

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, November 2, 1977

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

(Commissioner Jarboe was not present.)

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

READING AND APPROVAL OF MINUTES

The minutes of October 26, 1977 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. 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 Dean made a motion to approve payment of the bills, as submitted, seconded by Commissioner Millison. All Commissioners present voted in favor.

DERELICT BOAT REMOVAL PROGRAM

Present: Otis Wood, Director, Emergency Operations Center

Mr. Wood stated that the Derelict Boat Removal Program has been completed and requested authorization from the Board of County Commissioners to release the performance bond for the contractor. Annapolis Pile Drivers. Commissioner Parlett made a motion to release the bond, seconded by Commissioner Dean. All Commissioners present voted in favor.

EMERGENCY OPERATIONS CENTER

Present: Otis Wood, Director, EOC

Mr. Cox advised the Commissioners that a committee comprised of service types using the Control Center have been meeting to develop recommendations to the Commissioners with regard to certain improvements needed for the Control Center and these recommendations should be completed by January.

In the meantime, Mr. Wood stated there are some short-term improvements that could be done now. After discussion, Commissioner Dean made a motion to authorize the county maintenance staff to work with Otis Wood in accomplishing necessary changes, costing no more than \$1,000, at the Emergency Operations Center, seconded by Commissioner Parlett. All Commissioners present voted in favor.

CHARLOTTE HALL ASSIGNMENT OF OPTION TO PURCHASE

After review and discussion, Commissioner Parlett made to approve the Assignment of Option to purchase Charlotte Hall School property by and between the St. Mary's County Commissioners and the Board of Public Works, seconded by Commissioner Dean. All Commissioners present voted in favor.

RETAINER AGREEMENT (ATTORNEY FLEISHAKER)

Commissioner Parlett made a motion to authorize the President or Vice-President of the Board of County Commissioners to sign the Retainer Agreement dated October 27 between Attorney David Fleishaker and the County Commissioners of Charles, Calvert and St. Mary's County for legal representation regarding matters related to the restoring and maintaining of the water quality of the Patuxent River, seconded by Commissioner Dean. Three Commissioners voted in favor, with Commissioner McKay voting against, stating that this agreement would extend the commitment of funds considerably beyond the amount approved by a previous motion and further that the attorney has not accepted the County's limitations on expense money. In addition, the County has not received an updated account of what has been spent against the original amount that has been appropriated.

CLEARINGHOUSE PROJECTS

- PROJECT NO. 8-10-M62 (Gravelly Hills)
- PROJECT NO. 78-10-390 (So. Md. RC&D)

The County Administrator presented the above-referenced clearinghouse projects and recommended forwarding them to the State stating that these projects are not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

NOTIFICATION OF GRANT AWARD

The County Administrator stated that Notification of Grant Award was received from the State for the Southern Maryland Drug Abuse Program Residential Care in the amount of \$65,562. Commissioner Dean made a motion to authorize Commissioner President McKay to sign the Notification of Grant Award, seconded by Commissioner Parlett. All Commissioners present voted in favor.

TOWN COMMISSIONERS-BOARD OF APPEALS HEARING

Correspondence was received from the Town Commissioners advising there will be a Board of Appeals hearing on November 15 at the Town Commissioners' Office on the application of James W. Mattingly for a variance to allow an addition to his present facility on Jefferson Street, which is adjacent to the Nursing Home. The Commissioners did not express any desire to be represented at the hearing.

MARYLAND ENERGY CONSERVATION PLAN

The County Administrator advised that notification has been received that the Maryland Energy Conservation Plan has been approved by the Federal Energy Administration for implementation and funding. Mr. Cox recommended that the Commissioners appoint Mr. Otis Wood and Mr. Donald Curtis to work with the State in the implementation of the Plan for St. Mary's County. The Commissioners gave their concurrence.

HUD-ANNUAL REPORT ON RELOCATION AND
REAL PROPERTY ACQUISITION ACTIVITIES

The County Administrator presented the above referenced Report submitted by Donald Curtis, Housing Coordinator. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said Report, seconded by Commissioner McKay. All Commissioners present voted in favor.

SOLID WASTE MANAGEMENT

The County Administrator presented correspondence from Mr. Sachs of the Water Resources Administration relative to Solid Waste Management by the State and certain delineations of boundaries. The Commissioners concurred with the recommendation to request the County Engineer and the Environmental Health Officer to review the proposal and to represent the County's position at scheduled public hearings.

ECONOMIC IMPACT FEE-HOLLY GAF (SECTION III)

The County Administrator presented the Economic Impact Fee Agreement by and between Hugh Allston, Jr. and Joseph M. Gough setting forth the method of payment of the Economic Impact Fee for Holly Gaf Acres, Section III, containing six lots. Commissioner Parlett made a motion to authorize Commissioner President McKay to sign said Agreement, seconded by Commissioner Millison. All Commissioners present voted in favor.

PINEY POINT AQUIFER STUDY

Commissioner Parlett made a motion to authorize the payment of \$4,500. representing the last payment on the contract for the Piney Point Aquifer Study, said payment necessitating a Reserve for Contingency Account transfer, seconded by Commissioner Dean. All Commissioners present voted in favor.

PIGSKIN FOOTBALL LEAGUE

Present: Neal Connors, President of Pigskin Football League
Bucky Clark
John Baggett, Director, Recreation and Parks

Mr. Connors appeared before the Commissioners to request financial assistance for the Pigskin Football League. \$3,300 had been budgeted through Recreation and Parks to pay for game officials and leaders and funds are needed for equipment.

After discussion, the Commissioners directed Mr. Baggett to determine a source of funding in the Recreation and Parks budget and return to the Commissioners with a recommendation.

WATERSHED PROJECT

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised the Commissioners that two parcels of land are still needed for the watershed project; namely, 1.337 acres from Mr. Alphonso Hewitt and 17.764 from the Jones' heirs. Two appraisals were received for these parcels as follows:

<u>Appraiser</u>	<u>Hewitt Property</u>	<u>Jones' Property</u>
J. Spence Howard	\$1,000	\$14,750
Peters	\$1,105	\$15,500

The Commissioners authorized Mr. Baggett to negotiate with the owners of these two parcels with the assistance of the County Attorney, after which time Mr. Baggett should prepare the necessary grant application documents to be submitted to the State.

LOT 52-HELEN ESTATES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised the Commissioners that he discussed the County's proposal of \$10,000 for Lot 52 at Helen Estates, consisting of two acres and that Mr. Swarey offered \$7,500.

After discussion of this matter, the Commissioners agreed to make a decision at next week's meeting.

FOREST LANDING

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett gave a status report on the Forest Landing Project and said that the State is requesting the construction of a Lady's Landing attached to the pier at Forest Landing. Colliflower and Peterson, contractors for this project, submitted a proposal in the amount of \$930 to do this work.

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

RAILROAD-RIGHT-OF-WAY

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett reported to the Commissioners that he had received the forms for a Pre-Grant Application for a Biker/Hiker Trail along the railroad right-of-way, which he will prepare and forward to the State.

PROCLAMATION NO. 77-64
DIABETES MONTH

Present: Helen Brown, President, Diabetes Association
Suzanne Henderson, Vice President

The Commissioners presented the above-referenced Proclamation proclaiming November 1977 as Diabetes Month in St. Mary's County.

PROCLAMATION NO. 77-65
NATIONAL REACT MONTH

Present: Jacque LaValle, President, REACT
Tom Kimball, Secretary/Treasurer

The Commissioners presented the above-referenced Proclamation proclaiming the month of November 1977 as National React Month.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, Enterprise
Ingrid Buehler, Beacon
Dave Fox, WKIK
Paula Smith, WPTX

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

REZONING HEARING
CASE NO. 75-5 - J. F. THEATRES

Present: Jim Kenney, Attorney for Applicant
Jack Fruchtman, Applicant
Larry Day
Frank Gerred, Director, Land Use and Development
Jeff Poley, Zoning/Subdivision Administrator
John Norris, County Engineer
Mr. and Mrs. Edwin McKay)
Robert Springer) Protestents
Paul Blanchette)

Shirley Hamlett)
Robert Steiner) Protestents
Other interested citizens

(Commissioner Millison excused himself from participating due to possible conflict of interest.)

Application was made by J. F. Theatres, successor to Southern Maryland Theatres, Inc. to have approximately 8.58 acres, more or less, situated at the intersection of Route 235 and Town Creek Drive, Eighth Election District, rezoned from R-1, Rural-Residential to C-1, Neighborhood Commercial.

A complete record of these proceedings and the tape and file are on file at the Office of Land Use and Development.

RADIO EQUIPMENT BUILDING AND
EMS TOWER

Present: John Norris, County Engineer
Dan Ichniowski

Mr. Norris presented the bid tally sheet for the Specifications for Radio Equipment Building, indicating one bid received; namely, Allston Excavators, Inc. in the amount of \$13,500. Prior to making a decision on the bid, Mr. Norris was directed to find an interim location for the radio equipment.

Mr. Norris brought the Commissioners up to date with regard to the EMS Tower and presented a draft of a Resolution which would absolve the State of Maryland and the general contractor from liability for damages done to the EOC Building due to the placement of the radio equipment tower.

After going to the Emergency Operations Center and viewing the situation, Commissioner Parlett made a motion to approve the Resolution as presented by the County Engineer, pending approval by the County Attorney as to legal sufficiency, seconded by Commissioner Millison. All Commissioners present voted in favor. After receiving the County Attorney's approval on the Resolution, the document will be prepared for the Commissioners' signatures.

RELEASE OF FUNDS-DANIEL GUENTHER (MAPLE RUN SUBDIVISION)

Present: John Norris, County Engineer

Mr. Norris recommended releasing to Daniel Guenther 75% of the funds held by Maryland National Bank guaranteeing the construction of the streets and roads in Maple Run Subdivision.

After discussion, Commissioner Dean made a motion to agree to release to Daniel J. Guenther 75% of the funds which are due the County in regard to his letter of credit guaranteeing the construction of roads in Maple Run Subdivision, Section I and that the remaining

25% be put in a County account and further to extend to Mr. Guenther a deadline of April 15 to do remainder of work, after which time the remaining 25% would be returned to him, seconded by Commissioner Parlett. All Commissioners present voted in favor.

RECONSTRUCTION OF LAUREL GROVE-MORGANZA ROAD

Present: John Norris, County Engineer

Mr. Norris presented the plans for the reconstruction of Laurel Grove-Morganza Road and discussed the scope of improvements to the road.

After discussion, the Commissioners authorized Mr. Norris to proceed with the bidding of the project from Station 28+50 to approximately Station 59+00 with the provision that the clearing and grubbing could be awarded separately.

ACCEPTANCE OF ROADS
BRETON BAY SUBDIVISION

Present: Tom Waring, developer, Breton Bay
John Norris, County Engineer

Mr. Waring appeared before the Commissioners to request the County to take over the balance of the roads in Breton Bay Sub-division. All roads have been completed; however, there is some repair work that is needed and Mr. Waring stated he was unable to get a contractor to perform this minor work. Therefore, he offered to give the County \$4,000 for this work and have the County accept these roads in the County Highway Maintenance System.

The Commissioners requested Mr. Norris to have the necessary documents prepared after which time action will be taken.

CARE FOR THE ELDERLY TASK FORCE-CLERICAL ASSISTANCE

Commissioner Dean advised the Commissioners that the Care for the Elderly Task Force is in need of clerical assistance. The Commissioners agreed to request the County Administrator to determine where help would be available to provide this assistance.

PATUXENT RIVER BRIDGE AND ACCESS ROAD

Present: Mrs. Edwards, adjacent property owner

Mrs. Edwards appeared before the Commissioners to express her concern over the SHA's plans to take additional land from her property and dissect it in such a manner that she would not have access to approximately one acre.

In that other residents of the area have similar concerns, Commissioner McKay suggested that a petition by the residents be submitted to the State Highway Administration and further that some of the Commissioners will be attending the design public hearing on November 10 at which time the residents should register their complaints.

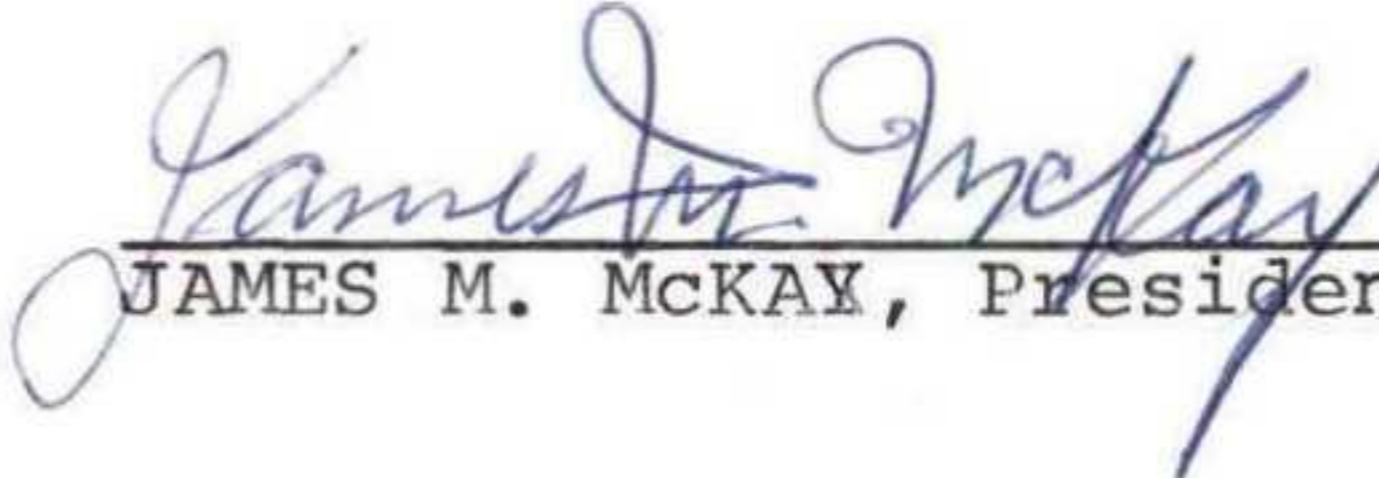
TRAILER ORDINANCE

Commissioner Dean stated that the County Attorney has reviewed the proposed trailer Ordinance and was of the opinion that the Mobile Home Hardship Case Evaluation Committee should make recommendations to the Commissioners for waiving regulations in hardship cases rather than the Committee making that decision.

A public Hearing on this Ordinance has been scheduled for November 30, 1977 at 7:30 p.m. in the Circuit Court Room.

The meeting adjourned at 4:15 p.m.

Approved:



JAMES M. MCKAY, President