

## BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, September 28, 1977

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 was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of September 21, 1977 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Parlett made a motion to approve payment of the bills, as submitted, seconded by Commissioner Jarboe. All Commissioners voted in favor.

YOUTH COMMISSION - APPOINTMENT

Commissioner Dean made a motion to appoint Capt. John D. Caccivio to the Youth Commission for a term to expire June 30, 1979, seconded by Commissioner Jarboe. All Commissioners voted in favor.

JOHNSONGRASS COMMITTEE - APPOINTMENTS

Commissioner Parlett made a motion to reappoint the following individuals to the Johnsongrass Committee for terms to expire June 30, 1978, seconded by Commissioner Jarboe: Mr. R. Johns Dixon, Mr. Vernon Saunders, Mr. Aloysius Raley, Mr. Douglas Bowles, Mr. James R. Owens, Mr. Tommy Bradburn, and Mr. Franklin Hewitt. All Commissioners voted in favor.



KITTS POINT DEVELOPMENT AGREEMENT

The County Administrator reviewed with the County Commissioners correspondence received from the Metropolitan Commission related to the Development Agreement by and between the County and the developers of the proposed subdivision known as Kitts Point. The principle item of discussion related to waste water treatment and the need for a study of alternatives to be financed by the developer. Also attention was called to the fact that the developer was in arrears on payment of publicity costs for the Airport Industrial Park. After some discussion, the Commissioners directed that a meeting be established for an overall discussion of the Kitts Point Agreement, the participants at which will be the County Attorney, Metropolitan Commission representatives and Health Department representatives.

CLEARINGHOUSE PROJECT NO. 77-9-289CRIMINAL JUSTICE REGIONAL COORDINATION AND PLANNING

The County Administrator presented the above-referenced clearinghouse project and recommended that it be forwarded to the State stating that the project is not inconsistent with this agency's programs, plans, or objectives.

CLEARINGHOUSE PROJECT NO. 78-9-269INTRA STATE ALLOCATION PROCEDURE FOR STATE COASTAL ENERGY IMPACT PROGRAM: IMPACT OF PROPOSED REFINERY

Present: Frank Gerred, Director, Land Use and Development

The County Administrator presented the above-referenced clearinghouse project for the Commissioners' review. After considerable discussion, the Commissioners requested that it be forwarded to the State stating that it is not inconsistent with this agency's plans, programs, or objectives; however, comments are attached stating that although there is no objection to the impact study, St. Mary's County does have objection to the refinery in Baltimore City and to any refinery on the Chesapeake Bay. Additional more-detailed comments to be prepared by Mr. Gerred, will be forwarded to the State at a later date.

FUEL OIL BIDS FOR ST. ANDREWS LANDFILL DISTRIBUTION SITE

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid tally sheet for the supply of fuel to the St. Andrews Landfill Distribution Site indicating bids as follows:



<u>NAME OF COMPANY</u>	<u>REGULAR LEADED GASOLINE</u>	<u>DIESEL FUEL</u>
Burch Oil	.5200 per gallon	.4390 per gallon
Southern Md. Oil	.569 " "	.454 " "
Besche Oil	.5670 " "	.4490 " "

Mr. Raley recommended awarding the one-year contract to Burch Oil, the lowest bidder. Commissioner Jarboe made a motion to accept this recommendation and further that Mr. Raley be requested to check periodically with the fluctuating prices of fuel oil during the year, seconded by Commissioner Dean. All Commissioners voted in favor.

#### LOT 22 - AIRPORT INDUSTRIAL PARK - INDUSTRIAL SITE PLAN

Present: Joseph Mattingly, developer  
 Joe Garner  
 Frank Gerred, Director, Land Use and Development  
 Jim Kenney  
 Ward Miller  
 Walter Raum

Mr. Mattingly appeared before the Commissioners to present for their review and approval, the industrial site plan for Lot 22 at the Airport Industrial Park. Mr. Gerred stated that all agencies have signed off on the site plan and that all effort is being made to get the water system approved. This does not affect building on the site; however, the water system must be completed before it can be occupied.

In view of the approval of all appropriate agencies, Commissioner Jarboe made a motion to approve Lot 22 of the Site Plan for the Airport Industrial Park, seconded by Commissioner Millison. All Commissioners voted in favor.

#### PROPOSED 1978 LEGISLATIVE PACKAGE

The Commissioners reviewed submitted items for legislative consideration, offered various amendments, indicated areas for additional research and clarification, and directed that items proposed at the October 17 public meeting be explained as proposals for discussion only and not as formally approved submissions by the County Commissioners.

#### FY '78-79 BUDGET PROCESS

The Commissioners gave their approval of the FY '78-79 budget process schedule submitted by the Budget Officer, as amended.



REQUEST FOR TRAVEL AUTHORIZATION - ECONOMIC DEVELOPMENT COORDINATOR

By memorandum dated September 26, 1977, Mr. Miller, Economic Development Coordinator requested authorization to attend the Southern Industrial Council Convention October 16-18 in Baton Rouge, Louisiana. Commissioner Jarboe made a motion to grant this request, seconded by Commissioner Dean. All Commissioners voted in favor.

CIVIL DEFENSE SEMINAR

By memorandum dated September 22, 1977, Mr. Otis Wood requested two days administrative leave to attend a Civil Defense Seminar, September 29-30, which will be funded by the Federal Office of Civil Defense. Commissioner Dean made a motion to grant this request, seconded by Commissioner Parlett. All Commissioners voted in favor.

ST. CHARLES HEALTH SERVICES, INC.

The County Administrator called the Commissioners' attention to correspondence from St. Charles Health Services, Inc. in which endorsement by the Commissioners for a proposed study was requested. The Commissioners directed that this correspondence be reviewed for recommendation by the Health Systems Agency representatives.

CHAMBER OF COMMERCE MEMBERSHIP REQUEST

The Commissioners reviewed correspondence from the Chamber of Commerce in which it was proposed that the County obtain membership in the Chamber of Commerce. The Commissioners directed that this request be forwarded to the Economic Development Commission for review and recommendations.

PROCLAMATION NO. 77-56  
DISABLED VETERANS DAY  
FORGET-ME-NOT-DAY

Present: Mr. Chuck Miles, D.A.V., Commander, Chapter 26  
 Mr. Ron Johnson, D.A.V., Vice-Chairman  
 Wendy Smith, Miss Forget-Me-Not

The Commissioners presented the above-referenced Proclamation proclaiming October 8, 1977 as Disabled Veterans Forget-Me-Not Day.



-5-

PATUXENT KNOLLS SUBDIVISION - EROSION PROBLEM

Present: John Norris, County Engineer

The County Engineer appeared before the Commissioners to explain the erosion problem at the Patuxent Knolls Subdivision in that the builder has not yet met the requirements of the Sedimentation Control Plan. Mr. Norris recommended that if the work is not completed this week, the matter should be referred to the County Attorney in order to take necessary steps to have the builder comply with the Plan. The Commissioners gave their concurrence.

In addition, Mr. Norris explained to the Commissioners that his office had requested State Highway Administration to perform the drainage work and removal of the sediment basin on a certain property in Patuxent Knolls. State Highway Administration had indicated to the County that they were out of necessity having to limit their work to highway maintenance rather than improvements because of their schedule. Mr. Norris explained that if the Commissioners were desirous of having this work done this season, the only means the County has is to have the work performed by the roadside ditching crew and to charge the cost to that project. The Commissioners gave their concurrence.

EXTENSION OF DALE CROPPER'S CONTRACT

Present: John Norris, County Engineer

Mr. Norris requested authorization from the Board of County Commissioners to extend Mr. Dale Cropper's contract as a consultant contractor for sediment control inspection and enforcement work through the month of November.

Commissioner Jarboe made a motion to extend Mr. Cropper's contract as requested by the County Engineer, which would involve a transfer in the amount of \$3,000 from the Contingency Account to an account to be determined by the Budget Officer, seconded by Commissioner Parlett. Four Commissioners voted in favor, with Commissioner McKay voting against.

RR R/W - DUALIZATION OF NORTH 235 (LAUREL GROVE TO HILLVILLE)

Present: John Norris, County Engineer

Mr. Norris stated that his office has received an appraisal from the State Highway Administration for the railroad right-of-way to be used for the construction of the dualization of Route 235 - Laurel Grove to Hillville - in the amount of \$75,180 (2,580 per acre for 29.134 acres). The County Attorney is in the process of reviewing the 1970 Agreement by and between State Highway Administration, SMECO and St. Mary's County for compliance. Therefore, Mr. Norris requested authorization by the Commissioners to accept the appraisal offer as set forth



above and to authorize Commissioner McKay to sign all necessary documents. Commissioner Dean made a motion to indicate to SHA that the County will accept the appraisal offer, and that the acceptance is contingent upon adherence to the 1970 Agreement and further to authorize Commissioner McKay to sign all appropriate documents, pending favorable review by the County Attorney, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ASPHALT OVERLAY - SM 78-1-4

Present: John Norris, County Engineer

Mr. Norris stated that two bids were received for the asphalt overlay of certain roads in the County; namely, B. F. Asher in the amount of \$445,112.50, and Bates Paving in the amount of \$524,576. Mr. Norris recommended awarding the contract for the above referenced project to B. F. Asher, the lowest bidder. Commissioner Parlett made a motion to accept this recommendation and authorize Commissioner McKay to sign necessary documents, seconded by Commissioner Dean. All Commissioners voted in favor.

ST. MARY'S COUNTY AIRPORT - REPAIR OF RUNWAY AND APRON AREA

Present: John Norris, County Engineer

Mr. Norris indicated to the Commissioners needed repairs to the Airport runway, which should have been overlaid this construction season; however, the unknown of the receipt of federal funds to do the work has caused the delay. He further stated that maintenance is required on the apron area around the gas pumps and requested authority to patch the apron area in the amount not to exceed \$4,000. After discussion, Commissioner Dean made a motion to authorize the County Engineer to have the apron area patched as necessary in an amount not to exceed \$4,000 and that he should attempt to ascertain whether he can include in this project concrete work around the gasoline pumps to prevent damage from spills and if so return to the Commissioners with the bids and further to authorize emergency maintenance on the runway in an amount not to exceed \$2,000 this winter as necessary, said funding to come from the Airport Capital Project Account, seconded by Commissioner Jarboe. All Commissioners voted in favor.

In addition, Mr. Norris indicated to the Commissioners that one of the first projects this Spring will be the resurfacing of the runway and that this would necessitate a commitment of funds by the County this budget year.



WALDEN CENTER PROJECT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the building has been delivered to the site and placed on the basement foundation and requested the President of the Board's signature on the partial payment to Gibraltar Industries in the amount of \$4,296.70. Commissioner Parlett made a motion to authorize the above-referenced payment, seconded by Commissioner Millison. All Commissioners voted in favor. Mr. Norris indicated to the Commissioners that additional billing will be received from Gibraltar Homes Industries for crane rental.

PLANS FOR ROAD IMPROVEMENT CONTRACT AROUND COURTHOUSE AREA

Present: John Norris, County Engineer

Mr. Norris presented the above-referenced plans for the Commissioners' review and requested Commissioner McKay's signature. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said plans, seconded by Commissioner Parlett. All Commissioners voted in favor.

COURTHOUSE RENOVATIONS

Present: John Norris, County Engineer

Mr. Norris presented a proposal from Robert Galura and Scharf and Associates in the amount of \$1,250 to do the structural estimates for the courthouse renovation project.

Commissioner Parlett made a motion to accept this proposal, seconded by Commissioner Dean. All Commissioners voted in favor.

EMS TOWER

Present: Otis Wood, Director, Civil Defense  
John Norris, County Engineer

Mr. Wood advised the Commissioners of the increased cost for the construction of the EMS tower which was to be effective September 30. The certification by the engineer as to the design and placement of the tower is still unresolved. It was suggested that the County place the order for the tower while contact was being made with the engineer in the State Office of Civil Defense and the question as to the placement and design is to be resolved in the interim.



PINEY POINT SHORES

Present: Paul Raley, Director, Purchasing and Logistics

With regard to the discussion at last week's meeting concerning the declaring of Lots 9, 10, 17, and 18 at Piney Point Shores as surplus property, pending no governmental uses being found for the property, Mr. Raley advised the Commissioners that Mr. Baggett, Director of Recreation and Parks, has indicated no use for this property. Therefore, the Commissioners authorized Mr. Raley to proceed with the sale of the property through the sealed bid process.

WATER SOURCES FOR WASHINGTON-METROPOLITAN AREA

With regard to Walter Raum's presentation at last week's meeting regarding studies of the available water sources in St. Mary's County, Commissioner Dean presented letters for the Commissioners' signatures addressed to the Maryland Geological Survey and the Department of Natural Resources setting forth the County's position regarding these studies. The Commissioners agreed to sign and forward same.

REZONING DECISIONCASE NO. 77-11J. WILMER BOWLES

The County Commissioners conducted a public hearing on September 14 on the application of J. Wilmer Bowles to have approximately 15.758 acres located on Pegg Road, approximately one block west of Md. Rt. 235, Eighth Election District rezoned from C-1, Commercial to GA, Garden Apartments.

Commissioner Dean made a motion, seconded by Commissioner Millison, that the Board of County Commissioners, having conducted the required finding of fact in this zoning amendment case, concludes that the request for rezoning from C-1, commercial, to GA, Garden Apartments, be allowed. The bases for this decision being:

1. The subject property is located off of the Maryland Route 235 on Pegg's Road, situated adjacent to and among property which is predominantly zoned residential, either R-2, R-3, or GA. The subject parcel, in fact, is situated next to and virtually within a platted and developed residential subdivision.

2. More than sufficient commercially zoned property to accommodate commercial needs of the community exists in the general area as attested to by fact that much of the commercial property is not fully developed. The subject property is also in close proximity to the commercial area of Lexington Park.



3. Connections can be made from the subject parcel to existing public water and sewer systems.

4. The Planning Commission has recommended that the property is more adaptable and suitable for residential use than commercial.

5. Down-zoning of the property is compatible with the Comprehensive Land Use Plan and the Zoning Ordinance and with the adjoining property.

The above factors, most especially the facts of availability of public water and sewer; the existing, adjacent land zoning and uses; and the adequate inventory of commercially zoned property support the contention that it was a mistake to zone the subject property for commercial use.

Four Commissioners voted in favor, with Commissioner Parlett abstaining due to the fact that he was not present during the hearing.

#### REZONING CASE HEARINGS

The Commissioners directed that the County Attorney be requested to make a legal determination if it is necessary that a Commissioner be present at the hearing in order to vote at the decision-making meeting.

#### CHARLOTTE HALL SCHOOL PROPERTY

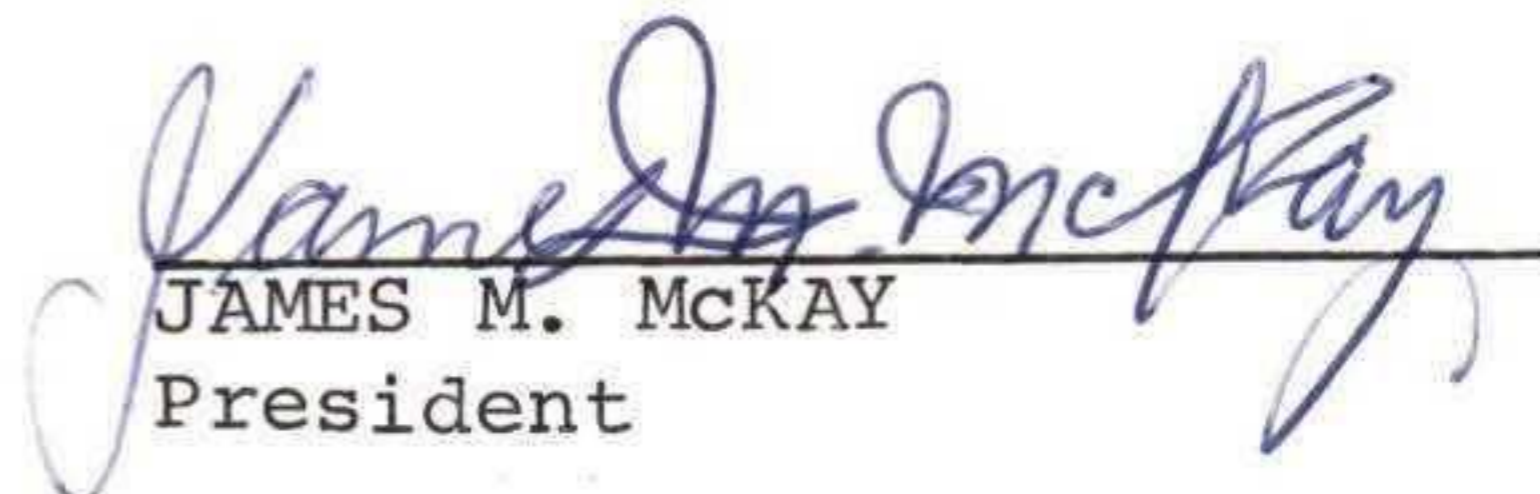
Commissioner Parlett displayed the proposed Charlotte Hall Development plan indicating the location of the proposed Veteran's Home and school sites, which he stated had been reviewed with Mr. George Lewis of the State and Mr. O'Dell, County Budget Officer in Annapolis on Monday in preparation for the presentation of the plan at the Board of Public Works meeting October 5.

After review and discussion, Commissioners Parlett and Jarboe agreed to prepare a letter to the Board of Public Works for the Commissioners' review and signatures.

#### EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss appointments to Boards and Commissions. The Session was held from 4:50 p.m. to 5:25 p.m.

Approved:

  
JAMES M. MCKAY  
President