

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, October 26, 1977

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

(Commissioner Millison was not in attendance due to illness.)

The meeting was called to order at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of October 19, 1977 were read and corrected. Commissioner Parlett made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners present 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, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

REZONING CASE NO. 76-5 (DISCUSSION OF APPEAL)
GUYTHER-GILLAM

Present: Oliver Guyther
Robin Guyther
Frank Gerred

Oliver Guyther appeared before the Commissioners to review his rezoning request from AR-2 to C-2 for the proposed shopping center in the Fifth Election District. The County's decision to deny this rezoning request had been overturned by the Judge of Circuit Court and subsequently appealed by the Board of County Commissioners. Mr. Guyther stated that he filed a motion to dismiss the appeal; however, this motion was dismissed by the Court.

If the County would consider dismissing the appeal, Mr. Guyther requested the Commissioners to consider two alternatives:

1. To allow the County to enforce the restrictions that were recommended by the Planning Commission at their decision making meeting on this case on August 2, 1976. Mr. Guyther

stated that he would deed to the County three acres of land adjacent to Indian Creek Subdivision which could be used as the county sees fit.

2. Mr. Guyther would be agreeable to a down-zoning of the property in question to C-1.

After discussion, the Commissioners advised Mr. Guyther that they would take this request under consideration and make a decision in two weeks' time.

WATER QUALITY PLANNING

Present: Leslie Vandivere, President, League of Women Voters
Janice Clarke, Water Resources Administration

Mrs. Vandivere presented to the Commissioners packets of information on water quality and stated that the Provisional League of Women Voters had received a \$3,208 grant from the Environmental Protection Agency to distribute information about federal water pollution laws and the status of 208 planning efforts.

Janice Clarke explained to the Commissioners the various studies being conducted by the state with regard to the Lower Potomac River and Patuxent River and plans for future studies and requested the Commissioners' cooperation in assisting with these efforts to alleviate pollution.

PAROCHIAL SCHOOL BUS PROBLEMS

Present: Mrs. Schwartz, resident of Esperanza Farms
Mrs. Reiner, resident of Cal-Acres
Paul Raley, Director, Purchasing and Logistics

The above-referenced individuals appeared before the Commissioners to express concern over parochial school bus transportation problems.

Mrs. Schwartz expressed concern that her child is one of the first to be picked up for school in the morning and the last to be left off in the afternoon, making a long day for the child. Mr. Raley explained that it is the usual practice of the bus drivers to have two separate bus routes and that the children picked up first are nearest the bus drivers home and are the last to be dropped off on the way home.

Mrs. Reiner requested that the school bus come into Cal-Acres to pick up her child rather than have the child wait on Patuxent Beach Road. Mr. Raley explained that entering Cal-Acres to pick up one child would not be warranted; however, the situation may change next year if there are more children in that development attending parochial schools.

The Commissioners suggested that Mrs. Schwartz and Mrs. Reiner meet with Mr. Raley to try to resolve the problems in satisfactory manner.

COURTHOUSE RENOVATIONS

Present: John Norris, County Engineer

The County Engineer indicated to the Board of County Commissioners that the firm of Smeallie, Orrick and Janka submitted proposals for furnishing architectural and engineering services in connection with Construction Documents, Bidding and Inspection Phases for the renovations to the Courthouse. There are five phases to the renovation project with proposals on combinations A through F. Mr. Norris stated that Mr. Orrick recommended that the Commissioners accept Proposal (C), which is to design the entire project (Phases 1 through 5) and bid and inspection phases 1 and 2 for a total of \$37,850.

After discussion, Commissioner Parlett made a motion to award the contract to Smeallie, Orrick and Janka in the amount of \$37,850 to design the entire courthouse project and bid Phase 1 and 2, seconded by Commissioner Dean. All Commissioners present voted in favor.

SURVEY WORK - REAR OF COURTHOUSE

Present: John Norris, County Engineer

Mr. Norris presented a proposal from J.R. McCrone to prepare the detailed location and topography of the rear of the Courthouse, the Jail and Sheriff's Office, and Commissioners' parking lot in the amount of \$1,050. Commissioner Parlett made a motion to award this survey work to J. R. McCrone, seconded by Committioner Dean. All Commissioners present voted in favor.

COUNTY AIRPORT - APPROVAL OF INVOICE

Present: John Norris, County Engineer

Mr. Norris advised that his office received a billing in the amount of \$2,100 from the firm of Berger Associates for professional services performed and which had been approved as set forth in a letter dated December 23, 1971. The contract had been terminated and payment of this invoice will conclude all responsibilities by each party in the agreement.

After discussion, Commissioner Jarboe made a motion to approve payment to Berger Associates in the amount of \$2,100 and further to authorize Commissioner President McKay to sign necessary documents pending review by the County Attorney, seconded by Commissioner Parlett. All Commissioners present voted in favor.

ENGINEERING PROPOSALS
FLAT IRON ROAD AND CHANCELLORS RUN ROAD

Present: John Norris, County Engineer

The County Engineer submitted engineering proposals for the design of Flat Iron Road and Chancellors Run Road and recommended that the Commissioners accept the proposals from Dewberry, Nealon, and Davis in the amounts of \$38,758 and \$42,790, respectively. Commissioner Jarboe made a motion to accept this recommendation, seconded by Commissioner Dean. All Commissioners present voted in favor.

BULKHEADING AT TALL TIMBERS

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County has been awarded a \$5,000 grant by the Department of Natural Resources to build a timber bulkhead along the shore near Tall Timbers.

DUKEHART'S CREEK

Present: John Norris, County Engineer

The Commissioners directed Mr. Norris to arrange a meeting with the legislative delegation and the residents of the Dukehart's Creek area concerning the dredging and jetty project in that area.

EASEMENT ACROSS RAILROAD RIGHT-OF-WAY

Present: John Norris, County Engineer

Mr. Norris submitted to the Commissioners a request by James M. McKay for a change in elevation grade of the RR R/W for access to the softball field constructed on his farm. Commissioner Dean made a motion to approve the request seconded by Commissioner Parlett. Three Commissioners voted in favor, with Commissioner McKay abstaining.

PAYROLL COMPUTERIZATION

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell reviewed with the Commissioners certain material relative to payroll computerization and containing several recommendations. The Commissioners agreed to take action on this matter at next week's meeting.

AUTHORITY TO HIRE
CLERK-TYPIST - OFFICE OF LAND USE AND DEVELOPMENT

By memorandum dated October 19, 1977, the County Administrator requested authority to hire Mrs. Claudia Phillips in the position

of Clerk-Typist, Grade 5, to be effective October 31, 1977. Commissioner Jarboe made a motion to grant this authority, seconded by Commissioner Dean. All Commissioners present voted in favor of this motion.

AUTHORITY TO HIRE
CLERK-STENOGRAPHER - COMMISSION ON AGING

By memorandum dated October 26, 1977, the County Administrator requested authority to hire Miss Melva Dement in the position of Clerk-Stenographer, Grade 6, to be effective October 31, 1977. Commissioner Jarboe made a motion to grant this authority, seconded by Commissioner Dean. Three Commissioners voted in favor, with Commissioner McKay voting against.

BIDS ON PARCELS AT PINEY POINT SHORES SUBDIVISION

Bids were opened October 25, 1977 for the sale of Parcels A and B at Piney Point Shores.

After review of the bids, Commissioner Dean made a motion to accept the high bidder, Thomas F. Poe, in the amount of \$8,065.00, for Parcels A and B at Piney Point Shores, seconded by Commissioner Jarboe, and further that the County Attorney be requested to prepare the Deed, but not the title search, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

PERSONNEL OFFICER/ADMINISTRATIVE ASSISTANT

By memorandum dated October 26, 1977, the County Administrator requested authority to hire Mr. Kenneth Freeburn as Personnel Officer/Administrative Assistant, Grade 14, Base, to be effective Monday, November 7, 1977. Commissioner Jarboe made a motion to grant this authority, seconded by Commissioner Dean. All Commissioners present voted in favor.

BUS TRANSPORTATION - DENTAL CLINIC

The County Administrator reviewed correspondence from Dr. Marek requesting funds in the amount of \$600 for transportation for the Preventive Dental Health Program to be reimbursed by the County.

Commissioner Parlett made a motion to approve this request, said funds to come from the Contingency Account, seconded by Commissioner Dean. All Commissioners present voted in favor.

LETTER TO DEPARTMENT OF HUMAN RESOURCES

The County Administrator presented correspondence addressed to Department of Human Resources relative to certain regulations for the Food Stamp Program since the new regulations imply that the County will pay administrative costs. The Commissioners agreed to sign and forward said letter.

HOUSING SURVEY

The County Administrator presented correspondence prepared for Commissioner McKay's signature to Secretary Anastasi, Department of Economic and Community Development, stating that the County has no need for a comprehensive housing survey; however, the County would like assistance in preparing certain data. Commissioner McKay signed said letter.

GROUP HOME FOR THE MENTALLY RETARDED TASK FORCE

Commissioner Jarboe made a motion to establish a Group Home for the Mentally Retarded Task Force and to appoint the following individuals to serve: Dr. Richard Martin, Dr. William Marek, Renne Dixon, Eileen Hislop, Paul Ludwig, Roger Richardson, and Helene Hautzenroder, seconded by Commissioner Parlett. All Commissioners present voted in favor.

COMMUNITY COLLEGE ADVISORY COMMITTEE

Commissioner Dean made a motion to establish a Community College Advisory Committee and to appoint the following individuals to serve: Jack Fletcher, James Forrest, Mary Hewitt, Dr. Robert King, Jr., John Slade, Leslie Shaw, Hope Swann, a member to be designated by Adm. Foxgrover, H Edwin Cole, Dr. James Carsey and Dr. Brent Johnson, seconded by Commissioner Parlett. All Commissioners present voted in favor.

The Commissioners directed the County Administrator to arrange a meeting of the appointees with the Commissioners to discuss their charge and roles.

TWO-WAY RADIOS FOR COUNTY FIRE DEPARTMENTS

The County Administrator presented a request by Otis Wood for funds in the amount of \$534 for the installation of new crystals in radios for the Hollywood, Bay District and Mechanicsville Fire Departments to handle the impact of the Lower Patuxent River Bridge in the inevitability that these Departments would be responding to calls in Calvert County. Commissioner Dean made a motion to approve this request and make the necessary account transfers as follows: Increase Account No. 1115-3101 (Equipment) by \$534 and decrease Account No. 2410-2041 (Contingency Account) by like amount, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

CABLE TELEVISION

The County Administrator stated that the County had legislation passed that the County be authorized to enter into a franchise arrangement for cable television. Since the Cable TV Study Committee has been inactive, the Commissioners decided to reactivate the Committee to study this matter. The Commissioners will review the membership of the Committee in the near future.

REQUEST FOR LOAN - HEADSTART POLICY COUNCIL

Present: Carol Johnson, President of Parents Group (Headstart)
Randy Smith, Educational Coordinator
Interested Parents

Representatives of the Headstart Policy Group appeared before the Commissioners to request a 15-day loan in the amount of \$10,000 in that their allocation from the federal government has not been received.

After discussion, Commissioner Jarboe made a motion to grant the 15-day loan in the amount of \$10,000 to Tri-County Community Action Committee for the Headstart Policy Council, contingent upon assurances from Congressman Bauman that funds will be forthcoming from the federal government, seconded by Commissioner Dean. All Commissioners present voted in favor.

EDC TOURISM ORGANIZATION

Present: Alex Schust, Economic Development Commission
Dudley Lindsley, " " "
Ward Miller, Economic Development Coordinator
Nick Smith, Director, Chamber of Commerce

Mr. Schust explained to the Commissioners the progress being made by the Tourism Sub-Committee of the Economic Development Commission and recommended that a Tourism Council be established. He stated that there are four tourist attractor groups from which individuals could be selected to serve on this Council (Historical, Events, Recreation, and Arts and Crafts). Mr. Schust advised the Commissioners that he would submit a list of four names from each group for the Commissioners to review and select to serve on the Tourism Council.

In addition, Mr. Schust stated that he understands that the County has been receiving requests for certain grants, and the EDC would like to have input into the requests for tourism grants.

In closing, Commissioner Jarboe requested the Tourism Committee to review the request of the St. Mary's County Historical Society for funds to renovate the Old Cecil's Store and make a recommendation to the Commissioners.

REZONING DECISION

CASE NO. 77-08 - DARCHAP PROPERTIES

Present: Frank Gerred, Director, Land Use and Development
Al Bingman, Naval Air Station

(Commissioner Dean excused himself from participating in the decision.)

The Board of County Commissioners conducted a public hearing on October 5, 1977 on the application of Darchap Properties to have 41.8

acres, located on Shangri-La Drive and Willows Road, Lexington Park, Eighth Election District, rezoned from R-1 to R-3.

Commissioner Jarboe made a motion that the Board of County Commissioners approve the rezoning of this 41.8 acres (Parcel 176, Tax Map 51) from R-1, rural residential to R-3, residential. This approval should be based on the following findings of fact:

1. The location of the site is compatible with more intensive residential use.
 - a. The parcel lies within the Urban Area, as designated by the Comprehensive Plan;
 - b. Public sewer and water are available;
 - c. Present roadways are adequate for further development;
 - d. Close proximity to fire and rescue service.

2. On May 28, 1974, the area was zoned R-1 because the AICUZ boundaries were under study, and the exact AICUZ boundaries were not known. The purpose of the R-1 District is intended to provide low-density residential development in proximity of the water-front areas of the County provided the establishment of this use is compatible with the environment and natural features of the area in which it locates. The district is also intended to maintain existing agricultural activities in the District and provide low density development opportunities in areas where a full range of public facilities is not planned.

3. As of March 10, 1977 the AICUZ boundaries are now firmly established, showing part of this parcel in the AICUZ Zone 2 and the remainder of the parcel in the 1000 feet foot AICUZ buffer area.

4. The AICUZ designations and restrictions supersede the permitted uses and density requirements of the residential zoning districts.

5. Water run-off problems can be handled by proper design which will be required at the site plan approval stage (testimony of Director, Land Use and Development);

6. New activities at the Patuxent River Naval Air Station have brought many new families into the immediate area and several hundred additional families are anticipated.

Items 2 and 3 above establish a reasonable basis for assuming a mistake in the original zoning. Item 6 indicates a change in the neighborhood. Items 1, 4 and 5 indicate compatibility of the new zoning classification for the parcel with requirements of existing plans and ordinances can be achieved.

Approval of this rezoning is contingent upon the County Attorney, after reviewing the record, agreeing with the findings of fact No. 4, that the AICUZ designations supersedes any other zoning category in

the AICUZ area. Commissioner Parlett seconded the motion. Two Commissioners present voted in favor, with Commissioner McKay voting against, stating he was of the opinion that this would be in direct violation of the Zoning Ordinance.

MEMORANDUM TO ST. CLEMENT'S ISLAND POTOMAC RIVER MUSEUM COMMITTEE

Commissioner Jarboe presented a Memorandum addressed to the St. Clements Island Potomac River Museum Committee concerning the relationship between the Museum and County Government. The Commissioners agreed to sign and forward said letter.

PATUXENT RIVER/LEGAL SERVICES

The County Commissioners reviewed the report submitted by Attorney Fleishaker at the October 25, 1977 meeting of the three boards of County Commissioners in which he suggested certain immediate actions requiring an approval decision by the Commissioners. Commissioner Dean presented the financial proposal from Mr. Fleishaker for the continuation of his legal services related to the above-referenced legal actions:

A general retainer of \$4,000 per month for a period of four months; plus related expenses including telephone, postage, xeroxing, travel, and experts that may be utilized. After four months, the retainer agreement would be reviewed. The agreement is subject to a 30-day cancellation by either party.

Commissioner Dean made a motion that this Board agree to retain Mr. David Fleishaker on a continuing basis for a period of four months at the retainer rate of \$4,000 per month, plus expenses not to exceed \$1,000 per month and said agreement is subject to a 30-day cancellation by either party, and further that Mr. Fleishaker be authorized to proceed with the proposed legal actions. A letter is to be drafted for the Commissioners' review and signatures setting forth the various details of the agreement. Commissioner Jarboe seconded the motion. Three Commissioners voted in favor with Commissioner McKay voting against, stating that the proposal is on short notice and there has not been sufficient time to consider the ramifications of filing suit on this matter.

BOARD OF EDUCATION - CAPITAL IMPROVEMENT PROGRAM

The Commissioners agreed to schedule an evening work session with the Board of Education and Public School Staff concerning the School Construction Capital Improvement Program. November 17 at 7:30 was set as the date for this meeting.

LAND USE BOARD

The County Commissioners reviewed correspondence prepared for their signature to members of the Land Use Board requesting the members to remain in a standby capacity until Department of State Planning comments are received relative to our Areas of Critical State Concern submissions. The Commissioners agreed to sign and forward said letter.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 5:30 p.m. to 5:35 p.m.

COMMUNITY COLLEGE ADVISORY COMMITTEE

Commissioner Dean made a motion that a letter be drafted to the members of the legislative delegation asking that body to designate a member or members to serve on the Community College Advisory Committee, seconded by Commissioner Jarboe. Three Commissioners voted in favor with Commissioner McKay abstaining.

The meeting adjourned at 5:50 p.m.

Approved:



JAMES M. MCKAY, PRESIDENT