

BOARD OF COUNTY COMMISSIONERS' MEETING

June 9-10, 1976

Wednesday, June 9, 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
Alice V. Bailey, Recorder

The meeting came to order at 8:50 a.m.

READING AND APPROVAL OF MINUTES

The minutes of June 2-3, 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 Dean made a motion to approve the bills as submitted, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY AGREEMENT

Commissioner Jarboe stated that Doctor Tiller was unable to attend the meeting to present the Agreement to the Southern Maryland Health Systems Agency. At this point Commissioner Jarboe gave an explanation of the agreement as to the four-county participation.

Commissioner Jarboe made a motion to authorize the President of the Board to execute the Southern Maryland Health Systems Agency Agreement, seconded by Commissioner Dean. All Commissioners voted in favor of the motion.

COUNTRY LAKES AGREEMENT

Edward Cox, County Administrator, presented an Agreement by and between Country Lakes, A Maryland Partnership, and the County Commissioners for review, in reference to deferring the payment of the Economic Impact fees of \$200 per lot prior to the time of recording the record Plat for the above subdivision. Also presented was a letter to Benjamin H. Burroughs, Jr., dated August 13, 1975 presenting alternatives recommended by the Commissioners, as well as the Recreational Agreement with reference to Country Lakes.

The Commissioners after discussion stated that the present Resolution, now on record, would have to be modified and rescinded.

The Agreement as to the Economic Impact Fee would also have to be modified to state that the Economic Impact Fee be paid either at the time of recordation, sale of the property or at the time of obtaining the building permit. As to the agreement for the recreational area, Commissioner Millison stated that there should be a clause inserted in the agreement stating that the County would have an option to take the park over if the property is not maintained properly. Both agreements will be discussed with the County Attorney and this matter will be brought up on June 10th as to ways of resolving the issues.

RESOLUTION 76-29 - 1976-77 APPROVED BUDGET AND LEVY RATE

County Administrator presented Resolution 76-29 1976-77 Approved Budget and Levy Rate for the Commissioners' signatures. Commissioner Dean made a motion to approve Resolution 76-29 setting the County levy rate for property tax at \$2.40 per \$100 of assessed evaluation for FY '77, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

TAX BILLING

County Administrator, Edward Cox, stated that the Budget Officer has requested approval on an emergency basis the Commissioners' approval for the release of a check to pay the postage necessary for transmittal of tax bills.

Commissioner Dean made a motion to authorize the President of the Board to release the funds for the purpose of tax billing costs, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

APPOINTMENTS BOARDS AND COMMISSIONS

Commissioner Jarboe made a motion to appoint the following individuals to the specified board/commission:

Thomas A. McGuyre, Airport Committee,
term to expire 6/30/79;

David Hammett, Commission on Aging,
term to expire 12/31/78;

Walter D. Cooper and Carl M. Loffler, Jr.,
Economic Development Commission,
terms to expire 6/30/79;

Ralph Moore, Land Use Board,
term to expire 8/1/77;

Joseph D. Carter, Bernard I. Johnson,
Dr. Joseph Miller, Mental Health Advisory
Committee, terms to expire 6/30/79;

Paul Ludwig, George McWilliams,
Metropolitan Commission,
terms to expire 6/30/79;

Edward LeFaivre, Metropolitan Commission,
term to expire 12/31/78;

George Guy and J. Wilmer Bowles,
Nursing Home Board,
term to expire 6/30/79;

Brent Sharf and James M. McKay,
Tri-County Community Action Committee,
terms to expire 6/30/79;

Delores Hill and Donnie Bryan,
Youth Commission,
terms to expire 6/30/79;

The motion was seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

PROPERTY ASSESSMENT APPEAL BOARD

Commissioner Dean made a motion to forward to the Governor's Office three nominees for the Property Assessment Appeal Board, from which one will be selected to serve, to wit: Clarence B. Bell, J. Claude Jarboe and LeRoy Thompson, Sr., seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

(Commissioner Millison left meeting - 10:50 a.m.)

EXECUTIVE SESSION

The Commissioners were in agreement to go into Executive Session on Thursday, June 24 in the afternoon to discuss nominations to various Boards and Commissions.

SUMMER EMPLOYMENT OF ANN MARIE LOWE

Edward Cox recommended the summer employment of Ann Marie Lowe to assist the County Attorney for a weekly salary of \$150.00.

Commissioner Dean made a motion that we hire Ann Marie Lowe as Legislative Assistant for the duration of the summer at a salary of \$150.00 per week, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

REQUEST FOR RENOVATIONS TO DAY CARE CENTER

Present: Paul Raley, Director of Purchasing & Logistics
Carol Pinckney
W. Dixon

Mrs. Pinckney presented a rough sketch as to the layout of what the needs were for the renovations for the Day Care Center located in the Health Department Building in Lexington Park. Mr. Raley stated that his personnel would be in a position to do the carpentry work, but the plumbing and wiring would have to be contracted out. The Commissioners, after discussion, stated that they would request of John Norris, County Engineer, to have his office or a consultant go to the building and draw up a set of plans and specifications in order to proceed as soon as possible on this project.

PROPOSED ACCOUNT'S RECEIVABLE PROCESS

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented a flow chart that outlines the County's accounts receivable process. He stated that the new process would make it possible for a daily, weekly and monthly accounting. If this system is adopted it would tie in the accounts receivable process with DSI. He stated that a 3741 machine would be necessary to implement this proposal, and DSI will have to be authorized to move forward with the programing. The machine would be acquired on a rental basis for \$200.00 a month, with the option to purchase, said rental fees would be applied to the purchase price. Hopefully the machine that is in the Assessment Office will be at our disposal at a later date.

Commissioner Dean made a motion to authorize the Budget Officer to proceed on the Tax Receivable System and to enter into a contract with I.B.M. for the 3741 machine at a cost of \$200.00 per month, seconded by Commissioner Jarboe. All Commissioners present voted in favor of the motion.

WINGS OF THE MORNING

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell stated that the State EDC funds for the Outdoor Drama Association in the amount of \$50,000 have not been received and requested the Commissioners to advance monies to the Outdoor Drama Association. As soon as the grant funds are received from the State Economic Development Commission the Outdoor Drama Association will reimburse the County for the amounts advanced. After discussion, the Commissioners were in agreement to the above advance.

ENTRANCE ROAD ST. ANDREW'S LANDFILL

Present: John Norris, County Engineer

Mr. Norris stated that public notice will be given as to the relocation of the entrance road to the St. Andrew's Landfill to become effective July 1st.

EMPLOYMENT OF MICHAEL MATTINGLY

Present: John Norris, County Engineer

Mr. Norris recommended that Michael Mattingly be approved to fill the position of Engineering Associate 4, Grade 10, Step 2, effective July 12, 1976. Mr. Mattingly will be working out of the Engineer's Office.

Commissioner Dean made a motion to accept the recommendation of John Norris, County Engineer for the hiring of Michael Mattingly, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

(Commissioner Millison returned to the meeting - 11:05)

GOLDEN BEACH ROAD RIGHT-OF-WAY

Present: John Norris, County Engineer

The County Engineer presented Deeds as follows:

Deed dated June 7, 1976 by and between Bruce A Baldwin and Shirley Wilkins Baldwin and the County Commissioners of St. Mary's County for land situated in the Fifth Election District, being a strip of land 60 feet in width that will serve as the road width for a portion of the Golden Beach Road right-of-way,

Deed dated June 2, 1976 by and between Ernest B. Burch and Sharon Lee Burch and the County Commissioners of St. Mary's County for land situated in the Fifth Election District, being a strip of land 60 feet in width that will serve as the road width for a portion of the Golden Beach Road right-of-way.

Deed dated June 2, 1976 by and between William S. Lindsay and Rita L. Lindsay and the County Commissioners of St. Mary's County for land situated in the Fifth Election District, being a strip of land 60 feet in width that will serve as the road width for a portion of the Golden Beach Road right-of-way.

Deed dated June 2, 1976 by and between Terry E. Crandall and the County Commissioners of St. Mary's County for land situated in the Fifth Election District, being a strip of land 60 feet in width that will serve as the road width for a portion of the Golden Beach right-of-way.

Deed dated June 7, 1976 by and between Floyd W. Tilley and Shirley L. Tilley and the County Commissioners of St. Mary's County for land situated in the Fifth Election District, being a strip of land 60 feet in width that will serve as the road width for a portion of the Golden Beach Road right-of-way.

Easement Agreement by and between Ronald David Sperlbaum and Catherine F. Sperlbaum and the County Commissioners of St. Mary's County for the purpose of entering on the property of the Sperlbaum's for the grading and slope easement purposes for land situated in the Fifth Election District for the improvement of the Golden Beach Road.

Commissioner Dean made a motion to approve and accept these deeds and easement agreement as presented by the County Engineer and approved by the County Attorney, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

REQUEST FOR CONDEMNATION PROCEEDINGS - GOLDEN BEACH ROAD

Present: John Norris, County Engineer

Mr. Norris stated that there were five individuals that would not sign a deed in fee simple or easement agreement with reference final acquisition of land for the Golden Beach Road. He stated that David A. Davidson is missing in action and that neither his mother nor anyone in the family has power of attorney. Also the following have refused to convey the land needed by the county, to wit: Joseph Rosello, A. L. Sylvester, Rhodes Mobil Homes and Wilford Gough. Mr. Norris informed the Commissioners that the taking of this land would in no way be detrimental to the properties in question. In fact, it would enhance the properties. Mr. Norris requested that condemnation proceedings be initiated by the County Attorney and that he be authorized to advertise for bids for the reconstruction of the Golden Beach Road.

Commissioner Parlett made a motion to authorize the County Engineer to advertise for bids for the construction of the Golden Beach Road, and to notify the County Attorney to proceed with condemnation proceedings for the acquiring of land and easements from the above referenced individuals for the purpose of completion of land acquisition for Golden Beach Road, seconded by Commissioner Dean. All Commissioners voted in favor of the motion.

Mr. Norris recommended that the services of Spence Howard be used for the appraisal of the Golden Beach Road.

Commissioner Parlett made a motion to accept the recommendation of the County Engineer for the services of Spence Howard, seconded by Commissioner Jarboe. All Commissioner voted in favor of the motion.

RC & D PROJECT - ST. MARY'S COUNTY AIRPORT

Present: John Norris, County Engineer
John Hall, Soil Conservation

Mr. Norris and Mr. Hall presented to the Commissioners the RC & D Project Agreement and the Maintenance Agreement for the St. Mary's County Airport. They stated that the contract amount is \$170,000 and that the County's share is approximately 33 1/3 % making an approximate figure for the county's share at \$56,500. Mr. Hall stated that after the President's signature is obtained that approximately in two weeks it will go out on bids and hopefully in five weeks all bids will be received. Mr. Norris stated that he would work out the details on the following with the State, but wanted a guarantee that all slopes are 4 to 1 so that they can be properly maintained by machines and not by hand labor.

Commissioner Dean made a motion to authorize the President of the Board to sign the Project Agreement and the Maintenance Agreement for the RC & D Project at the St. Mary's County Airport, seconded by Commissioner Jarboe. All Commissioners voted in favor of the motion.

BIDS - RECONSTRUCTION OF THE CHAPTICO-MECHANICSVILLE ROAD

Present: John Norris, County Engineer

Mr. Norris presented the following bids and recommendation as to the Reconstruction of the Chaptico-Mechanicsville Road, being project SM 75-1-6.

B. F. Asher - bid amount \$217,790.50
Dean Construction Co. - no bid submitted
Insley Construction Company - no bid submitted
Arundel Asphalt Products - bid amount \$334,912.50
Bates Paving Company - bid amount \$229,340.00
Regal Construction Company - bid amount \$225,095.00

Mr. Norris recommended that the bid be awarded to the low bidder B. F. Asher. Commissioner Dean made a motion to accept the low bid of B. F. Asher in the amount of \$217,790.50 for the reconstruction of the Chaptico-Mechanicsville Road, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

JANE HENDERSON PROPERTY SIGHT DISTANCE PROBLEM

Present: John Norris, County Engineer

Mr. Norris stated that the following bids have been received with reference to correcting the slope problem on the Henderson property. B. F. Asher, \$3,500 and J. T. Mattingly, \$4,900. Mr. Norris recommended that the bid be awarded to the low bidder, B. F. Asher in the amount of \$3,500 subject to the County Attorney's preparation of any necessary agreements that are to accompany said contract with reference to the right-of-way between the County and Mrs. Henderson.

Commissioner Parlett made a motion to approve the recommendations of Mr. Norris in reference to the Henderson Property sight distance problem as stated above, seconded by Commissioner Dean. All Commissioners voted in favor of the motion.

(Commissioner Millison left meeting at 11:50 a.m.)

DAY CARE CENTER - LEXINGTON PARK

The Commissioners requested John Norris, County Engineer to have someone go to the Health Department Building in Lexington Park to look into the situation for the renovations that are needed and were requested by Mrs. Carol Pinckney. He was requested to draw up sketches or plans as to what is needed in order that county personnel will be in a position at the end of June to commence with the carpentry work.

LARREDORE ROAD

Present: John Norris, County Engineer

Mr. Norris presented the title sheet for signature by the President of the Board, and requested authority for Dale Cropper to proceed with the acquisition of the right-of-ways at his present hourly rate.

Commissioner Jarboe made a motion to authorize the President to sign the Title Sheet and to authorize Dale Cropper to proceed with the acquiring of the right-of-ways at his present hourly rate, seconded by Commissioner Parlett. All Commissioners present voted in favor of the motion.

(the meeting recessed at 12:10 p.m.)

Thursday, June 10, 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

PROCLAMATION NO. 76-28
BICENTENNIAL FLAG SALUTE

Present: Marvin Joy, Chairman, Bicentennial Commission
Ruby Beaman, Bicentennial Commission

The Commissioners gathered outside of the Courthouse to present the above-referenced Proclamation proclaiming that St. Mary's County join with other communities in a Bicentennial 21-Flag Day Salute and to participate in the flag raising ceremony.

(The meeting reconvened at 9:50 a.m.)

REPLACEMENT RAILROAD RIGHT-OF-WAY CORRIDOR - RT. 235

Commissioner Dean recommended to the Commissioners that a work session be held with the County Engineer and County Attorney to discuss the Agreement which the County signed in 1970 with State Highway Administration and SMECO and to discuss what transpired at a meeting which he and Commissioner Parlett attended with the County Engineer and County Attorney at the State Highway Administration in order to determine if the County's interpretation of the Agreement is consistent with SHA's interpretation. The Commissioners agreed to set up such a work session during an upcoming Commissioner meeting.

PINEY POINT COAST GUARD STATION

Present: John Baggett, Director, Recreation and Parks

After reviewing correspondence received from Mr. Witten of the Potomac River Association regarding the above-referenced property, Commissioner Jarboe requested Mr. Baggett to look into the feasibility of the potential future use of the property for a county recreational area and to take a representative from Potomac River Association with him to view the property. Mr. Baggett agreed to do this.

ST. GEORGE'S ISLAND - TRASH CONTAINERS

Present: John Baggett, Director, Recreation and Parks

Commissioner Millison advised Mr. Baggett that he had received a complaint from a resident of St. George's Island concerning the prohibiting of the dumping of personal trash in the containers at the entrance to St. George's Island. Mr. Baggett stated that complaints have been received from residents regarding the emptying of these containers and the Health Department has requested that the situation be taken care of immediately. He further stated that the Waterway Improvements had placed these containers at this location for use by boaters and if personal trash is dumped there, the County would not received the grant for the placement of the containers and removal of trash.

LEXINGTON PARK SCHOOL PARK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the plans for the Lexington Park School Park, which has been approved by all appropriate agencies and explained the difficulties encountered in proceeding because residents of the area have requested certain changes with regard to the ball diamonds. They want one diamond eliminated and another diamond reversed in order to get the center of activity around the home plate away from the homes in that area. Mr. Baggett also brought to the Commissioners attention a possible problem with regard to the entrance to the park. He informed the Commissioners that he was going to follow the advice of the County Attorney as set forth in his memorandum dated July 29, 1975 and proceed to have the entrance to the park constructed which may be a future extension of Thomas Drive in the Essex South Subdivision. Mr. Baggett stated that this may result in legal implications at a later time and he thought the Commissioners should be aware of this.

In addition Mr. Baggett advised that the Board of Education would not allow entrance from the school to the park until after school hours and this creates another problem.

In that the Recreation and Parks Board and the Director of Recreation and Parks recommended that the residents of the area be accomodated, the Commissioners agreed that Mr. Baggett should proceed with the changes as indicated above.

SEVENTH DISTRICT PARK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the plans for the Seventh District Park showing the five options for the entrance and explained the difficulties with regard to the location of the entrance. With regard to Option 5 he stated that the Board of Education would allow entrance after school, but not during school hours and would not agree to a long term lease. Mr. Baggett explained that the State would accept any one of the options, but would not accept the restrictions the Board of Education has placed on Option 5. The County Engineer has advised that he would not recommend Options 2, 3 or 4. Recreation and Parks Board instructed Mr. Baggett to proceed with Option 5; however, if he could not have the restrictions by the Board of Education removed, he should proceed with Option No. 1.

The Commissioners stated that they will invite the Board of Education to appear before the Commissioners to discuss the park and the Lexington Park School park at next week's meeting.

C B RADIO REQUEST BY SHERIFF'S DEPARTMENT

Commissioner Jarboe requested that the Sheriff's request for CB radios for the Sheriff's Department be referred to Otis Wood, Director, Civil Defense, and that he indicate to the Commissioners the pro's and con's of implementing this request.

The Commissioners suggested that Mr. Wood attend the CB Seminar at the Tech Center on June 23 at 7:30 p.m.

DRAFT OF FUNCTIONAL STATEMENT OF OFFICE OF COUNTY PLANNER

Commissioner Dean distributed a draft of the Functional Statement of the Office of County Planner and recommended that a meeting be scheduled with the Planner, Director, Office of Land Use and Development, the County Engineer, Walter Raum of the Health Department and members of the Planning Commission to discuss this Statement and to have a general discussion on the approach to long-term planning of St. Mary's County. The Commissioners agreed to set up such a meeting on June 16 at 7:30 p.m. in the Commissioners' Conference Room.

ORDINANCE NO. 76-31

ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC
BEVERAGES ON PUBLIC WAYS

After the Commissioners reviewed and discussed the proposed Anti-Public Drinking Ordinance, Commissioner Jarboe recommended adoption of this Ordinance further means of handling other aspects of the problem by way of legislative authority next year. Therefore, Commissioner Jarboe made a motion to adopt Ordinance No. 76-31 entitled "Ordinance Prohibiting the Consumption of Alcoholic Beverages on Public Ways", to become effective July 1, 1976, seconded by Commissioner Millison. All Commissioners voted in favor.

PROPOSED ECONOMIC IMPACT FEE RESOLUTION

Present: Joseph Ernest Bell, II, County Attorney

After review of the proposed Economic Impact Fee Resolution with the County Attorney and certain changes made, the Commissioners agreed to take action on the finalized document at next week's meeting.

PROPOSED AGREEMENT FOR PARK PROPERTY - COUNTRY LAKES
PROPOSED AGREEMENT RE ECONOMIC IMPACT FEE - COUNTRY LAKES

Present: Joseph Ernest Bell, II, County Attorney

The Commissioners reviewed the above-referenced proposed Agreements with the County Attorney and agreed to give copies of these documents and the proposed Economic Impact Fee Resolution to the developer for his review and the Commissioners would take action at next week's meeting.

LETTER TO BOARD OF EDUCATION - RE FY '77 BUDGET

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented the letter for the Commissioners' signatures addressed to the Board of Education regarding the Board of Education's FY '77 Budget and setting forth certain adjustments. The Commissioners agreed to sign and forward same.

PURCHASING PROCEDURES

Present: Joseph P. O'Dell, Budget Officer
Paul Raley, Director, Purchasing and Logistics

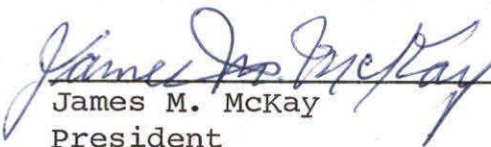
Mr. Raley and Mr. O'Dell discussed with the Commissioners the proposed purchasing procedures for the County and discussed certain procedural concerns which Mr. O'Dell stated could be handled once the Resolution adopting the procedures is activated. The following timetable was established with regard to the Purchasing Procedures:

August 1, 1976 - Rewriting of Purchasing Manual and related forms and preparation of Resolution.

September 1, 1976 - Implementation of the Purchasing Procedures.

The meeting adjourned at 12:35 p.m.

Approved by,


James M. McKay
President