

BOARD OF COUNTY COMMISSIONERS' MEETING

January 28-29, 1976

Wednesday, January 28, 1976

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

(Commissioner Dean was not present due to illness.)

The meeting came to order at 9:10 a.m.

READING AND APPROVAL OF MINUTES

The minutes of January 21-22, 1976 were read. Commissioner Jarboe made a motion to approve the minutes, seconded by Commissioner Parlett. All Commissioners present 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 Parlett made a motion to approve payment of these bills as submitted, seconded by Commissioner Jarboe. All Commissioners present voted in favor of this motion.

TRANSCO ENERGY CO. - PROPOSED USE FOR ELMS PROPERTY SITE

Present: Don Willhelm, President, Transco Energy
Bob Smith, Vice President, " "
Sam Ratcliff, Attorney, " "
Jim Eyler, Atty. Miles and Stockbridge (rep. Transco)
Dr. Van Aalst, Chairman, Elms Property
Richard Platt, Director, Land Use and Development
John Norris, County Engineer
Mike Marlay, Director, Metropolitan Commission
Joseph Ernest Bell, II, County Attorney
Mrs. Richard Watson, Patuxent Beach Community Assoc.
Mrs. Estelle Bean, neighbor of Mrs. Watson

Representatives from Transco Energy Company appeared before the Commissioners to make a presentation for a proposed use of the Elms Property as a liquified natural gas terminal. Mr. Willhem explained that the purpose of their presentation was to explain his firm's interest in St. Mary's County of this project and to determine, at a later time, if St. Mary's County would be interested in having this facility located here. After the presentation describing the size, operation, phases and procedures for the terminal, the Commissioners thanked them for their presentation and advised that they would be in contact with regard to their proposal.

A more-detailed report and tape of this presentation is on file in the Commissioners' office.

PROCLAMATION NO. 76-3
VOCATIONAL EDUCATION WEEK

Present: Dr. Robert King, Superintendent of Schools
Mr. Will Dohrman, Supervisor Instruction
Vernon Saunders, President, St. Mary's Advisory Council
Margaret Armentrout,
Dr. Robert Laird, State Department of Education
Mary Lee St. Clair, Future Business Leaders of America
Miss Barbara Musser, Home Economics Teacher
Shelia Thomas, Future Homemaker
James Estep, Agricultural Instructor
Nick Smith, Vice-Chairman, Advisory Council
Jay Farrell, Future Farmers of America

The County Commissioners presented Proclamation No. 76-3 to the above persons proclaiming the week of February 8-14, 1976 as Vocational Education Week in St. Mary's County.

REZONING HEARING - CASE NO. 75-15
BENJAMIN F. ASHER, SR.

Present: Benjamin F. Asher, Sr., applicant
Jimmy Ayscue, adjoining property owner (proponent)

Application was made by Benjamin Asher, Sr. to have a parcel of land containing approximately 3.9 acres located on the east side of Md. Rt. 5, approximately 3/4 of a mile south of Md. Rt. 6 at New Market in the Fifth Election District, rezoned from Agricultural Residential (AR-2) to Highway Commercial (C-2).

The secretary read the Notice of Public Hearing.

Mr. Asher presented the Return Receipts of letters notifying adjoining property owners within 200 feet of subject property.

Mr. Ayscue stated he had no objection to the rezoning application.

Commissioner McKay inquired if anyone present wished to speak for or against this rezoning request; hearing none the hearing was closed.

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

HEALTH SERVICE AGENCY

Commissioner Jarboe advised the Commissioners that consideration should be given by next week for the designation of someone to be on the governing board of the Health Service Agency from St. Mary's County.

ELEMENTARY SCHOOL FOR FIFTH DISTRICT

Because of the urgent needs for the construction of a school in the Fifth Election District and the failure of the State Interagency Committee to approve same, Commissioner Millison made a motion that the Board of County Commissioners forward a strong letter of endorsement for the construction of a new Fifth District Elementary School to our legislative representatives requesting every possible assistance to reverse the decision of the Interagency Committee for School Construction, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

LEONARDTOWN HIGH SCHOOL SEWAGE LINE

Due to the fact that bids have been opened for the construction of the new Leonardtown High School (Dean Construction was the lowest bidder - \$5,951,000) but are not able to be awarded until the Interagency Committee is certain of the construction of the Leonardtown High School sewer line, and because Metropolitan Commission has indicated that approval of the grant for the sewer line is at best 60 days away and since the Interagency Committee meets the first Monday of each month, Commissioner Parlett moved that

the County Commissioners forward to Dr. King, Superintendent of Schools, immediately, correspondence stating that the County will provide all monies necessary for the construction of the Leonardtown High School sewer line so that the bids for construction of the Leonardtown High School may be placed before the IAC on Monday, February 2, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

STEUART PETROLEUM COMPANY - SITE PLAN FOR TANK EXPANSION

Commissioner Jarboe discussed the letter dated January 28, 1976, from the County Attorney, in response to a memorandum from Commissioner Jarboe inquiring whether the review process of the Site Plan by the County Commissioners is administrative or discretionary. Mr. Bell, in his letter, replied that it was his opinion that the act of approving or disapproving a building permit is solely an administrative function of the County Commissioners; however, it was Mr. Bell's opinion that the County Commissioners must initially determine that the proposed use is compatible with public health, safety and welfare and that the Commissioners may require additional standards and requirements on a site plan as they deem necessary for the maximum protection of the environment and the health and safety of the citizens of the County.

Commissioner Jarboe presented a report pertaining to the need of an Environmental Impact Analysis which will be discussed more thoroughly at next week's meeting.

REGIONAL PRE-TRIAL DETENTION FACILITY

As directed previously, Mr. Cox presented a report to the Commissioners encompassing various documents and research material pertaining to the proposed regional pre-trial detention facility. After extended review and discussion of the chronology of events, current and proposed jail standards, projected expenditures for construction and operating expenses of the proposed facility, current status of our jail facility, including operating costs, the Commissioners seemed to be in agreement that it would be ill-advised to endorse the construction of the regional pre-trial facility at this time.

LETTER TO SMALL INDUSTRIES

Commissioner Jarboe made a motion that the Commissioners

adopt a policy of forwarding a letter to small industries considering the possibility of locating in St. Mary's County welcoming them to the County and offering any assistance the County can provide, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

TOURIST INFORMATION CENTER

Commissioner Parlett brought the Commissioners up to date with regard to the progress of the Tourist Information Center in that bids for construction will be advertised within the next two weeks. Also, Commissioner Parlett stated that the Center will require certain variances and will go before the Board of Appeals on February 19 and the Committee will be coming before the County Commissioners on February 25 with recommendations as to the bids.

CHAMBER OF COMMERCE - TOURISM

The Commissioners briefly discussed the proposal concerning coordination of the tourism responsibility by the Chamber of Commerce. The Commissioners agreed to research the matter further and discuss it again at a future meeting.

OFFICE SPACE NEEDS

Mr. Cox presented a list of office space needs and alternatives to provide those needs. After reviewing the alternatives, the Commissioners authorized Mr. Cox to proceed with Alternative No. 6, unless unforeseen difficulties arise, which is to use the remodeled space in Building No. 1 at Leonard Hall for the Economic Development Commission and give the present EDC office to County Planner.

LETTER TO GENERAL HESLINGA - NATO COLLEGE VISIT

The Commissioners agreed to sign and forward the letter to General Heslinga pertaining to the visit by the NATO Defense College to St. Mary's County.

MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY

Present: Joseph Mattingly, Airport Industrial Park

Mr. Mattingly proposed to the Commissioners their cooperation in regard to MIDFA in order to assist him in the development of the Industrial Park Site as it relates to his property. The Commissioners commended Mr. Mattingly on his research and directed Mr. Cox to forward the documents presented by Mr. Mattingly to the EDC for their study and recommendations.

RAILROAD RIGHT-OF-WAY

Present: Joseph Mattingly

Mr. Mattingly submitted a written proposal to the Commissioners with regard to the possible use of the railroad right-of-way and requesting permission to lease from the County the railroad right-of-way the County owns. The Commissioners took this request under advisement and will respond to Mr. Mattingly at a later date.

PUBLIC TRANSPORTATION FOR ST. MARY'S COUNTY

Present: Joseph Mattingly

Mr. Mattingly submitted a written proposal for a public transportation system for St. Mary's County, listing the advantages, and proposed routes and fares, for the Commissioners' review and consideration. Commissioner Parlett stated that Mr. Mattingly should contact Mr. McKinney of the Tri-County Council in that the TCC has obtained a grant in order to conduct a study of the feasibility of additional transportation in the tri-county area. In addition, the Commissioners advised Mr. Mattingly that he should also obtain copies of transportation studies that have been done previously in the County.

COVER SHEET FOR TOURIST INFORMATION CENTER PLANS

Present: John Norris, County Engineer

Mr. Norris presented the cover sheet for the plans for the Tourist Information Center for Commissioner McKay's signature. Commissioner McKay signed same.

BILL FROM WILLIAMS ENTERPRISES, INC. TANNER'S CREEK

Present: John Norris, County Engineer

Mr. Norris submitted a bill from Williams Enterprises, Inc. for partial payment of work performed at the Tanner's Creek project in the amount of \$74,293.84. Commissioner Jarboe made a motion to approve payment of this bill, seconded by Commissioner Millison. All Commissioners present voted in favor of this motion.

ROAD PERFORMANCE BONDS/ESCROW ACCOUNTS

Present: John Norris, County Engineer
Ernie Bell, County Attorney

The Commissioners reviewed a proposal endorsed by the County Engineer and the County Attorney to accept from a developer the establishment of an Escrow Account in an amount determined by the County Engineer for the construction of streets and roads in a subdivision in lieu of a corporate surety bond which is at times difficult to obtain. After due consideration and discussion with the County Engineer and the County Attorney, Commissioner Millison made a motion that recognizing the fact that developers at times have a problem in obtaining a corporate surety bond we allow in lieu thereof the establishment of an Escrow Account in an amount determined by the County Engineer, for the purpose of insuring proper performance of streets and road construction in a subdivision by a developer; further that the Escrow Account will be interest bearing payable to the developer upon proper and approved completion of said construction pending legal opinion from the County Attorney, seconded by Commissioner Jarboe. All Commissioners present voted in favor of this motion.

After continued discussion of street and road construction in a subdivision, Commissioner Millison made a motion that the County require a maintenance bond or a maintenance escrow account in an amount to be established by the County Engineer at 10% of the construction cost, said maintenance bond or maintenance escrow account will be required for all streets and roads accepted into the County Highway Maintenance System for a period of 12 months from date of acceptance, purpose of which is to protect the County from inadequate or faulty construction, further that this policy is to be effective upon legal determination by the County Attorney, seconded by Commissioner Jarboe. All Commissioners present voted in favor of this motion.

GUENTHER CONSTRUCTION COMPANY (MAPLE RUN SUBDIVISION)

Present: John Norris, County Engineer

The Commissioners reviewed a request from the above-named corporation concerning the establishment of an escrow account in an amount determined by the County Engineer to be \$60,389.50 in lieu of a corporate surety bond for the purpose of construction of streets and roads in the above-named subdivision. The Commissioners agreed to approve this request subject to the policy established in the foregoing motions; the total amount of the escrow account will be left intact with no draw down provisions until satisfactory and approved completion of construction.

ARCHITECTURAL/ENGINEERING PROPOSALS - CIRCUIT COURT ROOM

Present: John Norris, County Engineer

Mr. Norris stated that proposals were solicited for the architectural/engineering project in the Circuit Court Room and received as follows:

Lorenzi, Dodds & Gunnill	\$6,830.00
Dewberry, Nealon & Davis	\$9,000.000
Nathan C. Hale	\$9,850.00
Wilson T. Ballard	no bid

Mr. Norris recommended awarding the bid to Lorenzi, Dodds and Gunnill, the lowest bidder. Commissioner Jarboe made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

(The meeting recessed at 4:55 p.m.)

Thursday, January 29, 1976

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

EXECUTIVE SESSION

The Commissioners met in Executive Session in order to discuss personnel matters.

(The meeting reconvened at 9:30 a.m.)

MAINTENANCE MECHANICS SPECIFICATIONS

Mr. Cox brought to the Commissioners attention the revised specifications for a Maintenance Mechanic, Grade 8. After review and minor amendments the Commissioners approved for advertisement the Maintenance Mechanic position.

'76 LEGISLATIVE SESSION

In discussing a meeting date with the Commissioners and legislators pertaining to the 1976 Legislative Package, the Commissioners tentatively agreed to set February 14 as the day to discuss prefiled bills and set February 28 as the date for the public hearing at the Tech Center to present and discuss all legislative items with the general public.

REQUEST FOR DEPUTY - ST. MARY'S COLLEGE

Correspondence was received from St. Mary's College dated January 27 requesting an armed deputy to be assigned to stand guard at the College's spring registration, February 2 and February 3 because of the large amount of cash that will be collected during that time. The Commissioners gave their concurrence to this request, subject to reimbursement by the college.

JOHNSONGRASS CONTROL PROGRAM

Mr. Cox presented the Johnsongrass Control Program report for St. Mary's County for July 1975 through December 1975; total cost - \$4,466.24, with the County's share (50%) \$2,233.12. Commissioner Millison made a motion to approve the expenditure report for the Johnsongrass Control Program, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

STATE CLEARINGHOUSE PROJECT -
ST. MARY'S CITY SEWAGE PROJECT

Mr. Cox submitted the above-referenced Clearinghouse project for the Commissioners' review. The Commissioners requested Mr. Cox to contact the various agencies as to the route chosen for the lines to St. Mary's City and then forward it to the State as it is consistent with the county's agency's plans and objectives.

METROPOLITAN COMMISSION - PLANT OPERATOR

Correspondence was received from the Metropolitan Commission dated January 21, 1976, requesting approval of the creation of an additional sewage treatment plant operator position on the staff of the Metropolitan Commission for the purposes of providing the monitoring services as explained in said letter. Commissioner Parlett made a motion to grant authority to the Metropolitan Commission to create this additional position, subject to the terms and conditions of the January 21, 1976 letter, seconded by Commissioner Jarboe. All Commissioners present voted in favor of this motion.

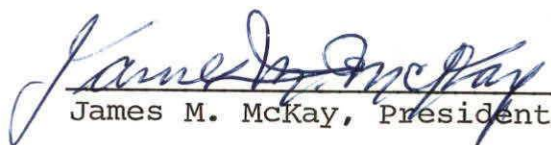
PAROLE AND PROBATION - REQUEST FOR OFFICE SPACE

Mr. Cox stated that the Office of Parole and Probation has requested office space at the Lexington Park Sheriff's Office, which would require some additional renovation at a cost of approximately \$200-\$250. In turn the Department of Parole and Probation would sub-lease the space. Mr. Fruchtman, the lessor, has given his approval in writing to this arrangement. Commissioner Jarboe made a motion to authorize the Sheriff's Department to negotiate with Parole and Probation for the subleasing of the office space in Lexington Park Substation for \$50 a month and authorize the expenditure of up to \$250 for the renovation of same, seconded by Commissioner Millison. All Commissioners present voted in favor of this motion.

The meeting adjourned at 11:00 a.m.

MEETING WITH THE NAVY

At this time the Commissioners met with representatives of the Navy from the Naval Air Station to discuss items of mutual interest and concern.


James M. McKay, President