creek.

Commissioner Dean made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

EASEMENT FOR RAILROAD RIGHT-OF-WAY

Present: John Norris, County Engineer

Mr. Norris stated that the County has received a number of requests from individuals and companies requesting easement authority for the use of the County-owned railroad right-of-way. Mr. Norris suggested a standard format; application and application process be developed by the County to facilitate the handling of these requests. The integrity of the railroad right-of-way will be difficult to maintain as the rails have been removed. It would therefore, be to the County's advantage to have specific authority documents for each crossing. This would facilitate the County's planning for the future use and processing miscellaneous items such as claims for damage, etc.

The Commissioners accepted Mr. Norris' recommendation and requested that he contact the County Attorney for developing the necessary documents and present same to the Board for approval.

DUKEHART'S CREEK

Present: John Norris, County Engineer

Mr. Norris presented the Chronology of Events representing the background on the Dukehart's Creek recreational, dredging and jetty project. Also, submitted were engineering proposals to perform the design for the recreational project. A representative from the Department of Natural Resources will visit the County the week of April 28 for the purpose of discussing this matter.

Commissioner Dean suggested that after all information is fully developed that a public hearing be scheduled in the area to obtain community input.

SPRING VALLEY SUBDIVISION (ROADS)

Present: John Norris, County Engineer

Commissioner McKay stated that Mr. Norris had discussed with him the State Highway Administration's action taken this past week to close the primary entrance street to the Spring Valley Subdivision; namely, Valley Road. Mr. Norris explained that the State Highway Administration had closed the road because of lack of compliance by the developer, Riley Brothers, with the State's entrance permit procedures. After the road was closed, the Engineer's Office received numerous calls from the residents of the area indicating that a traffic hazard was being created as the residents were being forced to use Peggs Lane as the access road to the subdivision. Peggs Lane enters Route 235 on a non-dual portion of the road. The backup of cars waiting to make a left turn on to Peggs Lane would probably cause numerous rear-end collisions. Mr. Norris then indicated that the office asked the State Highway Administration to delay the closing of the entrance until a further analysis could be made. It was discovered that the County had accepted the road in December of 1974 into the State Highway Maintenance System. Mr. Norris stated that the road was not adequate to serve the Spring Valley Subdivision and not constructed to County minimum standards.

Mr. Norris was requested to determine, in cooperation with the County Attorney, if the County had the authority to accept a road which was not built in accordance with minimum standards and established procedures.

PROPOSED TRAILER TAX ADJUSTMENT RESOLUTION

Commissioner Jarboe presented a draft of a proposed Resolution pertaining to occupancy fees and penalty charge for late payment of occupancy fees for trailers in trailer coach parks.

In light of the fact that there does not seem to be any overriding evidence of inequity in the present level of this tax, and that there has been much difficulty in collecting the occupancy fees in a timely manner, the present rate of \$ 6.00 per trailer space occupied per month will remain in effect, and the penalty charge for late payment of these fees be raised from 1/2% per month to 1% per month, commencing on the 21st day of the next succeeding month of delinquent payment. In addition, a committee of citizens should be formed to develop facts and recommendations concerning the overall picture of taxation of mobile homes in trailer coach parks or on individual lots.

Commissioner Jarboe made a motion to approve the intent of the Resolution, which will be reviewed by the County Attorney and submitted for presentation to the Commissioners, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

ANNUAL CONFERENCE OF REGIONAL COUNCILS

Commissioner Parlett stated that at the Tri-County Council meeting, a representative was requested to be appointed from St. Mary's County to attend the annual Conference on Regional Councils in Boston on May 27-30, 1975. Commissioner Jarboe made a motion that J. Frank Raley, Tri-County Council member, represent St. Mary's County at the Annual Conference of Regional Councils, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

BULLETIN BOARD FOR THE COURTHOUSE

Commissioner Millison made a motion that arrangements be made for the installation of a bulletin board at the entrance way of the Courthouse announcing place, date and time of all County agency meetings, and for a Directory showing the location of the various County agencies. Commissioner Millison further moved that a "Welcome" sign be placed at the top of the bulletin board. Commissioner Parlett seconded the motion. All Commissioners voted in favor.

CABLE TELEVISION FACT-FINDING COMMITTEE

Commissioner Dean stated that the Commissioners should be considering likely candidates for the Cable Television Fact-Finding Committee to be formed for the purpose of looking into the various areas of cable television. Commissioner Dean suggested a five-member committee.

ECONOMIC IMPACT FEE

Commissioner Dean suggested that Mr. Platt, Director, Land Use and Development, appear before the Commissioners at their May 7 meeting to discuss the request made by Oliver Guyther and Ben Burroughs for a reduction in the economic impact fee for County Lakes Subdivision, and to discuss this subdivision as opposed to other subdivisions relative to the economic impact fee.

DAY CARE CENTERS

Commissioner Dean made a motion to invite Joe Carter of Social Services, Marion Thomas of Tri-County Community Action Committee, Don McGlade, Comptroller and a representative from the Board of Education, to appear before the Commissioners to form a committee to investigate the area of day care centers in the County, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

NEWTOWN NECK PROJECT

Present: Joseph Gough, Chairman, Planning Commission
J. Frank Raley, Planning Commission
Richard Platt, Director, Land Use and Development
Dr. William Marek, Health Officer
Mike Marlay, Metropolitan Commission
John Norris, County Engineer
Dennis Webster, Caledon Development Corporation
James Foss, Engineer, Caledon Development Corp.

Mr. Gough appeared before the Commissioners to discuss the proposed Newtown Neck project, consisting of 812 acres, located in the Third Election District.

Mr. Gough stated that the Planning Commission has come to some conclusion as to what questions need to be answered pertaining to this project. The Land Use Office prepared a report of the provisions that will have to be met with the appropriate state or County agencies to fulfill the Comprehensive Plan requirements.

A letter from State Highway Administrator indicates that Maryland Route 243 will be incapable of handling the traffic generation of a project of this magnitude. John Norris stated he concurred with the State Highway Administrator and added that Bayside Road, a County road, would receive increased use because of the location of this project, and is not capable of accommodating any substantial traffic volume. In addition, Mr. Norris stated there would be a tremendous impact on the solid waste disposal facility in that area.

Mr. Marlay stated the Metropolitan Commission is requiring a Public Works Agreement to insure that proper water and sewage facilities will be installed and turned over to the County for \$1.00. There would have to be a change in the Comprehensive Water and Sewer Plan which should come before entering into the Public Works Agreement. The project should be approved by the County prior to the change in the Water and Sewer Plan.

In a letter dated April 7, 1975, John Hall of the Soil Conservation Service stated that high water tables are present which could become a hazard for more intense development. In addition, there would be a soil erosion problem in that area.

Mr. Foss, Engineer for Caledon, suggested incorporating the Newtown Neck area into a study of the St. Clements Shores area in order to comply with the requirements of a 201 facilities report which is necessary to obtain federal and state funding. Commissioner Parlett and Mr. Marlay did not think that a 201 report was necessary or feasible at this time.

Mr. Gough stated that the developer must receive permission from State Agencies for a point of discharge into the Potomac

River, and the developer would like a letter of intent from the Commissioners to the effect that, if he could get approval for the point of discharge, the County would approve the project.

Mr. J. Frank Raley was of the opinion that, because of the impact of this project, the County should proceed very cautiously and develop all necessary facts. He suggested that the Tri-County Council be requested to make an analysis of the project. The Commissioners were in agreement that this suggestion be discussed at the next Planning Commission meeting, and the Planning Commission would in turn recommend to the County Commissioners that an evaluation be conducted by Tri-County Council.

SAND & GRAVEL PROJECT - ABELL'S WHARF

Present: Joseph Gough
J. Frank Raley
Richard Platt

Mr. Gough stated that a Court Order was received directing that the Conditional Use Permit not be signed. Mr. Gough presented the revised Agreement between the applicant for the Sand and Gravel Project at Abell's Wharf and the County setting forth 37 conditions, one of the principal conditions is the requirement of an economic impact fee which is based on a percentage of the gross receipts of the operation and would guarantee a minimum of \$175,000.

This condition was established because of the impact of the heavy traffic that will be created on State Route 244. Commissioner Dean stated that one of the questions that will have to be addressed by the Commissioners in the near future is whether the County would be interested in putting up County money to recondition this road.

REZONING CASE NO. 75-6
CLARENCE MELVIN

Present: Clarence Melvin, Applicant
Jim Kenney, Attorney

Application was made by Clarence Melvin to have a parcel of land containing 7.10 acres, more or less, situated on Route 246, approximately 1/2 mile southeast of Chancellors Run Road, 8th Election District, asking to be rezoned from R-2 to a C-2 Zoning District.

If rezoning is granted, applicant intends to construct indoor tennis courts and related stores. The Secretary read the Notice of Public Hearing.

The following exhibits were presented by the applicant:

1. A through R - Notice to adjacent property owners.
2. Photographs of surrounding area and existing establishments.
3. Site Plan.
4. Report from J. Spence Howard.

Commissioner McKay inquired if any one else present wished to speak for or against the project. There were no proponents or opponents. At this point the hearing was closed. A tape of the hearing is on file in the Commissioners' Office.

ST. CLEMENTS & POTOMAC RIVER MUSEUM

Present: J. S. Guy, Jr.
Michael Humphries
John Baggett, Director of Recreation & Parks

Mr. Guy came before the Commissioners to discuss the St. Clements and Potomac River Museum which will be located in the Old Butterfield House, and will exhibit the history of the Potomac River and St. Clement Island as it relates to St. Mary's County. Michael Humphries has been selected as curator for the museum.

With regard to funding for the museum, Mr. Guy requested the following:

1. For the remainder of FY 75 - \$2,540.10 which would necessitate transfer of funds from the Recreation and Parks Department, Commissioners will make a decision at a later date.
2. For FY 76 budget consideration of a sum is to be determined. The Commissioners will make a decision during FY 76 budget review.

LOITERING PROBLEM IN LEXINGTON PARK

Present: Lieutenant Muchow, Maryland State Police
Sheriff George Sanger
George Sparling, State Attorney
Joseph Ernest Bell, II, County Attorney
Robert Wentworth, Executive Secretary, Youth
Dr. Van Aalst, Youth Commission
Ricky Arnold, Youth Commission
Danny Kolliopoulos, Two Thieves
Manny Horowitz, Piccallo Club

The Commissioners explained that the purpose of this meeting is to discuss the loitering situation in the County and obtain their input to relieve these problems.

There was a lengthy discussion of the disturbances that occurred last year and how they could be avoided this year. Because of this passage of House Bill 1153, Antidrinking Law, authority was given to Commissioners to adopt an ordinance.

The Commissioners directed Mr. Bell, County Attorney, to chair a Committee, consisting of: State's Attorney, Sheriff, Maryland State Police, High School Principal, Robert Wentworth, Dr. Van Aalst, Ricky Arnold, John Baggett of Recreation and Parks, Danny Kolliopoulos of Two Theives, and a representative from Tri-County Youth Services.

The Committee is to develop an ordinance for presentation to the Commissioners.

GRANT APPLICATIONS - INVESTIGATOR COORDINATOR

Present: George Sparling, State Attorney

Mr. Sparling presented the above grant application for refunding of the position of Investigator Coordinator for the Commissioners approval and signature. Total project cost - \$11,555, of which \$751 will be local cash match, with an additional County contribution of \$2,893 to bring the total salary and fringe benefits for Investigator Coordinator to \$14,648.

SPECIAL PROSECUTOR - GRANT APPLICATION

Mr. Sparling presented the grant application for refunding of the position of Special Prosecutor for the Commissioners' approval and signature. Total project cost-\$11,555, of which \$751 will be local cash match, with an additional County contribution of \$14,020 to bring the total salary and fringe benefits for Special Prosecutor to \$25,575.

Commissioner Jarboe made a motion to approve the above grant applications submitted by the State's Attorney, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

The meeting recessed at 5:45 p.m.

Thursday, April 24, 1975

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

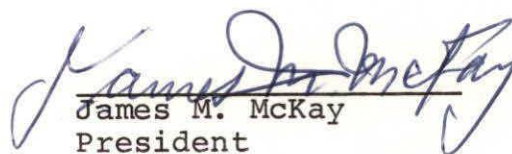
The Board of County Commissioners reconvened at 12:30 p.m.

RESOLUTION NO. 75-34
CAPITAL IMPROVEMENT FUND

Commissioner Dean made a motion to adopt Resolution 75-34 "Capital Improvement Fund" for the purpose of encumbering monies that were budgeted in the current fiscal year and any future budget years for those specific capital improvements. Said Resolution provides, pursuant to authority contained in Section 21, Paragraph 3, subsection iii of the Public Local Laws of St. Mary's County, for the establishment of a Capital Improvement Fund for the purpose of encumbering, transacting and recording Capital Improvement Project information separate and distinct from Debt Service and Current Expenses. Seconded by Commissioner Jarboe. All Commissioners voted in favor.

The meeting adjourned at 1:00 p.m.

Approved,


James M. McKay
President