

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, April 7, 1976

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

The meeting came to order at 9:15 a.m.

READING AND APPROVAL OF MINUTES

The minutes of March 31 - April 1, 1976 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the Encumbrance Vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve the bills as submitted, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

ECONOMIC DEVELOPMENT COORDINATOR POSITION

Present: Jim Marsh, Screening Committee Member
Edward V. Cox, Screening Committee Member

Mr. Cox stated that after interviews by the Commissioners with three applicants for the position of Economic Development Coordinator, the screening committee reviewed the applications and recommend the employment of Robert Michel in this position.

Later in the meeting after some discussion, Commissioner Jarboe made a motion to accept the recommendation of the Screening Committee and hire Mr. Robert Michel in the position of Economic Development Coordinator for a one year contract at Grade 16, Step 3, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

Office space and clerical assistance were discussed and the Commissioners requested the County Administrator to look into space requirements with regard to immediate housing and future needs.

DERELICT BOAT REMOVAL PROGRAM

Present: Otis Wood, Director, Civil Defense

Mr. Wood, Coordinator for the Derelict Boat Removal Program in St. Mary's County, brought the Commissioners up to date on progress being made in the Program as a result of negotiations with Warren Shelly, Department of Natural Resources. The location survey has been completed on the Potomac side and remains to be done on the Patuxent. Bid documents must be prepared, advertisements entered in the papers and inspection services provided prior to the actual removal of boats. The State will provide 100% reimbursement for the actual boat removals. Related costs must be borne by the County, such as advertisement, administration and inspection. Since no funds were budgeted for this Program, Mr. Wood requested the Commissioners to allocate up to \$500 to move the Program to the actual removal stage.

Commissioner Jarboe made a motion to authorize Mr. Wood to proceed with this project, and to allocate up to \$500, to be taken from the Contingency Fund, for this Program, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

MEETING WITH THREE BOARDS OF COMMISSIONERS

The County administrator confirmed the meeting of April 21 at Calvert County with the three Boards of County Commissioners. Agenda items will be budgetary matters of a tri-county nature, training center at LaPlata and Maryland Historical Trust Inventory.

CENTER GARDENS TAX ABATEMENT
RESOLUTION NO. 76-15

Commissioner Jarboe made a motion to approve and sign Resolution No. 76-15 - "Center Gardens Tax Abatement", abating the real estate taxes for 1975-1976 for the Center Gardens (St. Mary's Gardens) housing project, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

The Commissioners requested the County Administrator to obtain the following information pertaining to this project:

1. Discover what has been expended over the last several years that has been used as a credit against their taxes to determine if their expenses have been proportionate to increased assessments;

2. In the future years, the Commissioners request a more identified list of expenditures be submitted as justification for abating taxes.

3. Determine how assessments are done.

SATAV CORPORATION

Correspondence was received from SATAV Corporation requesting a release of the remaining funds in their Escrow Account since the roads at King and Kennedy Estates are now complete. The County Engineer has testified verbally that the roads are completed and will submit a statement in writing to this effect.

Commissioner Dean made a motion to approve the release of the remaining Escrow Account funds, pending a written recommendation from the County Engineer, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

The County Administrator will prepare a letter for Commissioner McKay's signature to the SATAV Corporation.

EMS POLICY COMMITTEE REPRESENTATIVES

Commissioner Jarboe made a motion to appoint Dr. Marek as the officially designated EMS Policy Committee Representative from the St. Mary's County EMS Council, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

Commissioner Jarboe made a motion to appoint Mrs. Ellen Hewitt as the officially designated EMS Policy Committee alternate, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The Commissioners agreed to sign and forward the letter to the Metropolitan Washington Council of Governments notifying them of these appointments.

LETTER TO JOSEPH MATTINGLY
AIRPORT INDUSTRIAL PARK

Commissioner Dean made a motion to sign and forward the letter to Joseph Mattingly pertaining to the three topics he discussed with the Commissioners at their meeting of January 28, 1976 - Maryland Industrial Development Financing Authority, possible leasing of the county-owned railroad right-of-way and a proposal for a public transportation system, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

GOLDEN BEACH ROAD

The County Administrator presented a letter addressed to the Treasurer's Office requesting the Treasurer to allow the County to record the deed for property owned by Joseph G. Rooney even though taxes have not been paid in order to begin the improvements on Golden Beach Road.

Commissioner Dean made a motion to authorize Commissioner President McKay to sign said letter, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

CLEARINGHOUSE PROJECT

SOUTHERN MARYLAND MEDICAL TRANSPORTATION PROJECT

The County Administrator presented the above-referenced Clearinghouse Project, which has been forwarded for review by appropriate agencies, and recommended forwarding the Project Summary Notification Review to the Department of State Planning stating that the project is not inconsistent with this agency's plans, programs or objectives, with attached comments from the Commission on Aging Office and Department of Social Services. The Commissioners concurred with this recommendation.

ROAD ORDINANCE WITH SPECIFICATIONS

RESOLUTION NO. 76-7

Present: John Norris, County Engineer

Mr. Norris presented the above-referenced Resolution with accompanying Ordinance and Specifications for approval by the County Commissioners. The County Engineer indicated that there were some reorganizational changes to the Ordinance and changes on some of the center line radiuses to adhere to AASHTO Standards.

Commissioner Dean made a motion to approve and sign Resolution No. 76-7 adopting the Road Ordinance and Specifications and Standards for Highway and Street Construction for St. Mary's County, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

THOMAS ROAD BULKHEAD

Present: John Norris, County Engineer

The County Engineer presented the plans for the Thomas Road Bulkhead construction project in the vicinity of the Ethridge property and explained a necessary change order to supply bedding stone on some portions of the project and alter the design of the bulkhead to accommodate the concerns of the property owner, Mr. Josh Ethridge.

The natural soils excavated on the project were not suitable to support the armour capping stone. The County Engineer requested authorization to change the contract in the amount of \$17,500 and stated that there are sufficient funds available in the current project allocation. Commissioner Dean made a motion to grant this request, contingent upon an Agreement being drawn by the County Attorney and signed by the affected property owner and other appropriate parties, said Agreement setting forth what might occur by the alternative plan, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

ASPHALT OVERLAY - THOMAS ROAD

Present: John Norris, County Engineer

The County Engineer presented a proposal to extend the asphalt overlay on St. George's Island for a price of \$18.46 per ton, utilizing Band BF material. Mr. Norris indicated there was approximately \$14,000 remaining in the project, that the project per ton cost bid in 1974 was \$22 per ton and that the price of \$18.46 per ton submitted by Dean Construction, the contractor, was the same price utilized in a recent State Highway project in Lexington Park.

The Commissioners directed Mr. Norris to obtain additional prices and return with a recommendation after the bid opening.

PARKING LOT RESURFACING - NURSING HOME

Present: John Norris, County Engineer

The County Engineer stated that the following proposals were submitted for the above-referenced project:

Dean Construction Company - \$5,747

B. F. Asher \$6,165

Later in the meeting Commissioner Jarboe made a motion to award the contract for the resurfacing of the Nursing Home Parking lot to Dean Construction Company in the amount of \$5,747, and that a determination be made as to the amount funds available in the Nursing Home Project which could be used for this project, seconded by Commissioner Parlett. Four Commissioners voted in favor of this motion, with Commissioner Dean abstaining.

TANNER'S CREEK

Present: John Norris, County Engineer

The County Engineer indicated he was having difficulty with the contractor on this project and the Engineer's Office had rejected construction of the south jetty, approximately 500 feet in length and he was presenting the contractor's request for payment for the month of March, which had been reduced from \$74,137.43 to \$24,681.34, and recommending payment of same.

Commissioner Jarboe made a motion to accept the County Engineer's recommendation, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

ST. ANDREW'S LANDFILL R C & D PROJECT

Present: John Norris, County Engineer

The County Engineer presented a Change Order for a modification of the original contract of the above-referenced project from \$25,549.72 to \$29,375.43. The request for the change was for several items; increasing the quantity of rip-rap, increasing the length of diversion berms and reseeding and regrading the area damaged by the storm of March 31, 1976.

Commissioner Jarboe made a motion to approve the above Change Order, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented bids on investments as follows:

<u>AMOUNT</u>	<u>TERM</u>	<u>MD. NAT'L</u>	<u>FIRST NAT'L</u>	<u>MD. BANK & TRUST</u>
\$435,000	60 days	5% (Savings Account)	4.625%	4.91%
\$951,155	67 days	5% C. D.	4.725%	4.91%
\$1,485,000	90 days	5.20%	4.775%	4.93%

Mr. Sterling recommended awarding the bids as follows:

\$435,000 to Maryland National Bank at 5%.

\$951,155 to Maryland National Bank at 5%.

\$1,485,000 to Maryland National Bank at 5.20%.

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

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Debbie Prager, Beacon
Dick Myers, WKIK
Patty Muchow, Guardian
David Chaffee, "

The regular semi-monthly Press Conference was held at this time. A tape of the Conference is on file in the Commissioners' Office.

LETTER TO BOARD OF EDUCATION - BUDGET

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell presented a letter addressed to the Board of Education for the Commissioners' signature requesting additional budgetary information. The Commissioners agreed to sign and forward same.

MEETING OF THE BOARD OF ESTIMATES

The Commissioners agreed to meet as the Board of Estimates on April 12, 7:30 p.m. in the Commissioners' Conference Room to discuss the budgets that have been presented.

CEDAR COVE FINALIZED DEVELOPMENT PLAN

Present: Richard Platt, Director, Land Use and Development

Upon questioning by the Commissioners, Mr. Platt stated that the approval by the Board of County Commissioners of the Cedar Cove Finalized Development Plan (concept plan) has no other effect than to indicate that the Development Plan is in concert with the agreement previously made by and between St. Mary's County and Cedar Cove officials. The approval of the Development Plan is not a zoning decision.

Commissioner Jarboe made a motion to approve the Cedar Cove Finalized Development Plan as presented at last week's meeting, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

Commissioner Dean stated that this Plan is in keeping with an Agreement that had been previously signed by the developer and the County, and all County agencies and the Navy have indicated that this is in keeping with this prior Agreement. This is similar to a concept plan and approval of the plan is a formality by the Board. The developer will still have to go through the site plan process prior to getting record plat approval.

TOWER HILL SUBDIVISION

Present: Richard Platt, Director, Land Use and Development

Mr. Platt forwarded correspondence to the Commissioners that inquiries have been received concerning the status of the issuance of Building Permits for properties located within the area known as Tower Hill Subdivision and requested guidance from the Commissioners on this matter.

In view of the fact that there is a court decision pending on a case involving Col. DuCote with regard to this "subdivision", the Commissioners requested that the County Attorney look into this matter. The Commissioners questioned that if the court rules in favor of the County on this case, could the County allow the issuance of building permits on all those lots that have been subdivided and recorded. In the meantime the Commissioners requested Mr. Platt not to issue any building permits until the Court decision is rendered after which time a decision would be made by the Commissioners.

DUKEHART'S CREEK

Due to the fact that a court decree ruled in favor of an adverse possession claim on the property proposed as a site for the Dukehart's Creek project, the County does not own the land on which to correct the problems at that location, and the Commissioners requested the County Engineer to draft a letter to the Department of Natural Resources requesting their reconsideration for maintenance dredging and repairs at Dukehart's Creek without the recreational facility.

HELIPAD FOR NURSING HOME

Commissioner Dean stated that he contacted Jim Raley concerning the Navy's evaluation of the helipad location at the Nursing Home and Mr. Raley stated that this work could be done in approximately two weeks.

MOSQUITO CONTROL

The County Administrator stated that in light of last week's discussion concerning the Mosquito Control Program for St. Mary's County, a meeting has been set up with Mr. Harding and Dr. Keenan of the Department of Agriculture and the Budget Officer to discuss the current schedule and possible expansion of the Program. In addition, a meeting has been scheduled with the Board of Commissioners relative to this Program on April 28.

MARYLAND PUBLIC FINANCE OFFICERS ASSOCIATION SEMINAR

Commissioner Dean made a motion to authorize the Budget Officer and the Director of Finance to attend the Maryland Public Finance Officers Association Seminar on "Intermediate Accounting for Local Governments" to be held May 7, 14, 21 and June 4 in Baltimore at \$40 per person, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

REZONING HEARING

MAYJACK, INC. - CASE NO 74-14A

Present: Jim Kenney, Attorney for applicant
William Loker, employee of Mayjack, Inc.
J. Spence Howard, Jr, Realtor
Walter Dorsey, Attorney for the opposition
Joe Garner, Zoning Technician

On July 2, 1975, the County Commissioners rezoned Parcels No. 6 and No. 202, containing approximately 4.1 acres located on the west corner of the intersection of Rte. 235 and Chancellors Run Road, Eight Election District, from C01 neighborhood commercial to C-2 highway commercial. This decision was appealed to the Circuit Court of Maryland and the Court directed that this rezoning case be returned to the County Commissioners for additional testimony.

The secretary read the Notice of Public Hearing.

Mr. Kenney, attorney for the applicant called the following witnesses to give testimony for this case: William Loker, J. Spence Howard, Jr, and Joe Garner. The following applicant's exhibits were presented:

- Exhibit 1 - Copies of Certified letters with registered (a-s) receipts, notifying property owners within 200 feet of subject property;
- Exhibit 2 - Copy of letter from Metropolitan Commission verifying estimated date of connection of the Maryland Manor sewage line to the Three Notch Road Interceptor.
- Exhibit 3- Photographs of construction of sewer line;
- Exhibit 4 - Real Estate Qualifications of J. Spence Howard, Jr., Realtor;
- Exhibit 5 - Plat prepared by Lorenzi, Dodds and Gunnill designating property of William Barnes and Willaim B. Long;

- Exhibit 6 - Map indicating C-2 uses in neighborhood of property - actual or proposed.
- Exhibit 7 - Aerial photograph of the area;
- Exhibit 8 - Excerpt of testimony from Bob Willard, former County Planner, taken from a transcript filed on October 10, 1975 on Rezoning Case No 74-12. (Mr Dorsey, attorney for the opposition objected to this exhibit being entered into the record as it did not pertain to this case; however, he was willing to accept the recommendation of the County Attorney).

Mr. Dorsey, attorney for the opposition, entered into the record the following opponents exhibits:

- Exhibit 1(a) through (d) - Letters from Lillian Tennison, J. Neal Hayden, King Clarke, and Sterling Tennison;
- Exhibit 2 - Copy of Tax maps indicating the zoning in the neighborhood of subject property.

Commissioner McKay inquired if anyone else present wished to speak for or against this rezoning; hearing none the Hearing was closed.

Commissioner Millison left the meeting at 4:30 p.m.

MAYJACK REZONING CASE NO. 74-14A

Due to the fact that the recommendations of the Planning Commission, which were submitted to the Commissioners and which the Commissioners had based their approval were submitted during the early term of the Board's office, prior to the format that is now being used in zoning cases, the Commissioners requested Mr. Platt, Director, Land Use and Development, ask the Planning Commission to provide the County Commissioners with more definitive justifications for their decision on this particular case in that this case has been remanded back to the Commission for additional testimony.

BURGLAR ALARM AND FIRE ALARM FOR LEXINGTON PARK HEALTH DEPARTMENT

Present: Paul Raley, Director, Purchasing and Logisitics

Mr Raley stated that bids were opened for the above-referenced project and explained that not all of the firms had bid on the same equipment. Based on information the Commissioners requested Mr. Raley to have more specific specifications drawn up and rebid the project and report back to the Commissioners with recommendations.

FEDERAL HIGHWAY RECLASSIFICATION FOR URBAN DISTRICT BOUNDARY

Present: John Norris, County Engineer

For the Commissioners information, the County Engineer presented the Federal Highway Reclassification for Urban District Boundary, said map being file in the County Engineer's Office. Mr. Norris indicated that the map shows what the State Highway Administration recommended as the urban district boundary. Mr. Norris will prepare a letter for the Commissioners' signatures to the State Highway pertaining to this boundary.

(Commissioner Jarboe left the meeting at 5:00 p.m.)

TRAFFIC SIGNALIZATION

Present: John Norris, County Engineer

The Commissioners advised Mr. Norris that a letter has been received from State Highway Administration stating that signalization on Rte 235 and Town Creek Drive and Patuxent Beach Road was not warranted; and therefore requested Mr. Norris to prepare a response requesting data upon which this determination was made.

Mr. Norris agreed to do this plus suggested arranging a meeting with State Highway officials to explain to the Commissioners the process whereby traffic signalization is effected. The Commissioners concurred in this suggestion.

ENCUMBRANCE VOUCHERS


Commissioner Dean made a motion to approve Encumbrance Vouchers No. 07362-07364, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

The meeting adjourned at 5:20 p.m.

Thursday, April 8, 1976

The Board of Estimates met from 8:30 a. m. to 5:30 p. m. with the following departments in order to conduct budget reviews: Tri-County Community Action Committee, State's Attorney, Social Services, Nursing Home, Sheriff's Department, Youth Commission, Civil Defense, Purchasing and Logistics and County Engineer.

Approved by,


James M McKay
President