

BOARD OF COUNTY COMMISSIONERS' MEETING

Thursday, February 13, 1975

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner J. Laurence 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 February 5-6, 1975 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

VOUCHERS APPROVED

Commissioner Millison made a motion to approve Vouchers No. 10688 through 10980, dated December 31, 1974 through January 31, 1975, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

BILLS APPROVED

The following bills were approved by the Commissioners:

Lorenzi, Dodds, and Gunnill, for engineering and design survey for Mechanicsville-Chaptico Road - \$1,286.00;

Wareheim Air Brakes, Inc. for parts and repairs for landfill equipment - \$1,087.04;

Thrift Oil Company, for fuel, oil and tires for landfill - \$1,211.81;

University of Md. for extension appropriation due for period 7-1-74 to 6-30-75 for special funding in support of Nutrition Program - \$2,500.00;

University of Maryland, extension appropriation due for period 7-1-74 to 12-31-74 - \$14,860.50, less savings from salary and travel - FY '74 in the amount of \$3,763.68 - \$11,096.82.

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

AUTHORITY FOR APPROPRIATION TO HOME FOR ELDERLY AND HOSPITAL

Present: Joseph Ernest Bell, County Attorney

Mr. Bell discussed whether legislation would be needed in order for the County to appropriate funds for St. Mary's Hospital and the proposed Home for the Elderly. Mr. Bell will report back to the Commissioners on this matter.

LEASING OF AIRPORT HANGER

Present: Ernest Bell, County Attorney

The Commissioners requested Mr. Bell to ascertain all the legal alternatives prior to the Commissioners making a decision on the problem concerning the leasing of the Airport Hangar.

PRIVATE ROADS WITHIN SUBDIVISIONS
(TOWER HILL SUBDIVISION)

Present: Ernest Bell, County Attorney

The Commissioners requested Mr. Bell to work with Commissioner Dean and a member of the Planning Commission to assess the problem of private roads within subdivisions, not only as it relates to Col. DeCote, but with respect to the entire situation.

FIREBOARD - LEGISLATION

Present: Ernest Bell, County Attorney

Commissioner McKay raised the issue of recommended legislation by the Fireboard concerning the pledge of faith and credit by the County for loans made by volunteer fire departments. The Commissioners requested the County Attorney to review the issue and its ramifications, to consult bonding counsel if necessary, and to return with a recommended course of action to the County Commissioners.

TEST PILOT SCHOOL - NAVAL AIR STATION

Commissioner Millison suggested writing a letter to appropriate agencies to ascertain whether there is foundation to the rumor of the move of TPS from Patuxent River Naval Air Station and to express the Commissioners concern and interest in

keeping the Navy in the County. Commissioners Millison and Jarboe will draft this letter for the Commissioners' review.

Commissioner McKay will arrange a meeting with the Commissioners and Admiral Brown and the Commanding Officer, Capt. Laney.

TANNER CREEK SHORE EROSION DISTRICT

Present: John Norris, County Engineer

John Norris presented the Commissioners with information pertaining to the assessment rates of properties in the Tanner Creek Shore Erosion District. The Commissioners set Sunday, April 6 at 2:00 p.m. for the public hearing in the Circuit Court to establish the assessment rates.

BACKLOG OF DEVELOPMENT PLANS IN ENGINEER'S OFFICE

Present: John Norris, County Engineer

In order to alleviate the backlog in his Office, John Norris suggested the following:

1. To use outside consultant for Section I and future sections of Country Lakes Subdivision and for dam design standards and placement;
2. To determine the feasibility of a consultant or the hiring of a temporary employee for the remaining subdivision plans; and
3. Solicit bids for consultants for the drawing up of specifications for repairs of the leaks in the Civil Defense building.

A total cost of these three items would be approximately \$5500.

Commissioner Jarboe made a motion to accept the above mentioned recommendations, seconded by Commissioner Dean. Four Commissioners voted in favor of this motion. Commissioner Millison voted against, stating that the developer should pay the cost for the dam design.

MARINE PROJECTS

Present: John Norris, County Engineer

John Norris will contact the Department of Natural Resources

to determine if they will perform the design and prepare the bidding documents on miscellaneous marine projects and report back to the Commissioners with his findings.

NURSING HOME PROJECT - RELEASE OF FUNDS FROM HUD

Present: John Norris, County Engineer

Mr. Norris stated that Congressman Bauman had been of assistance in the past in expediting the review of plans for the construction of the Nursing Home Project and therefore, requested the Commissioners to again solicit his assistance in expediting the release of monies from HUD on the County Nursing Home project. The Commissioners gave their concurrence. The Commissioners will forward a request to the Congressman to obtain a release of these monies.

BREEZEY KNOLLS SUBDIVISION

Present: John Norris, County Engineer

The past Board of County Commissioners had authorized the making of claim on the subdivision road bond. In that light the bonding company has forwarded a check in the amount of \$1,000 covering the full bonded amount. Curtis Brothers Properties, Inc. has forwarded an executed Deed for the streets and roads in that subdivision. The bonding company, therefore, requested that the County execute a release of all liens because of the above action. Commissioner Dean made a motion to execute the release of liens and deposit the \$1,000 into the County's General Fund and to accept the streets and roads in the Breezey Knolls Subdivision into the Highway Maintenance System, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

AWARDING OF BID - INTERIOR IMPROVEMENTS TO THE NEW HANGAR BUILDING AT ST. MARY'S COUNTY AIRPORT

Present: John Norris, County Engineer

John Norris stated he reviewed the bids for the above project, said bids being listed in the January 29, 1975 minutes, and recommended awarding the bid to the lowest bidder, Bates and Associates, in the amount of \$12,268.30. Commissioner Dean made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion. \$12,268.30 is to be transferred from the Land and

Building Account No. 90-90152 to the Airport Hangar Account No. 90-90142.

ACCEPTANCE OF ROAD INTO THE COUNTY HIGHWAY MAINTENANCE SYSTEM

Present: John Norris, County Engineer

DUKES LANE - John Norris submitted the deed for Dukes Lane in the Dukesville Subdivision, located off of Golden Beach Road, for acceptance into the County Highway Maintenance System. Commissioner Jarboe made a motion to accept Dukes Lane into the Maintenance System, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

SECTION SIX - GREENVIEW KNOLLS SUBDIVISIONS - John Norris submitted the Deed for the streets and roads in Section Six of Greenview Knolls Subdivision, for acceptance into the County Highway Maintenance Subdivision. Commissioner Jarboe made a motion to accept the streets and roads of said subdivision, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

DREDGING OF LEWIS CREEK

Present: John Norris, County Engineer

John Norris presented the Corps of Engineers Permit for the dredging of Lewis Creek, indicating that the County accepts the conditions of said permit. Commissioner Jarboe made a motion authorizing Commissioner President McKay to sign said permit, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

COUNTY JESTER

Present: Jim Smith "Jimmy the Jet"

Mr. Smith came before the Commissioners to recommend that he be appointed County Jester. There would be no cost to the County except reimbursement for travelling expenses. The Commissioners requested Mr. Smith to submit a proposed budget of what these expenses may be prior to the Commissioners making a decision.

SAND AND GRAVEL PROJECT - ABELL'S WHARF

Present: Aleck Loker
James Waring

Mr. Waring brought to the Commissioners attention the fact

that if the Planning Commission approves the Conditional Use zoning request and if restrictions are imposed, monitoring would be necessary. Mr. Waring stated they would object to increasing the county staff and purchasing of additional equipment for this monitoring. It was requested that the Commissioners write a memorandum to the Planning Commission expressing their concern that this cost not be borne by the County but by the industrial operation. The Commissioners agreed to send such a memorandum.

ECONOMIC DEVELOPMENT ADMINISTRATION

Present: Bob Roberts, federal representative, EDA
Arthur "Buck" Briscoe, Director EDC
Virginia Meads, Chairman, EDC
Jim Marsh, EDC member

Mr. Roberts explained the various areas that may be of benefit to the County through programs of the EDA; public works on a 50-50 sharing basis (the State may contribute towards the local share), business loans for projects over \$350,000.00, Technical Assistance on 75 (federal)- 25 (local) basis (part of the County's share could be in-kind) and Economic Adjustment on a 75 (federal)- 25 (local) basis. The Economic Adjustment is for areas with problems resulting from severe changes in economic conditions.

Mr. Briscoe said the EDC has submitted four projects to the EDA; waterfront convention center, fishing pier, seafood (processing and selling) and industrial park (sewage facilities).

Commissioner Millison said the possibility of a seafood plant should be looked into since this industry is already here and the County is not getting the full benefit of it.

Mr. Roberts will meet with Mr. Briscoe to develop additional information on projects for the County.

The Commissioners requested Mr. Roberts to forward any material and information on the programs of the EDA in order to determine how it relates to the County and how the County could participate.

LEASING OF HOUSE AT COLTON'S POINT

Present: John Baggett, Director Recreation and Parks

Mr. Baggett presented an Agreement in the amount of \$1.00 for the leasing of the house owned by the State at Colton's Point for the purpose of creating a museum. It is a five-year lease with a 30-day termination clause. Mr. Baggett recommended that the Commissioners sign this Agreement. Commissioner Jarboe made a motion to accept Mr. Baggett's recommendation and authorize Commissioner McKay to sign said lease, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

CONTRACT FOR LIGHTING OF LEONARDTOWN TENNIS COURTS

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented a contract in the amount \$2,028 with Southern Maryland Mechanical Contractor for the installation of a lighting system at the Leonardtown tennis courts. Commissioner Dean made a motion to authorize Commissioner McKay to sign said contract, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

PROPOSED CAPTIAL IMPROVEMENTS FOR FY '76

Present: John Baggett, Director, Recreation and Parks

In compliance with the Open Space Law, Mr. Baggett presented the list of proposed captial improvements for FY '76, which is to be submitted to the State each year. The Commissioners gave their concurrence for Mr. Baggett to submit this list to the State.

REZONING HEARINGS

Present: Richard Platt, Director, Land Use and Development
Joe Garner, Zoning Technician

REZONING CASE NO. 74-15
DOROTHY C. WILLIAMS

Application was made by Dorothy C. Williams for the rezoning of property, consisting of 22.7 acres, situated on Rte 235, approximately 200 feet south of Rte 472 (Sandgates Road), Sixth Election District, from R-1 to C-2 category.

Mrs. Williams was not present and was therefore contacted by telephone. Mrs. Williams informed Mr. Cox that she was aware of the hearing but did not choose to attend and did not want a rescheduling of the hearing but requested that the rezoning request be withdrawn.

REZONING CASE NO. 74-18

HAL EDWIN COLE

Present: Hal Edwin Cole, applicant
James Kenney, Attorney

Application was made by Hal Edwin Cole for the rezoning of property consisting of 2.3 acres, situated on the south side of Rte 5, approximately 100 feet from the intersection of Rte 5 and Rte 246, Eighth Election District, from AR-2 to C-1 zoning. If reclassification is granted, Mr. Cole intends to construct a High's Dairy Store on the property.

Mr. Kenney submitted the following Applicant's Exhibits into the record:

1. Copies of Notification to residents within 200 feet and immediate area of subject property;
2. Photographs of the site and adjacent properties;
3. Applicant's memorandum.

In a memorandum dated January 24, 1975 from the Office of Land Use and Development the Planning Commission recommended that the County Commissioners approve this rezoning request and if so approved, the Planning Commission will limit entrances onto Rte 5 at the site plan review which is required prior to construction of commercial structures.

There were no opponents present. A tape of the hearing is on file in the Commissioners' Office.

REZONING CASE NO. 74-19

J. WHITSON ROGERS

Present: J. Whitson Rogers, developer (applicant)
Joseph Michael Joyce, builder-developer
James Kenney, Attorney representing applicant
Myles Timko, opponent
Delores Reisner - opponent
Florence Ballangee, opponent
Betty Gorsuch, opponent
Lillian Marlow, proponent
Don Marlow, proponent
(residents of Golden Beach area)

Application was made by J. Whitson Rogers for the rezoning of property consisting of 1.5 acres, located on County Oak Road in the Golden Beach Subdivision, approximately 140 feet east of Sky View Drive, Fifth Election District, from R-1 to C-1 Category. If reclassification is granted, applicant intends to construct a personal service store.

Mr. Kenney, attorney for the applicant presented the following documents into the record: (1) Copies of Notification to residents within 200 feet and immediate area of subject property; (2) Certified copies of plat in area of Golden Beach, (3) Three deeds of subject property certified by Clerk of Court; (4) Letter from Golden Beach, Inc. approving plans for the commercial structure; (5A, B and C) Petitions from residents of Golden Beach supporting the concept of a shopping center located in Golden Beach and a chart showing homes contacted by letter or phone giving their approval to the center. (6) Pictures of site and (7) drawing of proposed center.

In a memorandum dated February 5, 1975 from the Office of Land Use and Development, it was stated that the Planning Commission would submit a recommendation of the subject case at a later date.

After hearing from the proponents and opponents, the hearing was closed. The Commissioners will make a decision after receiving the recommendation from the Planning Commission. A tape of the hearing is on file in the Commissioners' Office.

BIDS ON INVESTMENTS

Present: Harris Sterling, Finance Director

Bids were opened this date for the investment of \$2,509,985.55. Those present were Joseph O'Dell, Budget Officer; Paul Raley, Administrative and Logistic Officer; and Harris Sterling, Finance Director. Bids were as follows:

<u>AMOUNT</u>	<u>TERM</u>	<u>FIRST NAT'L</u>	<u>MD. NAT'L</u>	<u>MD. BANK & TRUST</u>
\$700,000.00	40 days	6.20%	5.90%	6.1%
\$700,000.00	60 days	6.55%	5.90%	6.15%
\$600,000.00	40 days	6.125%	5.90%	6.1%
\$259,985.55	60 days	6.45%	5.90%	6.15%
\$250,000.00	60 days	6.40%	5.90%	6.15%

The First National Bank of St. Mary's was the highest bidder for each amount; therefore, Mr. Sterling recommended awarding the bids to First National. Commissioner Jarboe made a motion to accept Mr. Sterling's recommendation and award the bids to The First National Bank of St. Mary's, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

BOARDS AND COMMISSIONS

Commissioner Jarboe made a motion for the Commissioners to meet in Executive Session, Tuesday, February 18, at 7:00 p.m. to discuss appointments to the various Boards and Commissions, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

LETTER TO STATE HIGHWAY ADMINISTRATION

A letter signed by all five Commissioners was forwarded to the State Highway Administration expressing their concern of the allocation of funds for St. Mary's County in the "1976-1980 Secondary Program Fund - 6 Year Distribution by County" document.

OFFICE SPACE - BOARD OF EDUCATION

At Commissioner Millison's suggestion the Commissioners agreed to inquire of the State Department of Education the possibility of the County leasing office space to the Board of Education on a reimbursement basis.

MEMORANDUM TO PLANNING COMMISSION

As had been suggested by Messers Loker and Waring, a memorandum was prepared to the Planning Commission stating that if the Conditional Use is granted the gravel operation at Abell's Wharf and restrictions are imposed, that the cost of monitoring not be borne by the County but by the operation. Commissioner Dean made a motion authorizing Commissioner McKay to sign said memorandum, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

COMMISSION ON AGING - EXTENSION OF USE OF FUNDS

Ed Cox stated that the County had received an extension until the end of February for the use of 1974 funds for the Commission on Aging and he now requested permission to apply for an extension to the end of March. Commissioner Jarboe

made a motion granting this request, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The meeting adjourned at 5:50 p.m.


James M. McKay
President