

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, August 16, 1978

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

The meeting was called to order at 8:55 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of August 9, 1978 were read and corrected. Commissioner Dean moved, seconded by Commissioner Jarboe, to approve the minutes as corrected. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: Joseph E. Bell, II, County Attorney  
Frank Gerred, Director, Land Use and Development

The Commissioners unanimously agreed to meet in Executive Session in order to discuss a matter of litigation. The Session was held from 9:25 a.m. to 9:45 a.m.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve payment of the bills as submitted. All Commissioners voted in favor.

FILLING OF COUNTY POSITIONS

PERSONNEL OFFICER  
HOUSING COORDINATOR

The County Administrator advised that because of resignations of two county positions, the staff is in the process of filling the positions of Personnel Officer and Housing Coordinator. After discussion of the selection process, the Commissioners directed that the Selection Committee narrow down the choice to three candidates, that the Commissioners be provided the resumes of these three individuals for their review, and that the Commissioners will indicate whether they want to interview the candidates.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

The County Administrator brought to the Commissioners' attention that a request has been received for a St. Mary's County representative to attend a



White House Conference on Small Business in September and that this representative should be a member of the community engaged in small business activities.

ALL FAITH EPISCOPAL CHURCH  
REQUEST FOR EXEMPTION TO BUILDING PERMIT FEE

The County Administrator presented correspondence dated August 9, 1978, whereby the All Faith Parish Church in Charlotte Hall requested a refund of the building permit fee in the amount of \$145.60 for the construction of an activities center. Inasmuch as All Faith Episcopal Church complies with the County's Resolution No. 75-53, Commissioner Parlett moved, seconded by Commissioner Jarboe, to grant the refund of \$145.60 to the church. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 79-7-91  
FEDERAL AID PROGRAM UPDATE #2

CLEARINGHOUSE PROJECT NO. 79-7-19  
NON-URBANIZED AREA TECHNICAL STUDIES AND  
STATE MANAGEMENT AND TECHNICAL ASSISTANCE

The County Administrator presented the two above-referenced clearinghouse projects and recommended that they be forwarded to the State with the comment that they are not inconsistent with this agencies plans, programs or objectives. The Commissioners gave their concurrence.

COOPERATIVE REIMBURSEMENT PROGRAM

On behalf of the State's Attorney, the County Administrator presented the Fiscal Year 1979 Cooperative Reimbursement Program Agreement for the Commissioners' review and approval. The Agreement is basically the same as last year's, but updated to reflect the new budget.

After review, Commissioner Parlett moved, seconded by Commissioner Dean to authorize Commissioner President McKay to sign said Agreement. All Commissioners voted in favor.

REPLACEMENT OF ANIMAL WARDEN VEHICLE

The County Administrator requested from the Commissioners authorization to employ a second animal warden via the CETA Program. If authorized, this second position causes possible reconsideration of the plan to replace the current animal warden vehicle with the funds budgeted for FY '79. After some discussion, the Commissioners agreed to employ a second animal warden via the CETA Program, as long as needed and directed the County Administrator to return with proposals as to providing two vehicles with the funds budgeted.



ST. MARY'S CITY SEWER LINE CONSTRUCTION PROJECT  
MATTAPANY ROAD

Present: Mike Marlay, Director, Metropolitan Commission  
Harry Knight, Metropolitan Commission  
Bob Kennedy, Metropolitan Commission  
Polly Barber, St. Mary's City Commission  
Burt Kummerow, St. Mary's City Commission  
John Norris, County Engineer

Mr. Marlay explained that the purpose of this meeting was to discuss the status of the referenced project in relationship to the provisions of the Agreement between St. Mary's Metropolitan Commission and the State of Maryland and stated that bids were opened August 7 for the sewerage project and Mattapany Road Work. This was the second bid opening on this project in hopes of receiving more bids; however, only two bids were received. The Metropolitan Commission is not prepared to award the bid at this time in that they were trying to arrive at a decision whether to reject the bids again, or accept one of the bids before them, and also they would like to obtain direction from the County Commissioners whether to go with road repair or reconstruction.

Mr. Norris indicated that the bids were too high for road repair and for road reconstruction. Discussion ensued as to whether this part of the project could be extracted from the project to be done under a county contract without jeopardizing the grant funds. Mr. Knight explained that since the road portion was an alternate part of the bid, it would not affect the grant funds.

Mrs. Barber stated that St. Mary's City Commission has no objection to the road work, but they would like for Mattapany Road to maintain a rural or colonial atmosphere.

In conclusion, it was agreed that Mrs. Barber should advise what type of surface treatment was desired in order to keep the proper atmosphere, after which time the County Engineer would analyze the consultant's estimates, work up various cost estimates for road repair and road reconstruction and then return to the Commissioners with a recommendation whether to go with road repair or road reconstruction and whether to accept or reject the bids as presented today.

ELMS PROPERTY LEASE

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented correspondence dated August 11 from Maryland Energy and Coastal Zone Administration recommending two changes in the approved proposed Elms property lease. After review, Commissioner Dean moved, seconded by Commissioner Parlett, to concur with the changes in the Elms property lease with the Department of Natural Resources as set forth in the August 11 letter. All Commissioners voted in favor.



BIDS ON BOAT LAUNCHING RAMP ON SMITH'S CREEK AT ST. INIGOES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett stated that bids were received on the above-referenced project and it was his recommendation to award the bid to Richard Brown Associates for the preparation of site analysis, preliminary site plan and engineering documents at a cost of \$980 plus \$15 per hour for inspection, if required. Commissioner Jarboe moved, seconded by Commissioner Parlett, to accept this recommendation and award the bid to Richard Brown Associates in the amount of \$980. All Commissioners voted in favor.

PRESS CONFERENCE

Present: Sunny Schust, Enterprise  
Ingrid Buehler, Beacon  
Florence Ballangee, Beacon  
Dave Fox, WKIK

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

REZONING HEARING

CASE NO. 78-113 - SAMUEL M. BAILEY, JR. (D.J.'S ONE STOP SHOP)

Present: Samuel Bailey, Jr., applicant  
Oliver Guyther, attorney for applicant )  
Michael Harris, " " " )  
Phillip Bailey, co-owner of One Stop Shop )  
Eddie Burroughs, CPA )  
Robin Guyther, analyst ) Witnesses for the  
Nick Smith, Chamber of Commerce ) applicant  
Andrew McWilliams, tax assessor )  
Ben Burroughs, Jr., developer )  
Raphael Long, former owner of Try-Me Tavern )  
Al Gatton, owner of Hills Club )  
John Curley, General Manager of Besche Oil )  
William Wood, Wood's Paint Store )  
Other interested citizens (proponents of the applicant  
  
Floyd Williams )  
Charles Trawick ) opponents to application  
  
Frank Gerred, Director, Land Use and Development  
Joyce Nelson, Recording Secretary

(Because of the large number of people in attendance for this hearing, the hearing was relocated at the Leonardtown Middle School).

Application was made by Samuel M. Bailey, Jr., to have approximately 2.4 acres located on Md. Rt. 5, Fifth Election District, rezoned from Ar-2 (Agricultural Residential) to C-2 (Commercial).



The complete record and tape of the proceedings are on file in the Office of Land Use and Development.

(The Commissioners returned to the conference room at 4:00 p.m. to continue the remainder of their meeting.)

PROPOSED AMENDMENT TO STATEMENT OF POLICY FOR SPECIAL TAXING DISTRICTS

Commissioner Jarboe stated that Golden Beach Subdivision and the original section of Spring Valley Subdivision differ from all other potential Special Taxing Districts in the following ways:

1. Both subdivisions were approved by St. Mary's County Government for public streets;
2. Both subdivisions had road plans approved by St. Mary's County Government;
3. In both of these subdivision, St. Mary's County government failed to require adequate bonding;
4. In both of these subdivision, St. Mary's County failed to require and insure proper construction of these roads through enforcement of county regulations.

Therefore, Commissioner Jarboe moved, seconded by Commissioner Parlett to amend the Statement of Policy for Special Taxing Districts as follows:

"In those subdivisions with substandard roads which were approved for public roads and which were intended to be brought into the County Highway Maintenance System and road plans were approved by St. Mary's County and in which the St. Mary's Government failed to require adequate bonding and failed to insure proper construction of the road in accordance with submitted and approved plans, the County will assume responsibility for the interest on the money needed for proper construction to the standards in existence at the time the plans were approved either by budgeting the money needed or by paying the interest." All Commissioners voted in favor.

SENIOR SERVICES CORRDIRINATOR  
APPLICABILITY TO FEDERAL HATCH ACT

Present: Agnes C. (Billye) McGaharn, Senior Services Corrdinator

With regard to previous discussion concerning whether the Federal Hatch Act applies to Mrs. McGaharn, Mrs. McGaharn read a prepared statement indicating that having considered the various alternatives available to her as an employee covered by the Hatch Act, she has decided to withdraw her candidacy for the Senator of the State of Maryland.



COMMISSION ON AGING  
TITLE III GRANT REVISION

Present: Agnes C. McGaharn, Senior Services Coordinator

Mrs. McGaharn presented revised Title III Grant and explained the general provisions of same stating that the Budget Officer had reviewed and approved its submission. The Title III Grant figures are as follows:

Total Grant - \$31,532 (federal - \$23,649; non-federal - in Title III - \$7,883; outside Title III - \$7,952 - totalling \$15,835).

Actual Budget Costs - \$40,984 (federal - \$23,649; non-federal - \$15,835; project income - \$1,500).

After some discussion concerning county match and continuation of the project at its current level, Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve the submission of the Title III grant revision as submitted. All Commissioners voted in favor.

Alice V. Bailey became the recorder of the minutes at this time.

LAND O'LAKES - SECTION ONE

Present: Robin Guyther  
John Norris, County Engineer

Robin Guyther appeared before the County Commissioners to explain the difficulties related to the completion of road construction and meeting the time schedule set forth by the County Commissioners. The two principal problems have been unfavorable weather conditions and the unavailability of the road contractor. Mr. Guyther stated that it was his intention to complete the road work in Section (1) by the end of this construction season, and that he would attempt to secure a letter of credit from the Mercantile Mortgage Corporation in the amount certified by the County Engineer to be sufficient to protect the county's interest.

BIG OAKS SUBDIVISION

The letter of understanding that was to be drafted by the County Commissioners with regard to the meeting of August 9, 1978 on Big Oak Subdivision will be prepared by Commissioner Dean and brought back before the Board at next week's meeting for their review.

COUNTY ENGINEER - ROAD INSPECTOR

Present: John Norris, County Engineer

Mr. Norris stated that there were several projects underway, and it has become necessary to obtain an inspector for a short period of time, approximately 7 to 10 days or one of the projects would have to be delayed. The Commissioners authorized Mr. Norris to take the necessary steps to keep



the projects ongoing; that being, obtaining a temporary inspector.

GRANT - HOME DELIVERED MEALS

Present: Edward V. Cox, County Administrator

Mr. Cox presented the Notification of Grant Award for Home Delivered Meals in the amount of \$400.00 and stated that this application has already been approved by the Board and at this time was requesting authorization for the signature of the President.

The Commissioners were in agreement as to execution, and so signed.

CLAIM AGAINST JAMES E. HICKS - HICK'S DRIVE

Present: Edward V. Cox, County Administrator

Mr. Cox presented a Statement of Claim against James E. Hicks for the failure to execute performance on Hick's Drive, Route 234, Leonardtown. The Performance Bond is in the amount of \$1,600.00 After review by the Board the President was authorized to execute said legal document, by a motion made by Commissioner Dean, seconded by Commissioner Jarboe. All Commissioners voted in favor.

RECLASSIFICATION APPROVALS

Present: Edward V. Cox, County Administrator

Mr. Cox stated that the personnel procedures for the certain reclassifications had been completed as explained by memorandum from the Personnel Officer dated August 16, 1978.

Commissioner Dean made a motion to approve the reclassifications as follows:

Nancy Hutson, Office of County Engineer from Grade 7.4 to 8.4 Secretary II, effective August 21, 1978;

Linda Delozier, Office of Recreation and Parks from Grade 7.6 to 8.6 Secretary II, effective August 21, 1978;

Cynthia Pilkerton, Office of County Engineer from Grade 6.3 to 7.3 Secretary I, effective August 21, 1978, seconded by Commissioner Jarboe. All Commissioners voted in favor of the reclassification of Nancy Hutson and Linda Delozier. As to Cynthia Pilkerton Commissioner Parlett abstained with the remaining Commissioners voting in favor. Motion carried.

CAL ACRES SUBDIVISION

The developer of Cal Acres was to have appeared before the Commissioners this date and it was requested that the Commissioners' office be in contact with this developer to have the meeting rescheduled.



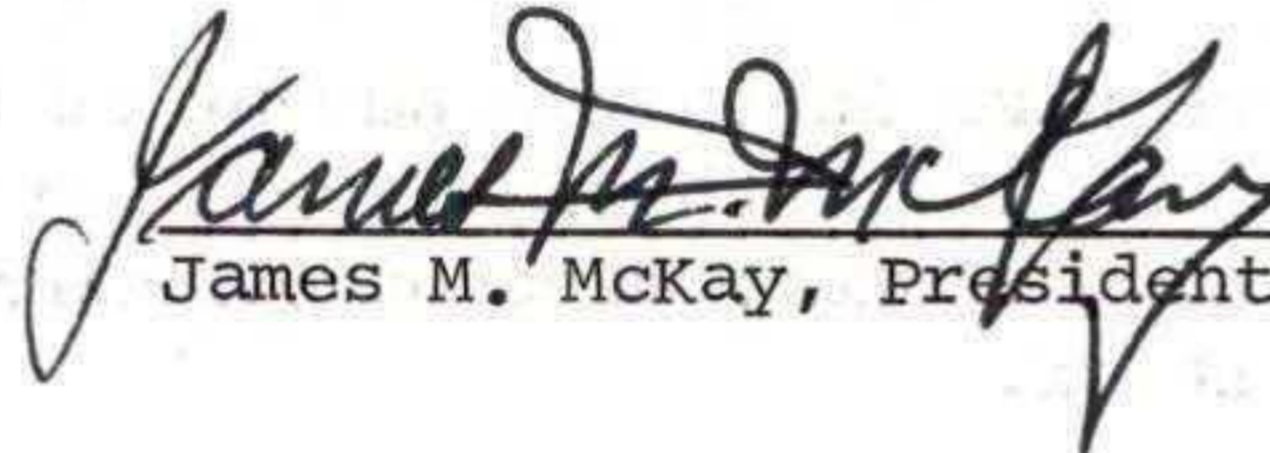
LENNY'S REZONING

The Commissioners requested that decision for the above rezoning case be placed on the agenda as soon as possible.

EXECUTIVE SESSION

Commissioner Jarboe made a motion to go into executive session to discuss personnel, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion. The Executive session began at 5:28 and it was stated that the Commissioners' meeting would not reconvene after the completion of the execution session.

Approved,

  
James M. McKay, President