

BOARD OF COUNTY COMMISSIONERS' MEETINGMarch 2-3, 1977Wednesday, March 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 because he was attending a Board of Public Works meeting in Annapolis relative to the "Wings of the Morning" production.)

READING AND APPROVAL OF MINUTES

The minutes of February 23-24, 1977 were read. Commissioner Parlett made a motion to approve the minutes as read, seconded by Commissioner Dean. 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.

CITIZENS ADVISORY COMMITTEE
(TRI-COUNTY COUNCIL)

Commissioner Parlett made a motion to appoint Mr. Duane Yoder to the Citizens Advisory Committee (Tri-County Council) for a term from July 1, 1976 to June 30, 1978, seconded by Commissioner Millison. All Commissioners present voted in favor.

ECONOMIC IMPACT FEE AGREEMENT
LANCASTER MT. PLEASANT SUBDIVISION

The County Administrator presented the Economic Impact Fee Agreement for Lancaster Mt. Pleasant Subdivision Sections I and II by and between Harry S. Lancaster and Mary A. Lancaster and the Board of County Commissioners of St. Mary's County, which is in compliance with the County's Resolution No. 76-30, setting forth policy and procedures for the payment of the Economic Impact Fee. Commissioner Millison made a motion to accept said Economic Impact Fee Agreement, seconded by Commissioner Parlett. All Commissioners present voted in favor.

ECONOMIC IMPACT FEE AGREEMENT
BIRCH MANOR SUBDIVISION, SECTION III

The County Administrator presented the Economic Impact Fee Agreement for Birch Manor Subdivision, Section III, by and between Hugh Allston and Helen C. Allston and the Board of County Commissioners of St. Mary's County, which is in compliance with the County's Resolution No. 76-30, setting forth policy and procedures for the payment of the Economic Impact Fee. Commissioner Millison made a motion to enter into said Agreement, seconded by Commissioner Parlett. All Commissioners present voted in favor.

PUBLIC WORKS AGREEMENT
BIRCH MANOR SUBDIVISION, SECTION III

The County Administrator presented the Public Works Agreement by and between Hugh Allston, Helen C. Allston and Joseph D. Weiner and St. Mary's County for Birch Manor Subdivision, Section III, with accompanying irrevocable letter of credit from First National Bank of Maryland in the amount of \$88,000, guaranteeing the construction of roads in the Birch Manor Subdivision. Commissioner Millison made a motion to accept said Agreement and irrevocable letter of credit, seconded by Commissioner Parlett. All Commissioners present voted in favor.

BONDING FOR COUNTY TREASURER

The County Administrator presented bonding in the amount of \$100,000 for the County Treasurer, Francis G. Cecil from The Glen Falls Insurance Company. Commissioner Millison made a motion to accept said bonding, seconded by Commissioner Parlett. All Commissioners voted in favor.

BONDING FOR SHERIFF

The County Administrator presented bonding in the amount of \$10,000 for the new Sheriff, Joseph Lee Somerville, from Fidelity and Deposit Company. Commissioner Millison made a motion to accept said bonding, seconded by Commissioner Parlett. All Commissioners present voted in favor.

BONDING OF COUNTY EMPLOYEES

The County Administrator was directed to prepare a report relative to the bonding and its cost for those in County Government whose positions require the handling of money.

CONTINGENCY ACCOUNT TRANSFER
RETIREMENT FUND

At the recommendation of the Budget Officer, as set forth in his memorandum of February 24, 1977, Commissioner Parlett made a motion to increase Account No. 2410-2021 (Retirement Fund) by \$16,761 and decrease Account No. 2410-2081 (Contingency Account) by like amount, which is necessitated by the addition of CETA employees to the Retirement System which will be reimbursed through the CETA Program, and accrued liability payment. Commissioner Dean seconded the motion. All Commissioners voted in favor.

CONTINGENCY ACCOUNT TRANSFER
PURCHASE OF MOTOR GRADER

At the recommendation of the Budget Officer, as set forth in his memorandum of February 28, 1977, Commissioner Parlett made a motion to increase Account No. 1243-6062 (Equipment - County Engineer) by \$2,500 and decrease Account No. 2410-2081 (Contingency Account) by like amount, which is necessitated by the purchase of a motor grader for the County Engineer's department at a cost of \$2,500 more than had been budgeted. Commissioner Dean seconded the motion. All Commissioners voted in favor.

NOTIFICATION OF GRANT AWARD
COMMISSION ON AGING - TITLE VII

The County Administrator presented the Notification of Grant Award for the new project period for the Title VII Commission on Aging Program from March 1, 1977 through February 28, 1978 in the amount of \$66,000. Commissioner Parlett made a motion to authorize Commissioner President McKay to sign said Notification of Grant Award, seconded by Commissioner Dean. All Commissioners voted in favor.

ASPHALT OVERLAY PROGRAM

Present: John Norris, County Engineer

The County Engineer stated that bids were advertised in January for the Asphalt Overlay Program, however, because of the recent inclement weather, which caused damage to certain roads in the County, Mr. Norris recommended that these bids be rejected and that bids be readvertised after a determination is made as to the extent of the rehabilitation work needed on roads in the County. The Commissioners gave their concurrence.

INSPECTOR FOR LEONARD HALL PROJECT

Present: John Norris, County Engineer

Mr. Norris recommended to the Commissioners the employment of Mr. George C. Raley (who is presently Inspector for the Circuit Courtroom renovations) as the Inspector for the Leonard Hall renovation project, at the rate of \$8.00 per hour and .12¢ per mile for necessary mileage. Commissioner Parlett made a motion to accept this recommendation, seconded by Commissioner Dean. All Commissioners voted in favor.

SPRUCE DRIVE - TOWN CREEK

Present: John Norris, County Engineer

The County Engineer presented a proposal from Ted Stroud for the installation of single WR inlets on Spruce Drive in Town Creek at a cost of \$2,300 and recommended the Commissioners' acceptance of this proposal. Commissioner Dean made a motion to accept the proposal from Ted Stroud to furnish material and labor to install single WR inlets on Spruce Drive in the amount of \$2,300, seconded by Commissioner Parlett. All Commissioners voted in favor.

HELIPAD CONTRACT - WIDENING OF WALK

Present: John Norris, County Engineer

The County Engineer presented and recommended approval of a proposal from Owens Electric in the amount of \$853.05 for the removal of old concrete sidewalk from parking lot to helipad, replacing with a five foot concrete walk and a five foot gate. Commissioner Dean made a motion to accept said proposal, seconded by Commissioner Parlett. All Commissioners voted in favor.

LANCASTER MT. PLEASANT SUBDIVISION (SECTION II)
PUBLIC WORKS AGREEMENT/LETTER OF CREDIT

Present: John Norris, County Engineer

The County Engineer presented the Public Works Agreement by and between Harry S. Lancaster and Mary A. Lancaster and the Board of County Commissioners of St. Mary's County for Lancaster Mt. Pleasant Subdivision* in addition to a letter of irrevocable credit in the amount of \$15,000 guaranteeing construction of Pleasant Manor Drive within Lancaster Subdivision.

Commissioner Millison made a motion to accept the Public Works Agreement for Lancaster Mt. Pleasant Subdivision, seconded by Commissioner Parlett. All Commissioners voted in favor.

Commissioner Millison made a motion to accept the irrevocable letter of credit from Maryland National Bank in the amount of \$15,000 for Lancaster Mt. Pleasant Subdivision, seconded by Commissioner Parlett. All Commissioners voted in favor.

* Section II (See minutes of March 16, 1977)

WALDEN CENTER

Present: John Norris, County Engineer

The County Engineer requested concurrence from the Board of County Commissioners that he provide design specifications for the basement, foundation and construction of the Walden Center. The Commissioners authorized Mr. Norris to provide these specifications and to do the clearing work.

REQUEST FOR CONSTRUCTION WORK FROM OTHER DEPARTMENTS

Present: John Norris, County Engineer

Mr. Norris requested direction from the Commissioners as to the handling of requests from other county departments for various types of construction work, such as leveling, grading, etc. The Commissioners advised Mr. Norris to perform these tasks on his own initiative as long as it does not affect the existing operations of his office.

EXECUTIVE SESSION

Present: Joseph Ernest Bell, II, County Attorney
John Norris, County Engineer

The Commissioners agreed to meet in Executive Session in order to discuss a matter of possible litigation. The Session was held from 11:05 a.m. to 11:30 a.m.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, Enterprise
Dick Myers, WKIK
Leslie Walker, Guardian
Bill McGough, WPTX
Mike Klienback, Beacon

The regular semi-monthly Press Conference was held at this time. A tape of the Conference is on file in the Commissioners Office.

The meeting recessed at 12:15 p.m.

Thursday, March 3, 1977

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

The meeting reconvened at 8:45 a.m.

SCHOOL BUS CONTRACTORS

Present: Joseph O Dell, Budget Officer

In response to the request by Mr. William Dixon, on behalf of the School Bus Contractors Association, on January 5, 1977 for consideration of a supplemental increase of .04¢ per mile, Mr. O'Dell stated he had met with the principals involved to review the financial issues concerning this request. Mr. O'Dell advised the Commissioners that the State proposed an increase in the 1977-78 budget and recommend a .02¢ per mile increase at this time covering the period of January 3, 1977 through the end of the current school year.

Commissioner Jarboe made a motion to accept the Budget Officer's recommendation and allow a .02¢ per mile supplemental payment to all St. Mary's County school bus drivers (public and non-public) from a period of January 3, 1977 through the end of the current school year, seconded by Commissioner Millison. All Commissioners voted in favor.

COOPERATIVE REIMBURSEMENT PROGRAM GRANT APPLICATION (CHILD SUPPORT)

Present: George Sparling, State's Attorney
Dan Ratke, Assistant State's Attorney

Mr. Sparling presented the Grant Application for the Cooperative Reimbursement Program which is for a four-month period from March 1 through June 30, 1977. This grant is 75% federally funded, with 25% coming from local funds.

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign said grant application, seconded by Commissioner Millison. All Commissioners voted in favor.

ZONING ORDINANCE UPDATE

Present: Richard Platt, Director, Land Use and Development

Commissioner Dean submitted a memorandum addressed to members of the Technical Evaluation Committee requesting their assistance in the development of criteria for a resolution to be adopted by the Commissioners concerning Article 4.25 (Adequate Public Facilities) of the Zoning Ordinance.

The Commissioners reviewed correspondence dated March 2, 1977 from Joe Densford, Planning Commission Attorney, containing comments on typographical and other minor errors and potentially major errors.

The Commissioners directed Mr. Platt to incorporate the suggested changes into the update of the Zoning Ordinance and present to the Commissioners by next week's meeting for consideration for adoption.

AMERICAN INSTITUTE OF PLANNERS

Present: Richard Platt, Director, Land Use and Development

Mr. Platt advised the Commissioners that he received a call from the Maryland Chapter of the American Institute of Planners who would like to have a meeting in St. Mary's County on May 7, and Mr. Platt requested that he be allowed to work with this group. The Commissioners gave their concurrence.

REVIEW OF FEE SCHEDULES

During review of the Schedule of Fees, the Commissioners agreed to make the following changes:

- | | | |
|--------------------------------------|---|---------------------------------------------------------------------------------------------------|
| Subdivision Plat Review | - | \$10.00 per lot, plus actual consultant review cost |
| Site Plan Review | - | \$150.00 flat fee |
| | | \$50.00 for simplified site plan |
| | | (however, if the estimated capital improvement does not exceed \$500, review fees shall be \$25.) |
| Planned Unit Development Plan Review | - | \$500.00 |

The Commissioners directed that these changes be forwarded to the Office of Land Use and Development for incorporation into the revised Schedule of Fees.

TRAVEL REIMBURSEMENT MEMORANDUM

Commissioner Jarboe made a motion to accept the recommendations contained in a memorandum dated February 2, 1977 from the Personnel Officer, with attached Policy Memorandum No. 3-77 which regulates mileage claims, public transportation, lodging, meals and incidental expenses, seconded by Commissioner Dean. All Commissioners voted in favor.

REZONING DECISIONCASE NO. 76-11 - STERLING AND LILLIAN TENNISON

The Board of County Commissioners conducted a public hearing on February 17, 1977 on the application submitted by Sterling and Lillian Tennison to have a parcel of land containing approximately 30,000 square feet located at the intersection of Maryland Route 235 and Maple Road, Eighth Election District rezoned from R-1 Rural Residential to C-2 Highway Commercial

Commissioner Dean made a motion to adopt the following as the Board of County Commissioners' decision in this rezoning case:

"The Board of County Commissioners has conducted a finding of fact in this rezoning case and finds the following factors to be significant:

1. A functional public sewerage system will be available to serve the subject property in the very near future.
2. The property occupies one of the four corners at the intersection of Maple Drive and Maryland Route 235. The subject parcel has been operated commercially for quite a number of years. When the county comprehensive zoning was enacted on May 28, 1974, the corner parcel of land located diagonally across the intersection from the subject property was being occupied and used commercially as an automobile service station. That parcel and the other two parcels forming the corners at the intersection, which were (and still are) vacant land on May 28, 1974, were classified as C-1. The subject parcel, even though being used commercially at the time, was classified R-1.
3. The subject parcel, by terrain, trees, and vacant land is sufficiently buffered from the residential area of Town Creek.

In view of the above factors, and most significantly item No. 2, the Board concludes that the subject property be rezoned from R-1 to C-1 because there is a reasonable basis for contending that there is a mistake in the original zoning.

The Board is aware that the application in this case was for C-2 rather than C-1 classification. The Board, by taking into account the following factors, does not see fit to grant C-2 classification:

1. The recommendation of the Planning Commission, although the Board disagrees with the stipulation recommended by the Planning Commission that the property be so rezoned only if the owners agree to dedicate an adequate site for a well pumping station. If such were to be the case, it could very well be declared an unjust confiscation of private property.

REZONING DECISIONCASE NO. 76-11 - STERLING AND LILLIAN TENNISON cont.

2. The applicant has stated in his application that the present uses of the property are a neighborhood grocery store, hardware store, and bar and present plans include the continuation of such a commercial activity. Under the present and proposed Zoning Ordinance, all three (3) of these uses, plus an additional thirty (30) other uses (including "Gas and Go" dispensing stations) are permitted in the C-1 commercial category.

3. Both the nature of this commercial activity and its relatively small size (30,000 sq. ft.), as well as its proximity to residential areas, are in keeping with a neighborhood commercial service enterprise which is the design and intent of the C-1 commercial classification."

Commissioner Jarboe seconded the motion. All Commissioners voted in favor, with Commissioner Millison stating he was voting in favor with the understanding that he would rather see the property zoned C-2.

AGREEMENT WITH DEPARTMENT OF TRANSPORTATION

The County Administrator presented an Amended Agreement with the Maryland Department of Transportation to replace a previous agreement for a console modification for the Control Center. Commissioner Parlett made a motion to enter into the above-referenced Agreement for the upgrading of equipment at the Control Center in the amount of \$1100, seconded by Commissioner Millison. All Commissioners voted in favor.

ACCEPTANCE OF JOAN DRIVE AND BAREFOOT DRIVE EXTENDED

The County Administrator stated that on February 23, 1977 the Board of County Commissioners accepted a settlement in the amount of \$2,500 for Joan Drive and Barefoot Drive Extended in the Barefoot Acres Subdivision and now requested action by the Board for the acceptance of these roads into the County Highway Maintenance System. Commissioner Dean made a motion that the Commissioners formally accept into the County Highway Maintenance System Joan Drive and Barefoot Drive Extended in the Barefoot Acres Subdivision, seconded by Commissioner Jarboe. All Commissioners voted in favor.

NOTIFICATION OF GRANT AWARDCOMMISSION ON AGING - TITLE VII PROGRAM (SUPPLEMENTAL)

The County Administrator reported that the Notification of Grant Award in the amount of \$350 for the Supplemental Grant for the Title VII Program of the Commission on Aging for home delivered meals was received and required Commissioner McKay's signature.

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign said Notification of Grant Award, seconded by Commissioner Dean. All Commissioners voted in favor.

ROAD RESOLUTION NO. 77-24
HUNTT ROAD AND DUDLEY ROAD

On behalf of the County Engineer, the County Administrator presented Road Resolution No. 77-24 designating Hunt Road and Dudley Road in the Rolling Acres Subdivision as Stop Streets at the points where these roads intersect with: Dudley Road at its intersection with Hunt Road and Hunt Road at its intersection with Golden Beach. Commissioner Parlett made a motion to accept Road Resolution No. 77-24, seconded by Commissioner Jarboe. All Commissioners voted in favor.

EASEMENT AGREEMENT
GOLDEN BEACH ROAD

On behalf of the County Engineer, the County Administrator presented an Easement Agreement by and between Wilford L. Goff and Josephine P. Goff and the Board of County Commissioners of St. Mary's County in connection with the reconstruction of Golden Beach Road. Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign said Agreement, seconded by Commissioner Dean. All Commissioners voted in favor.

DEED FROM ST. MARY'S METROPOLITAN COMMISSION
(PINE HILL TREATMENT PLANT

On behalf of the County Engineer, the County Administrator presented a Deed from St. Mary's County Metropolitan Commission to the Board of County Commissioners of St. Mary's County regarding the Pine Hill Treatment Plant access road.

Commissioner Dean made a motion to accept the Deed dated February 18, 1977 wherein certain property described in the Deed lying within the Eighth Election District is conveyed by the Metropolitan Commission to the Board of County Commissioners, seconded by Commissioner Millison. All Commissioners voted in favor.

AGREEMENT FOR REFUSE PACKER TRAILER

On behalf of the County Engineer, the County Administrator presented an Agreement dated February 16, 1977 by and between Earle Shankle Company, Inc. and the St. Mary's County Commissioners for the furnishing and delivery of "one Hydraulically Actuated Refuse Packer Trailer", with Performance Bond attached. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said Agreement, seconded by Commissioner Jarboe. All Commissioners voted in favor.

PERMANENT STATUS
CHIEF PERMITS AND INSPECTION

On February 22, 1977 Mr. Daniel Raley satisfactorily completed his six month probationary period in the position of Chief Permits and Inspection and therefore, his supervisor recommended that he be placed on permanent status, effective February 23, 1977. Commissioner Parlett made a motion to accept this recommendation, seconded by Commissioner Dean. Four Commissioners voted in favor with Commissioner Jarboe abstaining.

NACO 1977 LEGISLATIVE CONFERENCE

The Budget Officer requested approval by the Commissioners for his attendance at the National Association of Counties 1977 Legislative Conference March 20 through 23, 1977 at a cost of \$95 for registration.

Commissioner Jarboe made a motion to authorize the Budget Officer's attendance at this Conference, seconded by Commissioner Parlett. All Commissioners voted in favor.

EXECUTIVE SESSION
PERSONNEL

The Commissioners adjourned their regular meeting at 12:15 p.m. and agreed to meet in Executive Session in order to discuss personnel matters. The Session was held from 12:20 p.m. to 12:45 p.m.

APPROVED BY,


James M. McKay, President
County Commissioners