

BOARD OF COUNTY COMMISSIONERS' MEETING

June 8-9, 1977

Wednesday, June 8, 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 came to order at 8:50 a.m.

READING AND APPROVAL OF MINUTES

The minutes of June 1-2, 1977 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners 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 Parlett. All Commissioners voted in favor.

ST. MARY'S CITY COMMISSION - EDC MEMBER

Correspondence was reviewed from the St. Mary's City Commission indicating state law requirements which would restrict at this time the membership of the Commission to its present number. However, the Commission stated that it was most willing to have a member of the County Economic Development Commission participate in all membership rights except voting until such time as a vacancy would exist and could be filled by an EDC member upon appointment by the Secretary of State Department of Economic and Community Development with approval by the Governor. After some discussion, the Commissioners directed that correspondence should be prepared for their signatures to the Secretary of State ECD requesting consideration of appointment of a County EDC member to the St. Mary's City Commission as soon as a vacancy occurs on the St. Mary's City Commission.



TRANSFER OF FUNDS  
FY '77 BUDGET - SOLID WASTE

Upon the request of the County Engineer and the recommendation of the Budget Officer, Commissioner Dean made a motion to increase Account No. 1243-2861 (supplies) by \$1,000 and decrease Account No. 1243-2221 (site maintenance) by like amount, seconded by Commissioner Parlett. All Commissioners voted in favor.

TRANSFER OF FUNDS  
CIRCUIT COURTROOM

Upon the request of the County Engineer and the recommendation of the Budget Officer, Commissioner Parlett made a motion to increase Account No. 1092-6022 (Circuit Courtroom Renovations) by \$2,407 and decrease Account No. 2410-2081 (Contingency Account) by like amount, seconded by Commissioner Jarboe. All Commissioners voted in favor.

TRANSFER OF FUNDS  
OFFICE OF LAND USE AND DEVELOPMENT

Upon the request of the Director of Land Use and Development and the recommendation of the Budget Officer, Commissioner Jarboe made a motion to make the following budgetary transfers in the Office of Land Use and Development:

Increase Account No. 1083-2141 (postage) in the amount of \$250 and decrease Account No. 1131-2161 (printing) by like amount;

Increase Account No. 1083-2141 (postage) in the amount of \$250 and decrease Account No. 1083-2161 (printing) by like amount;

Increase Account No. 1083-2121 (ads) in the amount of \$200 and decrease Account No. 1083-2111 (travel) by like amount;

Increase Account No. 1083-2151 (publications in the amount of \$200 and decrease Account No. 1083-2111 (travel) by like amount.

Commissioner Dean seconded the motion. All Commissioners voted in favor.

TRANSFER OF FUNDS  
STATE'S ATTORNEY'S OFFICE

Upon the request of the State's Attorney and the recommendation of the Budget Officer, Commissioner Jarboe made a motion to transfer \$431.36 from the State's Attorney's Office Supplies Account (No. 1024-21110), seconded by Commissioner Parlett. All Commissioners voted in favor.



TRANSFER OF FUNDS  
"WINGS OF THE MORNING"

Upon the recommendation of the Budget Officer, Commissioner Jarboe made a motion to approve the following transfer for the "Wings of the Morning":

Increase Account No. 1829-2981 (operating expenses) by \$19,188.02 and decrease Account No. 2410-2081 (Contingency Account) by like amount.

Commissioner Dean seconded the motion. All Commissioners voted in favor.

SHERIFF'S DEPARTMENT  
POLICE TRAINING

The County Administrator advised the Commissioners that there will be a Police Training Program on June 7, 14, and 15 at which deputies will be attending; and therefore, the Sheriff has requested approval of overtime for certain deputies in an amount of approximately \$200. Commissioner Jarboe made a motion to approve this overtime request, seconded by Commissioner Parlett. All Commissioners voted in favor.

CONFERENCE ON UNEMPLOYMENT INSURANCE

The County Administrator advised the Commissioners of a conference in Annapolis by the Maryland Association of Counties on unemployment insurance at which a Board of Education representative and a representative from St. Mary's County government should attend. The Commissioners gave their concurrence.

MACO BUILDING CODE WORKSHOP

The County Administrator advised the Commissioners of a Building Code Workshop being conducted by Maryland Association of Counties and recommended that Mr. Daniel Raley, Chief, Permits and Inspection, in the Office of Land Use and Development attend. Commissioner Jarboe made a motion to authorize the County Administrator to determine who should attend the workshop, seconded by Commissioner Parlett. Four Commissioners voted in favor, with Commissioner Millison voting against.

LINCOLN AVENUE  
EXTRA WORK AUTHORIZATION CORRECTION

The County Engineer's Office forwarded a memorandum stating that the Extra Work approved by the Commissioners at their meeting of May 26, 1977 reflected a unit price of \$5.00 per foot for the removal of existing sidewalks and that the correct figure should be \$4.00 per lineal foot, and therefore, the total authorization should be \$8,861 as opposed to \$9,150 as reflected in the May 26 County Commissioners minutes.



SUPERVISOR OF ELECTIONS - RECLASSIFICATION

The County Administrator advised the Commissioners that the State has approved the reclassification for Irene R. Henderson from Grade 8-6, to Grade 9-6, subject to approval by the Board of County Commissioners. Commissioner Millison made a motion to approve this reclassification and increasing the Board of Supervisors of Elections budget by \$775.00 to cover the increase for the next fiscal year, seconded by Commissioner Parlett. All Commissioners voted in favor.

REQUEST FOR OVERTIME PAYMENT - BUDGET OFFICE

The Budget Officer submitted a request for 4½ hours overtime payment to his secretary, Mrs. Margaret Childs, for preparation of the budget documents and attendance at the Budget Hearings. Commissioner Parlett made a motion to approve this overtime payment request, seconded by Commissioner Jarboe. All Commissioners voted in favor.

RELEASE OF COLLATERAL  
MARYLAND BANK AND TRUST COMPANY

The Director of Finance submitted a request for release of collateral from Maryland Bank and Trust Company in the amount of \$90,000. Since collateral held to secure deposits of St. Mary's County (\$1,603,000) far exceeds total county funds on deposit (\$7,845.53), Mr. Sterling recommended that the Release Agreement be signed. Commissioner Millison made a motion to authorize Commissioner McKay to sign said Release Agreement, seconded by Commissioner Jarboe. All Commissioners voted in favor.

AGREEMENT WITH GEORGE WASHINGTON UNIVERSITY  
ABELL'S WHARF ARCHAEOLOGICAL SITE

The County Administrator presented the Agreement by and between George Washington University and St. Mary's County, dated May 9, 1977, setting forth the conditions in which the University will excavate the Abell's Wharf Archaeological site. Commissioner Dean made a motion to enter into said Agreement, seconded by Commissioner Parlett. All Commissioners voted in favor.

EXECUTIVE SESSION - STATE'S ATTORNEY

Present: George Sparling, State's Attorney  
Sgt. Plunkert, Maryland State Police

The Commissioners agreed to meet in Executive Session with the above-referenced individuals to discuss police personnel matters. The Session was held from 10:20 a.m. to 10:35 a.m.



REQUEST FOR EMPLOYMENT OF LAW STUDENT

Present: George Sparling, State's Attorney

Mr. Sparling apprised the Commissioners of his interest in employing a law student in his office for the summer months at a salary of \$125 plus fringe benefits. He stated that funds were not available in his budget. The Commissioners advised Mr. Sparling that they would take this request under advisement.

SEVENTH DISTRICT PARK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett appeared before the Commissioners to recommend that they accept Item No. 1 (Site Work only) on the bids for Seventh District Park, from B. F. Asher in the amount of \$63,500, and that he would be returning to the Commissioners at a later date with recommendations for the seeding, asphalt-ing, and fencing work. In addition, Mr. Baggett requested authorization to hire a consultant for inspection services at a cost not to exceed \$500, using the firm who did the original drawings.

Commissioner Parlett made a motion to authorize Mr. Baggett to proceed with Item No. 1 in the amount \$63,500 and further to authorize an expenditure of \$500 for inspection services, seconded by Commissioner Jarboe. All Commissioners voted in favor.

PROPOSED RESOLUTION - RAILROAD RIGHT-OF-WAY USE

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented for the Commissioners' review and comments a proposed resolution controlling dumping of trash and use of motorized vehicles on the railroad right-of-way. The Commissioners made several recommendations on the resolution and requested Mr. Baggett to obtain input from the County Attorney and the Railroad Right-of-Way Study Committee and return to the Commissioners, after which time a public hearing will be scheduled on this matter.



FOOD STAMP ADMINISTRATIVE COSTS

Present: Joseph Carter, Director, Social Services  
Richard Buckler, Social Services  
Joseph O'Dell, Budget Officer

The above-referenced individuals discussed with the Commissioners HB 1441 of the 1976 General Assembly in which provisions were adopted whereby all counties should bear the non-federal portion of the administrative costs of the Food Stamp Program. Mr. Carter pointed out that funds were not budgeted for FY '76-'77 nor for FY '77-78. Mr. Carter advised that there is a difference of opinion regarding the requirements for the County to pay these administrative costs, but that he had received a recent directive from the Secretary of the Department of Human Resources to charge the County for said administrative costs for FY '76-'77.

The Commissioners directed the Budget Officer to forward a written statement to Mr. Carter declaring that no funds have been budgeted in either of the fiscal years in question for the administrative costs.

The Commissioners thanked Mr. Carter for bringing this matter to their attention and stated that they would study the matter further and would be back in touch with him in the near future.

(Commissioner Millison left the meeting.)

PERSONNEL MANUAL UPDATE

Present: Nace Fresco, Personnel Officer

Mr. Fresco discussed with the Commissioners the proposed changes to the Personnel Manual to be presented at a public hearing on June 15. The purpose of the update is to correct typographical errors, to codify established policies and to bring the Personnel Manual in conformance with standards set by the Civil Service Commission.

The Commissioners gave their concurrence that these proposed changes be presented at the public hearing. Final decision will be made subsequent to the public hearing.

PERSONNEL DECISIONS - FY '77-'78

Present: Nace Fresco, Personnel Officer

Mr. Fresco appeared before the Commissioners to obtain decisions relative to personnel matters for the FY '77-'78 budget.



PERSONNEL DECISIONS - FY '77-'78 cont.

1. Establishment of Engineering Assistant position - County Engineer's Office - Commissioner Dean made a motion to establish a permanent county position in the classified service of Engineering Assistant, Grade 12, to replace the current Plans Examiner position under the CETA Program; further, that said position be advertised under county personnel procedures, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

2. Equipment Operator Supervisor - County Engineer's Office - The Commissioners accepted the recommendation of State Personnel that the County's classification of Equipment Operator Supervisor was appropriate and that the position need not be reclassified.

3. Equipment Operator - County Engineer's Office - The Commissioners agreed that this new position should not be filled until such time as the Ridge Transfer Station has been in operation and a review of staffing needs dictate the filling of this position.

4. Temporary Inspector - County Engineer's Office - Commissioner Parlett made a motion to authorize the filling of a temporary inspector position according to county personnel procedures, seconded by Commissioner Dean. Three Commissioners voted in favor, with Commissioner McKay voting against.

5. Temporary Secretarial Assistance - County Engineer's Office - The Commissioners accepted the proposal to eliminate County funded temporary secretarial assistance and instead to provide a full-time CETA position to meet that need.

6. Commission on Aging - The Commissioners agreed that the request to increase the hourly rate of pay from \$2.50 to \$2.80 for certain COA employees be deferred until such time as the Executive Secretary determines the availability of grant funds for this purpose.

7. Emergency Operations Center - Communications Clerks - The Commissioners accepted the recommendation of State Personnel that the current classification of the Communications Clerks is appropriate and that said position need not be reclassified.



PERSONNEL DECISIONS - FY '77-'78 cont.

8. Emergency Operations Center - Part-time Help - Commissioner Dean made a motion to approve the establishment of an additional category of part-time Communications Clerk assistance to be paid at the following rates: Unskilled - \$3.00 per hour; semi-skilled - \$3.25 per hour; and fully-skilled - \$3.50 per hour. Commissioner Jarboe seconded the motion. All Commissioners present voted in favor.

9. Jailer - Sheriff's Department - Commissioner Dean made a motion to fill the additional position of Jailer according to the County Personnel procedures, seconded by Commissioner Jarboe. Three Commissioners voted in favor, with Commissioner McKay voting against.

10. Plumbing Board - The Commissioners agreed to defer action on the request to grant \$25 a meeting to members of the Plumbing Board until such time as a more thorough analysis of payments to members of all boards, committees, and commissions has taken place.

11. State's Attorney's Office - Commissioner Jarboe made a motion to establish the same pay plan for employees in the State's Attorney's Office, with the exception of the State's Attorney and Assistant State's Attorney, as that established for County Employees. Accordingly, said employees will receive the cost of living increase granted county employees. Commissioner Parlett seconded the motion. All Commissioners present voted in favor.

FUTURE BUSINESS LEADERS OF AMERICA

Present: Ida Lawrence, Chopticon FBLA  
Judy Painter, Chopticon FBLA

The above-referenced individuals appeared before the Commissioners to apprise them of the various awards won by the Chopticon FBLA and of the upcoming National Conference in Denver Colorado June 30, 1977 to July 1, 1977. The FBLA representatives requested publicity regarding this conference and that they are requesting contributions from the business people in the community in order to raise \$1800 for this attendance.

The Commissioners thanked them for their presentation and congratulated them on receiving their many awards.

(Commissioner Millison returned to the meeting.)



MIDFA LOAN - MCGREGOR AND WERNER

Present: Joseph Ernest Bell, II, County Attorney  
Arthur "Buck" Briscoe, Director, EDC

The above-referenced individuals appeared before the Commissioners to present a proposed resolution for the Commissioners' review and comments regarding the County's participation in the MIDFA Program for McGregor and Werner who are located at the St. Mary's Industrial Park. The Commissioners agreed to review the document for further consideration.

CHARLOTTE HALL OPTION AGREEMENT

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign the letter to the Charlotte Hall Board of Trustees and Citizens Bank & Trust Company of Maryland to grant a two-week extension of the notification of the Charlotte Hall Option Agreement until June 24, 1977, in order to resolve the remaining issues surrounding a joint acquisition of the property between the State of Maryland and St. Mary's County, seconded by Commissioner Dean. Four Commissioners voted in favor, with Commissioner Millison voting against.

EXECUTIVE SESSION

Present: Joseph Ernest Bell, County Attorney

The Commissioners agreed to meet in Executive Session with the County Attorney in order to discuss a matter of possible litigation, after which time the Commissioners continued in Executive Session to discuss appointments to Boards, Committees, and Commissions. The Session was held from 12:50 p.m. to 2:20 p.m.

The meeting recessed at 12:50 p.m.

Thursday, June 9, 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 8:55 a.m.



COMPREHENSIVE WATER AND SEWER PLAN UPDATE FOR 1977

Present: Richard Platt, Director, Land Use and Development  
Frank Gerred, County Planner  
Mike Marlay, Metropolitan Commission  
Harry Knight, Metropolitan Commission  
Steve King, Metropolitan Commission

The above-referenced individuals appeared before the Commissioners to summarize the various proposed changes in the 1977 update of the Comprehensive Water and Sewer Plan and displayed maps indicating these proposed amendments in the water and sewer categories.

After the presentation and discussion, the Commissioners agreed to set June 30, 1977 at 11:30 a.m. in the Commissioners' Conference Room for a public hearing on the update of the Comprehensive Water and Sewer Plan.

SEDIMENTATION CONTROL ORDINANCE

Present: John Hall, Soil Conservation Service  
Francis Knott, Soil Conservation Services District Office  
Jim Beaven, Soil Conservation District  
Jim Woodburn, Soil Conservation District  
Doug Vogel, Extension Agent  
Ed Swecker, Extension Office  
John Houser, Maryland Forest Service  
Ward Miller, RC & D Board  
John Norris, County Engineer

The above-referenced individuals appeared before the Commissioners to discuss the County's Sediment Control Ordinance and the State's evaluation of the Sediment Control Programs of the State, County, and local jurisdictions. Commissioner Jarboe stated that discussion was needed concerning what needs to be done to clear up point of discharge and non-point pollution.

Mr. Norris stated that according to the State, St. Mary's County has an acceptable operating sediment control program and that he was of the opinion that there will probably be only a few changes needed to the Ordinance.

The Commissioners requested that those present at this meeting develop a list of recommended changes to the Sediment Control Ordinance and during this process obtain input from the developers regarding this matter, after which time a public hearing will be scheduled on the update.



REZONING DECISION

CASE NO. 77-03 - FIRST NATIONAL BANK OF ST. MARY'S

(Commissioner Millison excused himself from the decision-making meeting because of possible conflict of interest.)

The Commissioners conducted a public hearing on May 25, 1977 on the application of First National Bank of St. Mary's to have approximately 35,000 square feet located on the southeast side of Maryland Route 246, southwest of Hopewell Manor, Eighth Election District, rezoned from R-2, residential, to C-1, commercial.

Commissioner Dean made a motion that the Board of County Commissioners, having conducted the required finding of fact in the subject case, concludes that the request for a zoning amendment from R-2, residential, to C-1, commercial, be allowed for the following reasons:

1. The recommendation of the Planning Commission which points out that the property is (a) located in an urban area, (b) in an area of increased commercialization, and (c) there has been a significant change in the area.

2. The property is located directly across the road from a parcel of property zoned C-2. It is also sandwiched among numerous other parcels, both to the east and west and in relatively close proximity, which are zoned either C-1 or C-2. The property is additionally adjacent to several existing commercial buildings which are classified as non-conforming.

3. Because of the basic commercial character of the immediately adjacent area, the property is not ideally suited for uses allowed under its present zoning classification, i.e., residential.

4. The parcel is served by Maryland Route 246 which has been upgraded since 1974. Public water and sewer is additionally available for connection.

5. Because of the above, there is a reasonable basis for concluding that a mistake was made in the original zoning.

The commercial nature of this particular section, as well as others, of Maryland Route 246 is firmly established and is in all probability committed to continue to develop commercially. A major concern is that the viability of the road as a conveyance of traffic be maintained and improved.

It is therefore of some prime importance that when the subject parcel -- as well as others -- is developed that the site plan review process be concerned with minimizing as much as possible any adverse impact on traffic flow.

Commissioner Jarboe seconded the motion. All Commissioners present voted in favor.



(Commissioner Millison returned to the meeting.)

LETTER TO BOARD OF EDUCATION - FY '77-'78 BUDGET

The Commissioners agreed to sign and forward a letter to the Board of Education regarding the approved budget for the Board of Education for FY '77-'78 and clarifying certain points concerning this budget.

ENCUMBRANCE VOUCHERS

Commissioner Dean made a motion to approve the following Encumbrance Vouchers:

Voucher No. 1225 - Earl Shankle (partial payment) in the amount of \$27,304.30;

Voucher No. 11528 - Smeallie, Orrick, and Janka (partial payment) in the amount of \$102,951;

Voucher No. 1287 - Black Cloud (performance at Amphitheatre) in the amount of \$150;

Voucher No. 12836 - Briscoe and Company (performance at Amphitheatre) in the amount of \$200.

Commissioner Jarboe seconded the motion. All Commissioners voted in favor.

FIREMEN'S CARNIVAL

The Sheriff's Department submitted a request for payment of overtime to deputies for patrolling at the upcoming carnivals. Commissioner Dean made a motion that the Commissioners approve this overtime request, seconded by Commissioner Jarboe. All Commissioners voted in favor.

REPRESENTATIVE OF EDC MEMBER ON ST. MARY'S CITY COMMISSION

The County Administrator presented correspondence addressed to the Department of Economic and Community Development for the Commissioners' signatures, requesting that a member of the EDC of St. Mary's County be appointed to fill the next occurring vacancy on the St. Mary's City Commission. The Commissioners directed Mr. Cox to request the EDC to make a recommendation to the Commissioners for an interim appointment to serve as a liason member of the St. Mary's City Commission.



MARYLAND WOMEN'S CONFERENCE

The Commission for Women submitted a request for permission to attend the Maryland Women's Conference at a cost not to exceed \$35. Commissioner Dean made a motion to authorize attendance of a representative from the Commission on Women to the Conference, seconded by Commissioner Parlett. All Commissioners voted in favor.

REQUEST BY STATE'S ATTORNEY FOR EMPLOYMENT OF LAW STUDENT


Regarding the State's Attorney's request at yesterday's meeting for the employment of a law student during the summer months at a salary of \$125 per week, the Commissioners directed the County Administrator to respond that the County would not be able to provide funds for this purpose; however, if funds are available in the State's Attorney's budget, the Commissioners would give further consideration to this matter.

ELMS PROPERTY

Commissioner Jarboe reported to the Commissioners that the cost to construct the road to the beach area and construction of the parking lot at the Elms property is estimated to be \$7500 and with the Board's concurrence Mr. Baggett, Director, Recreation and Parks, is ready to proceed with the project. The Commissioners gave their concurrence.

The meeting adjourned at 11:10 a.m.

APPROVED BY,

  
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James M. McKay, President  
County Commissioners