

BOARD OF COUNTY COMMISSIONERS' OFFICE

December 10-11, 1975

Wednesday, December 10, 1975

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

The meeting was called to order at 9:10 a.m.

READING AND APPROVAL OF MINUTES

The minutes of December 3-4, 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.

ITEMS FOR COUNTY ATTORNEY

Present: Ernie Bell, County Attorney

Commissioner Dean brought the following items to the County Attorney's attention for his recommendations:

1. John Combs has obtained a piece of land off of Flat Iron Road, on which he is operating an auto wrecking business and is classified as a non-conforming use. Mr. Combs is requesting assurance that the County at some point in the future will not tell him that he can no longer operate that business there. Mr. Bell was requested to determine what courts' opinion on a non-conforming use and continuation of a non-conforming use, and could he expand or intensify his business;

2. Mr. Bell was requested to draft proposed legislation for St. Mary's County with regard to special taxing districts for subdivision roads;

3. Mr. Bell was requested to determine what legal alternatives are open to the County in cases where there exists personal surety bonds that have been approved in residential subdivisions, which are now found to be too little or to have expired.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

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

Commissioner Parlett made a motion to approve payment of Encumbrance Voucher No. 5593 and No. 5601, which were withheld for further clarification at the Commissioners' meeting of November 25, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

Bids were opened this date on investments as follows:

<u>AMOUNT</u>	<u>TERM</u>	<u>MD. NAT'L</u>	<u>FIRST NAT'L</u>	<u>MD. BANK & TRUST</u>
\$1,290,000	120 days	6.25%	6.085%	5.7%
\$ 500,000	61 days	5.72%	5.385%	5.67%

Mr. Sterling recommended awarding the bids to Maryland National Bank, the highest bidder.

Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

ROADS IN OLD SUBDIVISIONS (BONDING)

Present: John Norris, County Engineer
Bert Lesser, P.A. (Engineer's Office)
Richard Platt, Director, Land Use and Development

Mr. Norris presented to the Commissioners a Road Bond Listing of Subdivision Roads in St. Mary's County showing amount of bond, date issued and if expired, date of expiration. Also distributed to the Commissioners was an update of actions pertaining to bonds for road reconstruction in old subdivisions. The Commissioners gave direction on these subdivisions as follows:

Barefoot Acres - To be turned over to the County Attorney;

Blackistone Farms - No action - developer has indicated that road will be constructed by 7-1-76;

Lores Point - Mr. Norris is to forward a letter of agreement to the developer with two options: (1) a 22 foot surface treatment or (2) 20 foot bituminous concrete;

Portney's Overlook - To be turned over to the County Attorney for action;

Sheehan - Mr. Norris is to obtain additional information: (1) determine what lots have been sold and (2) location of lots with houses.

Knolland - The Commissioners concurred with Mr. Norris' recommendation that the developer be invited to appear before the Commissioners in order to obtain increased bonding to reflect increased construction costs.

Friendly Pines - To be turned over to the County Attorney for action;

Colony Square - If no reply received by mid-January it should be turned over to the County Attorney for action.

St. Inigoes Shores - No action indicated.

Essex South - Mr. Norris is to advise the developer that the engineering problems are to be worked out with his own engineer.

Mt. Pleasant - Turned over to County Attorney for action on Sections 1 and 2.

Riverwood Farms - No action - developer has indicated completion of roads by 11-13-76.

Indian Creek Estates - No action - developer has indicated that construction will be completed by 2-1-76.

VALLEY LEE TRASH HAULING CONTRACT

Present: John Norris, County Engineer

Mr. Norris requested authorization from the Commissioners to terminate with 60 days prior written notice, the contract for the hauling of trash at Valley Lee due to the fact that he anticipates delivery of the Pak-Mor Trailer prior to that time. Commissioner Jarboe made a motion to set March 1, 1976 as the expiration for the trash hauling contract with 60 day prior notice, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

THOMAS ROAD BULKHEAD PROJECT

Present: John Norris, County Engineer

Bids were opened December 5 for the Thomas Road Bulkhead project. Bids were as follows:

Dean Construction	\$150,752.00
H. D. Hunt	\$171,960.00
Martin G. Imbach	\$175,000.00
Smith Brothers	\$151,300.00
Regal Construction Company	\$482,444.00
Draw Construction Company	\$188,000.00
Coastal Pile Driving, Inc.	\$332,500.00
Raymond C. Hawkins, Inc.	\$291,975.95

Mr. Norris recommended awarding the bid to Dean Construction Company, the lowest bidder.

Commissioner Parlett made a motion to accept Mr. Norris' recommendation and that the President of the Board be authorized to sign all necessary documents, seconded by Commissioner Millison. Four Commissioners voted in favor, with Commissioner Dean abstaining.

SITE PLAN FOR PIZZA HUT AND BESCHE OIL COMPANY

Present: John Norris, County Engineer
Richard Platt, Director, Land Use and Development

Mr. Norris presented the Site Plan for the Pizza Hut and Besche Oil Company, located on Great Mills Road, Lexington Park. Mr. Norris and Mr. Platt indicated to the Commissioners the drainage problem and the setback problem and raised the question whether the County could issue a temporary occupancy permit for the Pizza Hut. The Commissioners agreed that Mr. Norris and Mr. Platt should determine if the applicant meets the requirements for an Occupancy Permit and then decide whether it should be issued.

REZONING HEARING

BESCHE OIL COMPANY - CASE NO. 75-12

Present: Norman A. Norris, Besche Oil Company
Bertha Swales, interested citizen
Richard Platt, Director, Land Use and Development

Application was made by Besche Oil Company to have a parcel of land containing approximately 1.3 acres located on Md. Rte 245 approximately one mile east of Leonardtown, rezoned from Agricultural Residential (AR-2) to Industrial.

The secretary read the Notice of Public Hearing.

Mr. Norris presented receipts of the Registered letters notifying adjacent property owners within 200 feet of the subject property of the rezoning hearing.

It was the Planning Commission's recommendation to approve this rezoning application as they were of the opinion that a mistake was made in the original zoning of this bulk oil plant site; and that the applicant has demonstrated that there was an error or mistake in the original zoning classification which would not be inconsistent with the adopted plan.

Mrs. Swales stated she was in attendance in order to get clarification of the rezoning request.

Commissioner McKay inquired if anyone in attendance wished to speak for or against this rezoning application. Hearing none, the hearing was closed.

A tape of the hearing is on file in the Commissioners' Office.

AUDIT MANAGEMENT LETTER

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell discussed the Wooden & Benson Audit Management letter dated October 1 and the responses and commitments of the affected departments which were made at the Commissioners' meeting of November 25, 1975.

The following decisions were made:

1.00 - Cash Receipts - Treasurer's Office

1.01 - The Commissioners agreed not to request Mr. Cecil to change his present organizational and work flow responsibility within the Treasurer's Office.

5.00 - Cash Accounts

5.01 - The County Attorney will be requested to review this item and answer in writing to the Commissioners.

5.02 - The Commissioners directed Mr. Sterling to discuss this item with Mr. Groome of FHA and transfer the balance of funds in the Watershed Site 1 Account of the General Fund.

- 6.00 - Investments
 - 6.01 - The Commissioners agreed to delay making a decision until enactment of the Investment Ordinance.
- 10.00 - Property Obtained at Tax Sale
 - 10.01 and 10.02 - The County Attorney will review these procedures and make recommendations.
- 11.00 - Inventory of Office Supplies
 - 11.01 and 11.02 - The Commissioners agreed to expense the office supplies inventory account in the purchasing department and further, to expense the current assets account of \$6,906.
- 15.00 - Payroll and Personnel System
 - 15.01 and 15.03 - The Commissioners agreed that Mr. Cox should review and offer recommendations concerning changing of the current Resolution regarding handling of personnel matters.
 - 15.04 - Payroll - State's Attorney's Office -- The Commissioners agreed to continue the current procedures relevant to the State's Attorney handling his own people within house for payroll purposes.
- 19.00 - Treasurer's Reports
 - 19.01 - The Commissioners decided to delay requesting the Treasurer's Office to comply with Section 49 of Public Local Laws until a decision is made on the computer system.

Mr. Cox and Mr. O'Dell will draft a letter to the various departments concerning the above with a copy of Mr. O'Dell's memorandum of December 5, 1975.

OVERSEER FOR LEONARD HALL PROJECT

Present: Joseph O'Dell, Budget Officer

Commissioner Parlett reported on the current status of the Leonard Hall project and what has been accomplished by the Building Committee to date. Mr. O'Dell stated that someone is needed to oversee this project. After discussion, the Commissioners agreed to discuss this during their time next week.

"WINGS OF THE MORNING"

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell presented a memorandum dated December 8, 1975 setting forth the summary of the adjustment for the second production cycle of "Wings of the Morning" and recommended that the Commissioners make the following transfer: \$45,475 from Account No. 16-19101 to Account No. 73-75311 for the "Wings of the Morning" to draw upon from time to time. Commissioner Jarboe made a motion to approve this transfer, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

REQUEST BY FIRE BOARD - GUARANTEEING OF LOANS

Commissioner Dean presented a letter addressed to the St. Mary's County Fire Board which answered some of the questions raised in their letter of November 28, 1975, regarding guaranteeing of loans and other items. The Commissioners unanimously agreed to sign and forward said letter.

COMMUNITY DEVELOPMENT ASSISTANCE GROUP
PUBLIC HEARING - TITLE I HUD FUNDS

Present: J. Terry Radigan, Community Development Assistance Group
Donald Curtis, Housing Coordinator
Mike McCauley, SATAV Corp.

The secretary read the Notice of Public Hearing; said hearing being for the purpose of providing background information that citizens need in order to participate with the preparation of a Community Development Plan, a housing plan and any application for a Community Development block grant.

The following items are recommended as the established priorities for St. Mary's County for Title I:

1. Drainage problems in Lexington Park area, including Spring Valley Subdivision;
2. Site improvement for SATAV Project;
3. Rehabilitation existing housing stock;
4. St. Mary's River Watershed Project - for purchase of land connected with this project.

In response to a question from Commissioner Parlett concerning the applicability of the Fairground property for Title I HUD funding, to which Mr. Radigan said he was of the opinion that it would not qualify.

Mr. McCauley inquired if there would be an opportunity for any additional input. Mr. Radigan replied that the record would be kept open at least ten days.

Commissioner McKay inquired if anyone present wished to speak for or against these projects; hearing none, the hearing was closed. A tape of the hearing is on file in the Commissioners' Office.

SITE PLAN FOR SEVENTH DISTRICT PARK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett informed the Commissioners that proposals were received for Engineering consultants for the Site Plan for the Seventh District Park and it was the recommendation of the Recreation and Parks Board to award the bid to Daft-McCune, Walker of Baltimore, Maryland, who was not the lowest bidder, but, according to the Recreation and Park Board, had more experience in this area than the two lowest bidders.

After discussion it was agreed that Mr. Baggett should request the Recreation and Parks Board to interview the two lowest bidders in the same manner that the third lowest bidder was interviewed in order to make a determination of comparable costs estimates for phases of the contract that were not listed in the original proposals.

COMMISSION ON AGING

Present: Mrs. "Billie" McGahran, Executive Secretary
Commission on Aging

Mrs. McGahran explained the Title VII Program of the Commission on Aging to the Commissioners and that it had originally been presented as eventually going into an area agency. However, the State Office on Aging is no longer thinking towards an area agency. The State has requested that Mrs. McGahran assist Charles and Calvert Counties by giving technical assistance one day per month to each County, Mr. McGahran was requesting a decision by the Commissioners relative to this. As far as any additional remuneration is concerned, Mrs. McGahran stated that her contract would be coming up for renewal in January and this could be discussed during negotiations at that time.

With the Commissioners' concurrence, Commissioner Jarboe offered to write a letter to Dr. Tayback to the State Office on Aging expressing our interest in assisting Charles and Calvert Counties and requesting an exact description of what would be expected of Mrs. McGahran and for what period of time her assistance would be needed and when funding would commence for the other two counties.

INTERVIEWS FOR POSITION OF PLANNER

At this time the Commissioners conducted interviews with three individuals for the position of Planner.

The meeting recessed at 6:30 p.m.

Thursday, December 11, 1975

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

The meeting reconvened at 9:05 a.m.

TOURIST INFORMATION CENTER - SITE PLAN

Present: Marvin Joy)
F. Elliott Burch, Sr.) Building Committee
Jay McGrath)
Ruby Beaman)

The above persons presented the Site Plan for the proposed Tourist Information Center for the Commissioners' approval in order that proposals for construction can be advertised. Mr. Joy explained the site plan and the construction of the building, stating that a number of adjustments had been made and the building should stay within the amount budgeted.

Commissioner Dean made a motion to allow the Tourist Information Center Committee to proceed with the advertisement for bids for construction, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ST. MARY'S RIVER WATERSHED PROJECT

Present: James Dobry)
Paul Wallenborg)
Joseph Sickle)
Kenney Strickland) Opponents of the Watershed
Delly Woodbrun) Project
Ralph Bowles)
Joe Raley)

Mr. Dobry, speaking on behalf of opponents to the St. Mary's River Watershed Project, stated they are opposed to the project and to the park phase of it in particular. Mr.

Dobry submitted a letter to the Commissioners outlining reasons for the opposition and transmitting certain exhibits which he prepared from the County's files. (Letters and exhibits are on file in the Commissioners' Office.) He stated they are definitely opposed to Sites 3, 4 and 5 and that Sites 1 and 2 are debateable.

Mr. Dobry stated that they are requesting the Commissioners to reject Sites 3, 4 and 5 as they are unjustifiable and to reject certain phases of Sites 1 and 2.

Commissioner McKay stated that the Commissioners viewed the site on a Sunday morning in order to determine justification of the project and to determine its affect on residents and other factors. The Commissioners are presently awaiting information as to justification from the Department of Agriculture, Soil Conservation Service, and no decision will be made by the Board until this information is received.

Mr. Cox is to give to Mr. Dobry a copy of the Commissioners' letter to Mr. Munkittrick of the Soil Conservation Office in College Park.

SOCIAL SERVICES

Present: Joe Carter, Director, Social Services
Mary Salisbury, Social Services Board
Oakley Winters " " "
Joseph Ernest Bell, County Attorney

Representatives from Social Services appeared before the Commissioners to discuss the relationship of the Department of Social Services to local government. Mr. Winters presented a historical sequence of events that has eroded local control and authority and shifted budgetary and other controls to the State. Several examples were cited to demonstrate the difficulties caused on the local level by this shift of control, with special reference to the "James Formula" (the method of determining the allocation of state fund to the local departments of Social Services) and certain imbalances which have brought about alterations of the original formula.

After some discussion it was suggested that correspondence or a Resolution be forwarded to our legislative representatives to indicate our concern for the shift in control and budgetary imbalance and to request their assistance in altering the course of events which points more and more to state assumption of control; however, it was decided to defer taking any action until the budgetary problems could be discussed with the Budget Officer.

METROPOLITAN COMMISSION
FINANCING PROGRAM FOR PURCHASE AND CONSTRUCTION PROJECTS

Present: Mike Marlay, Director, Metropolitan Commission
John Fortunato, Administrative Assistant, Met. Com.
Cato Merchant, Chairman, Metropolitan Commission
John Little, CPA
Edward Clarke, Bonding Counsel
Harry Kirsch, Fiscal Officer
George McWilliams, Metropolitan Commission
Fred Pumphries " "

Mr. Little reviewed with the Commissioners the "St. Mary's County Metropolitan Commission Financing Program for Purchase and Construction Projects" dated November 11, 1975 and explained that the purpose of this meeting was to request approval from the Board of County Commissioners of a 1.7 Million Dollar bond issue for the County's share of the two-year financing program of the Metropolitan Commission. Mr. Marlay explained the Metropolitan Commission's Capital Improvement Projects as displayed on the Water and Sewer Maps.

Mr. Marlay presented an amendment to the Resolution of the St. Mary's County Metropolitan Commission adopted December 4, 1974 providing for the issuance and sale of \$600,000 bond anticipation notes; said amendment to add to the list of projects of the Metropolitan Commission the "Three Notch Road Interceptor, Chancellor's Run Road to Old Rolling Road (Project 8-4B-S)."

Mr. Clarke, Bond Counsel, advised the Commissioners that the Metropolitan Commission would come back to the Commissioners some time in January as to the rates for the bonds, if the general program receives the approval of the Board of Commissioners.

After discussion, Commissioner Jarboe made a motion to approve and adopt the Resolution as passed by the Metropolitan Commission which supplements the Resolution adopted on December 4, 1974, by adding Project 8-4B-S, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The Commissioners will make a decision on the specific list of projects and the bond issuance at next week's meeting.

LETTER TO SECRETARY WAHBE
ST. MARY'S CITY SEWAGE PROJECT

Present: Members of the Metropolitan Commission

The Commissioners discussed the draft of the letter addressed to Secretary of Planning Wahbe, which had been presented to the Commissioners by members of the Metropolitan Commission at the

Commissioners' meeting of November 19, 1975, with regard to the Bay Interceptor of the St. Mary's City Sewerage Project. The Commissioners unanimously agreed that the letter should be typed in final and forwarded to Secretary Wahbe.

GOLDEN BEACH SUBDIVISION - UNACCEPTED ROADS

Present: Creighton Olson, Chairman, Roads Committee, Golden Beach
Gwynn Gardner,)
Florence Ballangee)
Tommy Youngston) Golden Beach
Tom Lynch)
Fred Pumphrey)
Bert Lesser, Civil Engineer (County Engineer's Office)

The above persons from Golden Beach presented a letter to the Commissioners requesting immediate emergency maintenance to the following roads in Golden Beach: Alison Circle, Scott Circle, Cathy Circle, Sky View Drive and Boundary Lane, which are currently not in the County Highway Maintenance System. This request is being made in view of the new Subdivision Road Policy which has been adopted by the County Commissioners (Resolution No. 75-73) with special reference to the emergency road repair section of this policy.

Prior to a decision being made by the Commissioners, the Commissioners advised the representatives from Golden Beach the following information would have to be obtained:

1. A determination by the County Attorney as to the ownership of the afore-mentioned roads, after which time permission to enter the property should be obtained from the owner;
2. A recommendation by the County Engineer as to necessary repairs;
3. A reasonable assurance that the roads will be taken into the County Highway Maintenance System.

The County Attorney and County Engineer will be given a copy of the letter from Golden Beach for their review and recommendations.

(Commissioner Dean left the meeting at this time.)

LETTER OF ACCEPTANCE - TOURISM GRANTS

Mr. Cox presented the letter of acceptance received from the Department of Economic and Community Development for the \$9500 Tourism Grant being made available to Tri-County Council.

Commissioner Jarboe made a motion to authorize the President of the Board to sign said letter on behalf of St. Mary's County, seconded by Commissioner Millison. All Commissioners present voted in favor of this motion.

Mr. Cox presented a letter of acceptance received from the Department of Economic and Community Development for a \$7,000 grant being made available to St. Mary's Calvert and Charles Counties each, which St. Mary's County will use for the promotion of the "Wings of the Morning" production.

Commissioner Jarboe made a motion to authorize the President of the Board to sign said letter on behalf of St. Mary's County, seconded by Commissioner Millison. All Commissioners present voted in favor of this motion.

POSITION OF JANITOR

Mr. Cox stated it was the recommendation of the Selection Committee (consisting of Otis Wood, John Baggett, Paul Raley, and Edward Cox), to select Theodore Scrabacz for the position of Janitor, replacing William Gatton, who will be retiring, at Grade 6, \$7,223 per annum, effective December 12, 1975.

Commissioner Jarboe made a motion to accept the Committee's recommendation, seconded by Commissioner Millison. All Commissioners present voted in favor of this motion.

CLEARINGHOUSE PROJECT - TRI-COUNTY COMMUNITY ACTION COMMITTEE EMERGENCY CONSERVATION PROGRAM

Mr. Cox presented the above Clearinghouse Project and recommended that it be forwarded to the State stating that it is not inconsistent with this agencies' plans, programs and objectives. The Commissioners concurred.

CITIZENS FOR PROGRESS - BOOKKEEPING SYSTEM

Mr. Cox requested approval from the Commissioners to establish a simplified bookkeeping system for the Citizens for Progress by employeeding the services of Mr. Jerry M. Colvin at the rate of \$30 per hour for a minimum of one-day and a maximum of two days.

Commissioner Jarboe made a motion to approve this request, seconded by Commissioner Parlett. All Commissioners present voted in favor.

BONDING FOR COUNTY TREASURER

Mr. Cox presented a bond in the amount of \$75,000 for the County Treasurer. Commissioner Jarboe made a motion to authorize the President of the Board to sign said Bond, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

BIRCH CIRCLE - PATUXENT KNOLLS

The County Engineer's Office presented the Deed for Birch Circle - Golden Beach Subdivision, a/k/a Patuxent Knolls Subdivision for the Commissioners' approval and acceptance into the County Highway Maintenance System.

Commissioner Jarboe made a motion to accept this Deed on the recommendation of the County Engineer and the County Attorney, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

It is noted that the Deed for Birch Circle is presented in keeping with the County Commissioners' policy of having all deeds recommended for acceptance approved as to legal sufficiency and authorized by the Board of County Commissioners with accompanying copy of their minutes of acceptance being duly signed and dated.

METHOD OF PAYMENT TO BOARD OF APPEALS

Mr. Cox brought to the Commissioners' attention the fact that the method of payment for the Board of Appeals previously in existence is that the members of the Board of Appeals and its attorney are to be paid on a contract service basis rather than through the payroll system. It is recommended by the Director of Finance and the Budget Officer that the method of payment for said board members and its attorney, in keeping with the payment procedure for members of other boards, should be through the payroll system.

The Commissioners decided to discuss this item at next week's meeting.

HOUSING AUTHORITY MEMBERSHIP

Commissioner Jarboe made a motion to forward the letter to Mr. Raymond Robinson notifying him that he will be replaced as a member of the Housing Authority because of his busy schedule, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

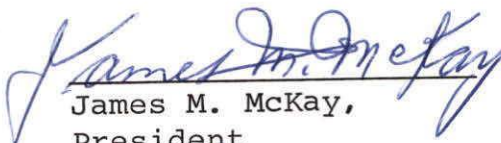
HOUSING AUTHORITY MEMBERSHIP (continued)

Commissioner Jarboe made a motion to appoint Elmer Brown as a member of the Housing Authority to replace Mr. Robinson for a term to expire July 18, 1977, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

BOARD OF LIBRARY TRUSTEES

Commissioner Jarboe made a motion to appoint Mrs. Mary Combs Barber to the Board of Library Trustees, term to expire January 1, 1981, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

Approved by,


James M. McKay,
President