

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, August 3, 1977

Present: Commissioner John K. Parlett, Vice President
Commissioner Ford L. Dean
Commissioner Larry Millison

(Commissioners McKay and Jarboe were not present.)

The meeting convened at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of July 27, 1977 were read. Commissioner Dean made a motion to approve the minutes as read, seconded by Commissioner Parlett. 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.

(Commissioner McKay entered the meeting - 9:15 a.m.)

CLEARINGHOUSE PROJECT NO. 78-7-63
POINT LOOKOUT FACILITIES STUDY

The County Administrator presented the above-referenced clearinghouse project which had been reviewed by the Metropolitan Commission, Health Department and Office of Land Use and Development and recommended that the County send comments back to the State that additional information is required before we can complete our review. The Commissioners gave their concurrence.

SUPPLEMENTAL COMMISSION ON AGING TITLE VII GRANT APPLICATION

The County Administrator presented the Supplemental Commission on Aging Title VII Grant Application to provide 265 meals at a total cost of \$400. Commissioner Parlett made a motion to authorize Commissioner President McKay to sign said Grant Application, seconded by Commissioner Millison. All Commissioners present voted in favor.

SUPPLEMENT AGREEMENT - JOHNSONGRASS PROGRAM

The County Administrator presented for the County Commissioners' approval a supplement agreement for the control and eradication of johnsongrass between the Maryland Department of Agriculture and St. Mary's County to cover overexpenditures by the program in the amount of \$703.50. Commissioner Millison made a motion to approve and authorize Commissioner President McKay to sign said agreement, seconded by Commissioner Dean. All Commissioners voted in favor.

LETTER TO ACTING GOVERNOR BLAIR LEE

Commissioner Parlett made a motion to sign and forward the letter to Acting Governor Blair Lee regarding St. Mary's City Commission's FY '79 Capital Budget request to the State, seconded by Commissioner Millison. All Commissioners present voted in favor.

METROPOLITAN COMMISSION - TREASURER

By letter dated July 29, 1977, the Metropolitan Commission requested concurrence by the Board of County Commissioners of the appointment of Mr. Adam Bruce Fahnestock as Treasurer of the Metropolitan Commission as approved in the Metropolitan Commission's minutes of July 14.

Therefore, Commissioner Parlett made a motion that the St. Mary's County Board of Commissioners approve the Continental Insurance Company as surety for the bonding specified in Section 157, Part (E) of the public local laws of St. Mary's County, in the amount of \$25,000 to be issued to Mr. Adam Bruce Fahnestock, as the duly appointed Treasurer of the St. Mary's County Metropolitan Commission, effective August 9, 1977, seconded by Commissioner Millison. All Commissioners present voted in favor.

CITIZENS FOR PROGRESS

The County Administrator informed the Commissioners of an emergency voucher processed on Friday, July 29 which advanced to Citizens for Progress one half of its fiscal year 1978 allocation (\$4500) and that three Commissioners had been contacted for approval. Commissioner Parlett made a motion to approve this advance, seconded by Commissioner Millison. All Commissioners present voted in favor.

SHERIFF'S DEPARTMENT - POSITION OF JAILOR

Upon the recommendation of the Sheriff, the Personnel Officer by memorandum dated August 3 requested authority to hire Kenneth Howard Kern in the position of Jailor, Grade 9, effective August 9, 1977. Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Parlett. All Commissioners present voted in favor.

OFFICE OF COUNTY ENGINEER - POSITION OF ENGINEER I

Upon the recommendation of the County Engineer, the Personnel Officer requested authority to promote Jay McGrath from the position of Engineering Technician in the Office of County Engineer to Engineer I, Grade 12-2, effective August 8, 1977. Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Parlett. All Commissioners present voted in favor.

LETTER TO BOARD OF PUBLIC WORKS - CHARLOTTE HALL

Commissioner Parlett made a motion to sign and forward a letter to the Board of Public Works pertaining to the notification date and intent of the Board of County Commissioners with regard to the Charlotte Hall Option, seconded by Commissioner Dean. Three Commissioners voted in favor with Commissioner Millison voting against.

REQUEST FOR ABATEMENT OF BUILDING PERMIT FEE
CALLAWAY BAPTIST CHURCH

A request was received from the Callaway Baptist Church for a reimbursement for the cost of a building permit fee in the amount of \$49. Inasmuch as the church complies with the County's Resolution No. 75-53, Commissioner Parlett made a motion to approve abatement of the building permit fee, seconded by Commissioner Millison. All Commissioners present voted in favor.

RESCINDING OF EMERGENCY ROAD RESOLUTION NO. 78-11 (MORGAN ROAD)

On behalf of the County Engineer, the County Administrator presented a request for the rescinding of Emergency Road Resolution No. 78-11 which established a vehicular weight limit on Morgan Road. Because of the settlement provided by certain parties involved, the County Engineer recommended the rescinding of this resolution and that the County accept the settlement.

Commissioner Millison made a motion to accept the County Engineer's recommendation, seconded by Commissioner Dean. All Commissioners present voted in favor.

OFFICE OF EMERGENCY PREPAREDNESS (HURST TOOL)

The County Administrator presented a request by the Director of Civil Defense and Emergency Preparedness for funding in the amount \$266 for power shears to be used with the Hurst Tool. This would necessitate a contingency account transfer unless funds are received from the State. Commissioner Parlett made a motion to approve this request and allocate \$266 for the power shears, provided other funds are not available from the State, seconded by Commissioner Millison. All Commissioners present voted in favor.

LINE OF AGREEMENT - GOLDEN BEACH ROAD RIGHT-OF-WAY

Upon the recommendation of the County Attorney, Commissioner Dean made a motion to accept the Line of Agreement dated July 27, 1977 by and between the Board of County Commissioners of St. Mary's County, Plaintiff, and Katie Dombroski, Defendant, in the matter of condemnation of land for the construction of Golden Beach Road (Law No. 6386), seconded by Commissioner Parlett. All Commissioners present voted in favor.

PROJECTS IN THE OFFICE OF RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett brought the Commissioners up to date on various projects in his office such as; Elms property, Tubman-Douglas Estates, Seventh District Park, Laurel Grove Park, watershed project, St. Peter Claver property and the park behind Lexington Park Elementary School.

PIER AT COLTON'S POINT

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett reported to the Commissioners on the status of the State's evaluation of the pier at Colton's Point which was that the pier was adequate for pedestrian traffic but not for vehicular traffic. Therefore, the Commissioners directed Mr. Baggett to have the pier posted to that effect and to have the pier blocked off in such a manner to allow foot traffic but prohibit vehicular traffic.

FOREST LANDING WHARF

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett stated that bids were received for the above-referenced project and recommended that the pier work and bulkheading be awarded to Colliflower and Peterson in the amount of \$11,750. Commissioner Dean made a motion to accept Mr. Baggett's recommendation, seconded by Commissioner Parlett. All Commissioners present voted in favor.

RECREATION AND PARKS ADVISORY COMMITTEES

Present: John Baggett, Director, Recreation and Parks
Joe O'Dell, Budget Officer

Mr. Baggett requested concurrence by the Board of County Commissioners for the establishment of a Recreation and Parks revolving fund to handle the receipts and disbursements of the newly formed recreation committees under the auspices of the Recreation and Parks Board, as recommended by the Budget Officer. The Commissioners advised Mr. Baggett that they would make a decision at a subsequent time.

METROPOLITAN COMMISSION
PLANS FOR SEWER CONSTRUCTION AT FAIRGROUNDS PROPERTY

Present: Mike Marlay, Director, Metropolitan Commission
Harry Knight, Metropolitan Commission
Dan Ichniowski, Engineer's Office
Walter Raum, Health Department
Howard Lancaster, Fairboard

Representatives of the Metropolitan Commission appeared before the Commissioners to present the plans for the sewer construction at the Fairgrounds property and requested the Commissioners approval of same.

After discussion, Commissioner Dean made a motion to approve the plans as submitted, seconded by Commissioner Parlett. All Commissioners voted in favor.

PRESS CONFERENCE

PRESENT: Jack Kershaw, Enterprise
Sunny Schust, "
Mike Klienbeck, WKIK
Dick Myers, Beacon
Paula Smith, WPTX

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

REZONING CASE NO. 76-5 (GUYTHER-GILLAM)

Commissioner Millison excused himself from the meeting because of possible conflict of interest.

Commissioner McKay stated that he offered to provide the applicant with a letter stating that he would have no business interest in the property in question for the remainder of his term as County Commissioner if it would help his cause.

The Commissioners reviewed the court decision relative to the above-referenced rezoning application whereby the decision by the Board of County Commissioners to deny the rezoning request was overturned by Circuit Court Judge Levin. Also reviewed was a position paper which Commissioner Jarboe had previously distributed to the Commissioners because he was going to be out of the County for this discussion.

Commissioner Dean stated that in his judgment, no facts have changed since the original decision by the County Commissioners which he believed to be correct and that therefore he was in disagreement with the Court's decision.

The question was raised as to the validity of a decision when only three Commissioner members are present and a motion carries by a majority vote. It was agreed that a decision is valid if made by a majority vote of Commissioners present as long as a quorum has been established.

Commissioner Parlett made a motion that the Circuit Court decision, Law Case No. 6213, relative to zoning application No. 76-5 be appealed by the Board of County Commissioners and that the County Attorney be requested to initiate the appeal procedures at his earliest convenience within the legal deadline, seconded by Commissioner Dean. Two Commissioners voted in favor, with Commissioner McKay abstaining.

The meeting adjourned at 12:35 p.m.

Approved,


James M. McKay President