

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, November 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 was called to order at 9:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of November 2, 1977 were read and corrected. Commissioner Parlett made a motion to approve the minutes as corrected, seconded by Commissioner Dean. 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 Jarboe made a motion to approve payment of the bills, as submitted, seconded by Commissioner Parlett. All Commissioners voted in favor.

MONTHLY FINANCIAL REPORT

Present: Harris Sterling, Director of Finance

As had been previously requested by the Commissioners, Mr. Sterling presented a detailed financial report including a Statement of Income and Revenue from July 1, 1977 to September 30, 1977 and a Statement of Expenditures by each Department for the same period.

The Commissioners directed Mr. Sterling to submit a simplified monthly report showing the department's total budget, expenditures and unexpended budget funds and further to submit monthly an analysis of the Reserve for Contingency. Also, Mr. Sterling was requested to talk with the computer firms' representative to determine what improvements can be made in the monthly printouts.

NURSING HOME CONSTRUCTION ACCOUNT

Present: Mr. Sterling, Director of Finance

Mr. Sterling reported to the Commissioners that he would be meeting with Mr. Shedinger of the Department of Mental Health

and Hygiene in order to get all the proper forms completed and any additional information so that the closing of Nursing Home construction account can be accomplished.

INFORMATION BRIEFING

Present: Joe Murnane, Executive Director, MACO
Bill Scherer, Governor's Liaison
Herbert Rosenbloom, Deputy Sec. Health & Mental Hygiene

Mr. Murnane stated that the above individuals have been touring the State visiting each County to obtain the Counties' input on various matters. Mr. Murnane went on to explain the composition and function of the Maryland Association of Counties and the various committees, publications, etc.

Mr. Scherer explained his position as the Governor's Liaison and offered any assistance he could provide.

In the discussion with Dr. Rosenbloom, the Commissioners raised the question about the difference in percolation test criteria between the Eastern Shore and St. Mary's County. Dr. Rosenbloom stated that he would look into the matter and that he would see to it that there would be universal application of perc test criteria throughout the State.

CETA YOUTH PROGRAM

Present: Delores Hill, Youth Services Coordinator
Dr. Joseph Cotten, Tri-County Youth Services Bureau
Donald Curtis, Housing Coordinator

Miss Hill explained to the Commissioners the CETA Youth Employment Program for youths between the ages of 16 and 19, preferably underprivileged, for total project amount of \$32,000. The primary goal of the project is for conservation activities. Dr. Cotten mentioned that there is another available CETA program (VET) which would complement this conservation project and that a grant application is being developed.

After discussion, Commissioner Millison made a motion to authorize Miss Hill to proceed with the grant application, pending review of the presented documents by the Commissioners, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LAUREL GROVE MORGANZA ROAD (DEED)

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated October 18, 1977 by and between the St. Mary's County Commissioners and Richard A. Greene and Laura R. Greene (deceased), Eleanor G. Bruff, Florence G. Wilhide, Trustees for the last will and testament of Phillip H. Dorsey, deceased.

Commissioner Dean made a motion to accept said Deed conveying certain property for the reconstruction of Laurel Grove Morganza Road, seconded by Commissioner Jarboe. All Commissioners voted in favor.

BIDS ON EQUIPMENT

TRACTOR LOADER AND RUBBER TIRE LOADER

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheets for the sale of the above-referenced equipment and recommended that the sale be awarded to Alban Tractor and further to accept the trade-in allowance on the existing county-owned equipment and to accept the optional four-in-one bucket for the tractor front end loader in the amount of \$61,040 less trade-in of \$17,000 plus the optional four-in-one bucket at \$4,115 and in addition to accept the purchase price of \$47,867 less trade-in of \$4,000, with a payback guarantee for the front end loader after two, three, four or five years respectively \$56,000, \$52,000, \$49,000, \$47,000 and for the rubber tire loader in the amounts of \$35,000, \$34,000, \$33,000, \$32,000. Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor.

Mr. Norris indicated to the Commissioners that the multi-purpose bucket would be funded through equipment accounts.

LEONARD HALL RENOVATIONS (EXTRA WORK AUTHORIZATION)

Present: John Norris, County Engineer

Mr. Norris presented an Extra Work Authorization in the amount of \$2,859.38 payable to Smeallie, Orrick and Janka, which was necessitated by the changing of the meeting room from the original location and also the transmitter area at the governmental center at Leonard Hall. Commissioner Parlett made a motion to approve this Extra Work Authorization, seconded by Commissioner Dean. All Commissioners voted in favor.

LEONARD HALL RENOVATIONS (PROGRESS PAYMENT)

Present: John Norris, County Engineer

Mr. Norris presented Progress Payment No. 8 for the governmental center at Leonard Hall payable to The Davis

Corporation in the amount of \$172,578. Commissioner Parlett made a motion to approve the above-referenced payment, seconded by Commissioner Jarboe. All Commissioners voted in favor.

RADIO TRANSMITTER (EMERGENCY OPERATIONS CENTER)

Present: John Norris, County Engineer
Otis Wood, Director EOC

Mr. Norris recommended rejecting the bid from Allston Excavators for the radio transmitter building and requested approval of a temporary location of the radio transmitter at the EOC. After discussion, Commissioner Jarboe made a motion to accept this recommendation, seconded by Commissioner Dean. All Commissioners voted in favor.

COURTHOUSE PROJECT

Present: John Norris, County Engineer

Mr. Norris requested authorization to have Commissioner McKay sign the necessary building permit application for the Courthouse renovation project and further to authorize the funding for the building permit to the Town of Leonardtown. Commissioner Jarboe made a motion to approve the above, seconded by Commissioner Parlett. All Commissioners voted in favor.

WATERPROOFING AT LEONARD HALL BUILDING NO. 4

Present: John Norris, County Engineer

Due to the fact that he was unable to obtain all the prices for the waterproofing of Building No. 4 at Leonard Hall, Mr. Norris requested authorization to award the waterproofing project in an amount not to exceed \$3500. Commissioner Parlett made a motion to approve this authorization, seconded by Commissioner Dean. All Commissioners voted in favor.

PROCLAMATION NO. 77-66
THE GREAT AMERICAN SMOKEOUT DAY

Present: Mrs. Sue Eikamp
Mr. and Mrs. Heinz

The Commissioners presented the above-referenced Proclamation proclaiming that November 17, 1977 is the Great American Smokeout Day in St. Mary's County.

EXECUTIVE SESSION

Present: John Norris, County Engineer
Mike Marlay, Metropolitan Commission
Harry Knight, Metropolitan Commission

The Commissioners agreed to meet in Executive Session for the purpose of discussing property acquisition. The session was held from 12:00 Noon to 12:45 p.m.

PUBLIC HEARING
RAILROAD RIGHT-OF-WAY

Present: John Baggett, Director, Recreation and Parks
Al Guy)
William Lyon)
Ralph Burkhouse)
Mr. Sandy) interested citizens
Mr. Burley)
William Guy)
Kitty Lyon)

The Commissioners conducted a public hearing to consider a proposed resolution relative to the railroad right-of-way and permitted uses of same.

The secretary read the Notice of Public Hearing.

During the comments of the citizens, Mr. Al Guy stated he was in favor of the proposed resolution; however, he was of the opinion that motorized vehicles such as mini-bikes should be allowed with certain controls. Other citizens expressed support of the proposed resolution and commented on the various problems with the use of mini-bikes on the railroad right-of-way.

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

PIGSKIN FOOTBALL LEAGUE

Present: John Baggett, Director, Recreation and Parks

In response to discussion at the November 2 County Commissioner meeting, Mr. Baggett appeared before the Commissioners to request that \$1,000 be transferred within the Recreation and Parks Budget from the Leadership Account in order for the Pigskin Club to pay for the required "No-Knock" safety equipment.

During discussion, Commissioner Millison requested that three things be looked into: (1) to insure that the new equipment is available next year, (2) that insurance be made available to the participants and (3) if the entrance fee be paid for any child who cannot afford it.

After discussion, Commissioner Millison made a motion to approve that \$1,000 be made available from the Recreation and Parks budget for the Pigskin Football League towards the purchase of equipment, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LEASE AGREEMENT FOR ST. CLEMENT'S ISLAND AND POTOMAC RIVER MUSEUM

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett reported to the Commissioners that the State is willing to extend the lease for the St. Clements Island and Potomac River Museum for another 25 years. He said that the State considers the pier part of the Butterfield property on which the museum is located.

In response to a question from Commissioner Dean, Mr. Baggett states that the lease agreement in no way affects the county's eligibility for grant funding.

The Commissioners directed Mr. Baggett to negotiate with the State for the best possible lease giving the County the most flexibility.

ROOF STRUCTURES OVER LAGOONS (LAND APPLICATION)

Present: Walter Raum, Chairman, Environmental Committee

Mr. Raum appeared before the Commissioners to request approval to spend \$1650 of the budgeted Environmental Study funds in order to evaluate a roof structure over lagoons and other possible methods of reducing the amount of land needed for land application of sewage effluent. Mr. Raum stated that Herb Brodie, Agricultural Engineer at the University of Maryland, would do this evaluation at a cost of \$1650. The Commissioners gave their concurrence for the use of these funds as requested by Mr. Raum.

HELEN FARMETTES SUBDIVISION

Present: Israel Swarey, Developer
Jim Kenney, Attorney
Francis Abell
John Norris, County Engineer

Mr. Swarey appeared before the Commissioners to discuss an intersection alignment problem of the Helen Farmettes Subdivision; namely, Foley Mattingly Road and St. Thomas Drive.

After discussion, Commissioner Millison made a motion to approve the record plat of Helen Farmettes Subdivision with the provisions:

1. that Foley Mattingly Road be reconstructed in accordance with the approved plans;
2. that in the event the County cannot secure construction easements from the adjoining property owners within six months, the road shall be redesigned by Mr. Swarey utilizing a portion of Lot No. 1 of the Helen Farmettes Subdivision;
3. that there be a stipulation made on the record plat noting the potential encroachment of the construction of the road on Lot No. 1 and that area be reserved for the construction.

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

LOT 52 (HELEN ESTATES SUBDIVISION)

Present: Israel Swarey, Developer

With regard to past discussions concerning Mr. Swarey's offer to purchase Lot 52 of Helen Estates back from the County, Commissioner Dean made a motion to accept the \$7500 from Mr. Swarey and to lift the restrictions to allow the change of designation of Recreation and Parks of Lot 52 in Helen Estates Subdivision, seconded by Commissioner Jarboe. All Commissioners voted in favor.

SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM

Commissioner Jarboe suggested that the Commissioners visit the two schools that have planning monies in this year's School Construction Capital Improvement Program; namely, Town Creek and Hollywood Elementary, and talk to the principals and view first hand the improvements needed. It was agreed that they would meet November 14 at Town Creek Elementary pending approval by Superintendent of Schools Dr. King.

PLANNING AND ZONING

Commissioner Jarboe suggested that the Director of Land Use and Development appear before the Commissioners next week to discuss the various aspects and problems of planning and zoning in the County.

ECONOMIC IMPACT FEE AGREEMENT (DRUM CLIFFS)

The County Administrator presented the Economic Impact Fee Agreement by and between Joseph S. Mattingly and Theresa L. Mattingly setting forth the method of payment of the economic impact fee for Drum Cliffs Subdivision, containing five lots.

Commissioner Jarboe made a motion to accept said Economic Impact Fee Agreement, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

HISTORIC DISTRICT COMMISSION

Commissioner Dean made a motion to appoint Mrs. Mary Combs Barber to the Historic District Commission for a term beginning July 1, 1977 and ending June 30, 1979, seconded by Commissioner Parlett. All Commissioners voted in favor.

COMMUNITY COLLEGE ADVISORY COMMITTEE

Commissioner Dean made a motion to appoint Captain John G. Wissler to the Community College Committee, seconded by Commissioner Parlett. All Commissioners voted in favor.

REGION II BOARD (GOVERNOR'S COMMISSION ON LAW ENFORCEMENT)

Commissioner Jarboe made a motion to nominate Mrs. Mary Agnes Mitchell to serve on the Region II Board, Governor's Commission on Law Enforcement and the Administration of Justice, to replace Mrs. Pearl Lee, who has resigned, seconded by Commissioner Dean. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 78-10-406
MULTIPURPOSE SENIOR CENTER RENOVATION

The County Administrator presented the above-referenced clearinghouse project and recommended that it be forwarded to the State stating that it is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

SOIL CONSERVATION DISTRICT (SECRETARIAL SALARY)

Correspondence was received from the Soil Conservation District Chairman requesting certain increase in funding to provide a salary increase for the secretary at the Soil Conservation Office. The Commissioners reviewed the Budget Officer's recommendation as set forth in his memorandum dated October 26, 1977, and directed that since the SCD Board has maintained a cash balance from previous fiscal years the SCD Board could grant the salary increase out of cash balance funds if the SCD Board members so choose.

NAS FILMING

The County Administrator stated that the Naval Air Station is attempting to do a film on St. Mary's County and would like to film the Board of County Commissioners next week in front of the Courthouse.

MEMBERSHIP TO THE CHAMBER OF COMMERCE

Commissioner Millison made a motion to decline the invitation for the County to join the St. Mary's County Chamber of Commerce, seconded by Commissioner Dean. Two Commissioners voted in favor with Commissioners Jarboe and Parlett voting against and Commissioner McKay abstaining.

Commissioner Jarboe made a motion to join the Chamber of Commerce, seconded by Commissioner Parlett. Two Commissioners voted in favor, with Commissioners McKay, Millison and Dean voting against.

REZONING CASE NO. 76-5
GUYTHER-GILLAM

Present: Oliver Guyther
Robin Guyther
Ray LaBross, opponent
Jim Shewbridge, opponent

With regard to Mr. Guyther's proposal at the Commissioners' meeting of October 26, 1977 at which time he offered two alternatives if the Commissioners would withdraw their appeal of the Court's decision concerning the above-referenced rezoning case, Mr. LaBross and Mr. Shewbridge spoke in opposition to the rezoning and submitted a petition containing 137 signatures protesting the rezoning.

Mr. LaBross and Mr. Shewbridge stated that the residents of Indian Creek Estates want to maintain the integrity of the residential nature of the neighborhood and were therefore opposed to any additional commercial development in that immediate area as there is already a commercial center planned in the general vicinity about a mile away.

Mr. Guyther spoke in opposition to some of the statements made and stated that he could not see basing a decision on people wanting to keep it "as is."

After discussion, the Commissioners agreed to meet at the site on Saturday at 1:00 p.m. with Mr. Guyther and any other interested parties to go over once again the details of Mr. Guyther's proposal.

PAYROLL COMPUTERIZATION

Present: Joseph O'Dell, Budget Officer

The Commissioners reviewed with Mr. O'Dell the payroll computerization proposal, and Mr. O'Dell listed the improvements and advantages of this proposed system over the present

system. After discussion, the Commissioners directed that the Director of Finance appear before them next week in order to discuss his office's workload and the various problem areas, after which time the Commissioners would take action on this matter. Commissioner Millison stated that he would not be present next week but wanted to express his opposition to the computerized payroll program.

LEGISLATIVE PACKAGE

Present: Edward V. Cox, County Administrator

At this time the County Administrator reviewed the items of the Legislative Package with the Commissioners to determine which items to support and to do the necessary background work. Action was taken as follows:

Item No. I - Repair/Construction - Private Roads

Commissioner Jarboe made a motion to support this item, seconded by Commissioner Dean. All Commissioners voted in favor.

Item No. II - Sheriff's Salary

Commissioner Jarboe made a motion to support this item, seconded by Commissioner Parlett. All Commissioners voted in favor.

Item No. III - Prior Entry (Quick Take)

Commissioner Dean made a motion to support this item, seconded by Commissioner Jarboe. Four Commissioners voted in favor, with Commissioner McKay voting against.

Item No. IV - Bingo License

Commissioner Jarboe made a motion to support this item, seconded by Commissioner Parlett. All Commissioners voted in favor.

Item No. V - County Treasurer

Commissioner Dean made a motion to support this item, seconded by Commissioner Jarboe. All Commissioners voted in favor.

Item No. VI - Elected School Board

Commissioner Millison made a motion to support this item, seconded by Commissioner McKay. Two Commissioners voted in favor with Commissioners Parlett, Dean and Jarboe voting against.

Item No. VII - Financial Disclosure

Commissioner Millison made a motion to support this item, seconded by Commissioner Dean. All Commissioners voted in favor.

Item No. VII - Oil Refineries

Commissioner Millison made a motion to support this item, prohibiting oil refineries in counties on the shores of the Chesapeake Bay and/or its tributaries, seconded by Commissioner Jarboe. All Commissioners voted in favor.

Item No IX - Open Meetings

Commissioner Jarboe made a motion to support this item as amended, seconded by Commissioner Dean. Four Commissioners voted in favor, with Commissioner McKay voting against.

Item No. X - St. Mary's County Jail

Commissioner Dean made a motion to endorse this item in the amount of \$200,000, seconded by Commissioner Jarboe. All Commissioners voted in favor.

Item No. XI - Acquisition of Property

Commissioner Millison made a motion to support this item, seconded by Commissioner McKay. One Commissioner voted in favor, with Commissioners McKay, Dean, Jarboe and Parlett voting against.

Item No. XII - Definition of "Lending Institution"

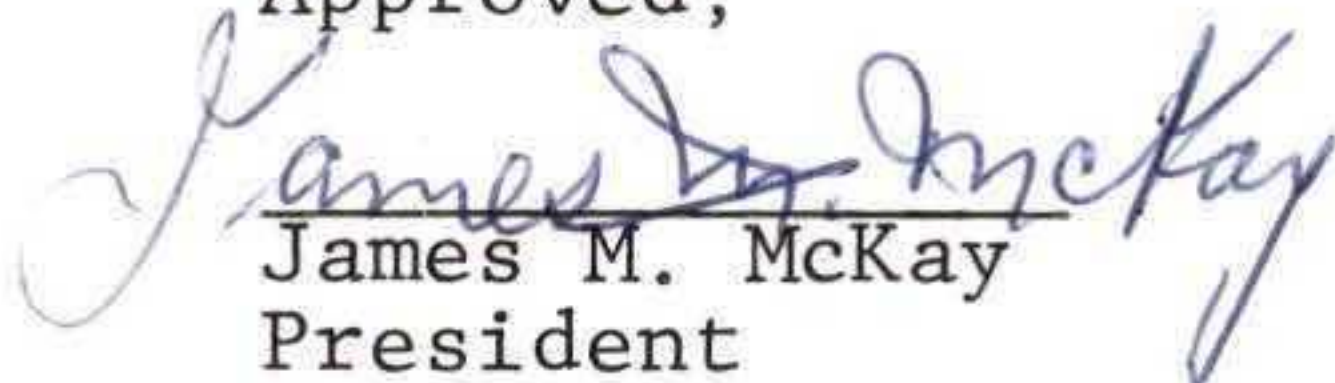
Commissioner Jarboe made a motion to support this item, seconded by Commissioner Dean. All Commissioners voted in favor.

Item No. XIII - County Zoning Ordinance/Referendum

Commissioner Jarboe made a motion not to support this item in that he would like to see the Board of County Commissioners get the planning and zoning for this county in order so that there can be a choice on good land use measures, seconded by Commissioner Dean. Four Commissioners voted in favor, with Commissioner Millison voting against.

The meeting adjourned at 6:45 p.m.

Approved,


James M. McKay
President