

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, November 1, 1978

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

(Commissioner Millison was not present at the beginning of the meeting.)

The meeting was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of October 25, 1978 were read and corrected. Commissioner Parlett moved, seconded by Commissioner Dean, to approve the minutes as corrected. All Commissioners present voted in favor.

(Commissioner Millison entered meeting - 9:30 a.m.)

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Millison moved, seconded by Commissioner Parlett, to approve payment of the bills, as submitted, with the exception of Voucher No. 20471. All Commissioners voted in favor. Commissioner Dean moved, seconded by Commissioner Parlett, to approve Voucher No. 20471. Four Commissioners voted in favor with Commissioner Millison abstaining.

OFFICE OF LAND USE AND DEVELOPMENT
HUD 701 FUNDING

The County Administrator presented a memorandum from the Office of Land Use and Development advising that HUD 701 funds are being made available and it was the Planning Commission's recommendation to request these funds for a study of Lexington Park.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Parlett to authorize Commissioner President McKay to sign a letter to Maryland Department of State Planning for a review of the County's eligibility for HUD 701 Planning Funds. All Commissioners voted in favor.

ACCEPTANCE OF DEED
PINE STREET - OAKLAND ACRES, SECTION TWO

On behalf of the County Engineer, the County Administrator presented a Deed dated September 26, 1979 by and between Robert E. Fastnaught, Jr. and Carole V. Fastnaught and the County Commissioners of St. Mary's County, conveying Pine Street in Oakland Acres Subdivision, Section Two, to the County.

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Commissioner Dean moved, seconded by Commissioner Parlett, to accept said Deed. All Commissioner voted in favor.

ROAD RESOLUTION NO. R 78-9
PINE STREET - OAKLAND ACRES SUBDIVISION

On behalf of the County Engineer, the County Administrator presented Road Resolution No. 78-9 designating Pine Street as a Stop Street where it intersects with Oaks Coskey Swamp Road. Commissioner Dean moved, seconded by Commissioner Parlett, to approve said Road Resolution. All Commissioners voted in favor.

RAILROAD RIGHT-OF-WAY AGREEMENT
BAPTIST CHURCH ROAD

The County Administrator presented an Agreement dated October 4, 1978 by and between County Commissioners of St. Mary's County, Southern Maryland Electric Co-op and C&P Telephone Company regarding crossing the railroad right-of-way at Baptist Church Road in Mechanicsville. After review, Commissioner Dean moved, seconded by Commissioner Jarboe, to approve said Railroad Right-of-way Agreement. All Commissioners voted in favor.

FIFTH DISTRICT PROPERTY ACQUISITION

A Deed dated September 7, 1978 by and between John T. Walker and Millard F. West, Jr., Charles A. Perry and Board of County Commissioners of St. Mary's County was presented for acceptance by the County Commissioners to confirm the acquisition of 91.588 acres in the Fifth Election District, part of which will be used for the proposed new Fifth District Elementary School. The settlement was conducted by the County Attorney.

Commissioner Parlett moved, seconded by Commissioner Jarboe, to accept said Deed. All Commissioners voted in favor.

In addition, the Commissioners appointed the County Administrator as property manager and directed him to effect the conveyance of the 15 acre school site to the Board of Education.

NOTICE OF SURPLUS PROPERTY
POINT LOOKOUT LIGHT STATION

The County Administrator presented a notice by General Services Administration that a portion of Point Lookout Light Station consisting of 0.058 acre has been declared surplus Government-owned property and it was recommended that it be indicated to GSA that St. Mary's County has no interest in this property. The Commissioners concurred and directed the County Administrator to prepare a response to GSA indicating this and recommending that the State acquire the property.

RESPONSE TO PETITIONERSROSECROFT ROAD, LUCAS COVE ROAD AND DUTCHMAN'S POINT ROAD

The County Administrator presented a response to the Petitioners relative to the inclusion of the referenced roads in the Resurfacing Program explaining the County's process for such inclusion. The Commissioners agreed to sign and forward said letter.

RESPONSE TO PETITIONERSMILL POINT ROAD

The County Administrator presented a response to the Petitioners requesting reconstruction of Mill Point Road explaining the County's procedure for inclusion in this program. The Commissioners agreed to sign and forward said letter.

ORDINANCE NO. 78-63DEPARTMENT OF TRANSPORTATIONCOUNTY TRANSPORTATION BONDSFIRST ISSUE, SECONDED SERIES

Having conducted a public hearing on October 18, 1978 on the referenced Ordinance, relative to the County's participation in the State Highway bond issue, the County Administrator presented an Agreement and Ordinance for the Commissioners' review and signatures.

After review, Commissioner Parlett moved, seconded by Commissioner Dean, to approve and adopt Ordinance No. 78-63 entitled "Department of Transportation, County Transportation Bonds, First Issue, Second Series" and further to approve the Agreement dated July 7, 1978 by and between Department of Transportation of Maryland and the County Commissioners of St. Mary's County. All Commissioners voted in favor.

NURSING HOME ACCESS ROADDEED AND EASEMENT AGREEMENT

The County Administrator presented the Right-of-Way Easement by and between Norman A. Norris and Ellen R. Norris and the Board of County Commissioners allowing the County to enter property for the construction of drainage improvements in conjunction with the construction of the access road to St. Mary's Nursing Home. Also presented was the Deed dated October 6, 1978 by and between Norman A. Norris and Ellen R. Norris and the Board of County Commissioners of St. Mary's County conveying certain land for the Nursing Home access road.

Commissioner Parlett moved, seconded by Commissioner Jarboe, to accept said Deed of Conveyance and Easement Agreement. All Commissioners voted in favor.

BOARD OF SUPERVISOR OF ELECTIONS

Relative to the Commissioners' request for additional information concerning the request by the Board of Supervisor of Elections for an additional full-time position, the County Administrator presented a memorandum to the Commissioners explaining the personnel situation in this office and stating that the Commissioners' decision is a matter of accepting or rejecting the funding responsibility for the requested position.

After discussion, the Commissioners directed that a meeting be arranged for the Board of Supervisor of Elections to appear with the County Commissioners.

SOLID WASTE LANDFILL - NAVAL AIR STATION

In response to a request from the Naval Air Station, the County Administrator presented a letter to the Public Works Officer, NAS, issuing an affirmative statement that St. Mary's County Government does not oppose the issuance of a permit to construct and operate a solid waste landfill on NAS. The Commissioners agreed to sign and forward said letter.

APPOINTMENT

COMMISSION FOR WOMEN

Commissioner Dean moved, seconded by Commissioner Parlett, to appoint Timmerman Tepel Daugherty to the Commission for Women for a term to expire June 30, 1981. All Commissioners voted in favor.

COUNTY ENGINEER'S OFFICE

RECLASSIFICATION - ENGINEER ASSOCIATE

The County Administrator presented a memorandum from the Personnel Officer recommending the reclassification of the Engineering Associate position, Grade 14 to Highway Engineer IV, Grade 15, as approved by the State Classification Analyst.

Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve this reclassification and that the proper selection process be initiated. Four Commissioners voted in favor, with Commissioner McKay voting against.

RECLASSIFICATIONS

SECRETARY TO THE COUNTY COMMISSIONERS

SECRETARY TO THE COUNTY ADMINISTRATOR

The County Administrator presented a memorandum from the Personnel Officer stating that inasmuch as the County Commissioners on October 4 approved the reclassification of the referenced positions from Secretary II, Grade 8 to Secretary III, Grade 9, and that these positions were advertised as promotional opportunities with only the incumbents making application, it was recommended that Judy Mullins, Secretary to the County Commissioners be promoted from Grade 8-6 to Grade 9-6 and Alice Bailey, Secretary to the County Administrator, from Grade 8-3 to Grade 9-3, as recommended by their supervisors, effective November 6, 1978. Commissioner Parlett moved, seconded by Commissioner Dean, to approve the referenced reclassification. All Commissioners voted in favor.

FUNDAMENTALS OF SANITARY LANDFILLS COURSE
COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum from the County Engineer requesting funds for the cost to cover books and tuition for Howard Adams and Jay McGrath to attend the Fundamentals of Sanitary Landfills course being offered by the Charles County Community College. After discussion, the Commissioners directed that the County Engineer provide additional information prior to making a decision.

CASH IN LIEU OF LAND - RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks
Judy Roa, Chairman, Recreation and Parks Board
Bert Fenwick, Recreation and Parks Board

Mr. Baggett discussed with the Commissioners the enabling legislation whereby the County can accept cash in lieu of land for recreation space and therefore presented a proposed resolution setting forth the method of payment of this fee, which Mr. Baggett recommended to be \$300 per dwelling unit. In addition Mr. Baggett distributed charts showing proposed fees using \$200, \$300 and \$400 per dwelling unit allowing 1300 square feet per dwelling unit. The money collected would be set aside for property acquisition, park development or maintenance of parks.

Prior to making a decision on this matter, the Commissioners directed Mr. Baggett to do the following:

1. Develop a policy statement as to use of the funds obtained;
2. Develop an accounting procedure;
3. Distribute proposal to developers for comments.

AUDIT REPORT PRESENTATION

Present: Joseph O'Dell, Budget Officer
Harris Sterling, Director of Finance
Bill Anderson, Wooden & Benson - auditor
Noel Cervino, Wooden & Benson - auditor

The above-referenced representatives from the auditing firm of Wooden & Benson appeared before the Commissioners to present the 1977-78 County Audit. After the presentation, the Commissioners approved the distribution of the Press Release relative the Audit and that the Audit Report be made available to the public.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, Enterprise
Dave Fox, WKIK
Ingrid Buehler, Beacon

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

CAMPAIGN MATERIAL - COUNTY-OWNED VEHICLES

Present: J. Claude Jarboe, Taxpayers Assoc.
T. Webster Bell
Charles Mattingly

The above individuals presented correspondence to the Commissioners requesting a determination as to the appropriateness of deputies placing campaign advertisements on county-owned patrol vehicles relative to the inclusion of the Sheriff's Department personnel in the county merit system. The issue was resolved when an announcement was made that the Sheriff had directed the deputies to remove the campaign material.

REZONING HEARING DISCUSSION

CASE NO. 77-127

HAROLD A. AND MARGARET DUFFY

Present: Frank Gerred, Director, Land Use and Development
Mr. and Mrs. Duffy, applicants
Neal Myerberg, Attorney for applicant
Mr. LoMedico, opponent
Mr. William Garland, opponent

The Commissioners conducted a public hearing on March 15, 1978 on the application of Harold A. and Margaret Duffy to have approximately four acres off of Md. Rt. 415, property known as Scotland Beach Hotel, First Election District rezoned from R-1, Rural Residential to CM. Commercial Marine. On March 29, 1978, the Commissioners agreed to refer this case back to the Planning Commission for the development and consumation of contract agreeing to no commercial development on Tanner Creek.

Therefore, Mr. Gerred presented to the Commissioners a draft Agreement by and between the Planning Commission and Harold A. and Margaret Duffy setting forth certain restrictions on the referenced property.

Mr. Gerred suggested that a better method of handling this matter may be the allowing of conditional zoning which is proposed in the housekeeping amendments of the Zoning Ordinance yet to be adopted by the Commissioners.

After discussion of the Agreement, Commissioner Jarboe moved, seconded by Commissioner Dean, to request the County Attorney to draft the appropriate Resolution for review by the Board of County Commissioners setting forth the findings of fact approving the rezoning application from R-1 to

CM, on the basis of mistake in the original zoning inasmuch as similar areas were zoned Commercial Marine and this property was left with a non-conforming use and because of its geographic location and the fact that the property has been in commercial use for several decades and further on the basis of the Planning Commission's approval and the requirements placed by the Planning Commission.

After discussion of the motion, Commissioner Jarboe agreed to withdraw the motion for one week in order to allow adequate opportunity for all concerned parties to review the documents pertaining to the case.

SPRING VALLEY SUBDIVISION SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer

Mr. Norris reviewed with the Commissioners the project costs and assessment rates in preparation for this evening's meeting at Esperanza Middle School relative to the formation of a special taxing district for road improvements in Spring Valley Subdivision.

ADDENDUM TO PUBLIC WORKS AGREEMENT
STONEY RUN SUBDIVISION

Present: John Norris, County Engineer

The County Engineer presented an Addendum to the Public Works Agreement which was entered into by and between Wayne Wise and the Board of County Commissioners of St. Mary's County; said addendum extending the deadline for the completion of streets and roads in Stoney Run Subdivision to October 28, 1979. Also presented was the amended irrevocable letter of credit from First National Bank.

Commissioner Dean moved, seconded by Commissioner Jarboe, to approve said Public Works Addendum and amended irrevocable letter of credit. All Commissioners voted in favor.

PROJECT NO. SM 79-5-1
BIDS ON TRACK-TYPE TRACTOR

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet on the referenced project with bids as follows:

Alban Tractor	-	\$79,866
		30,000 (less trade-in)
		<u>\$49,866</u> (bid price)

Commissioner Jarboe moved to accept the County Engineer's recommendation and award the bid to Alban Tractor, seconded by Commissioner Parlett. All Commissioners voted in favor.

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PROJECT NO. SM 78-5-6
ALL PURPOSE METAL BUILDING

Present: John Norris, County Engineer

Mr. Norris presented the bid talley sheet for the referenced project with bids as follows:

Bates & Associates	-	\$33,650.00
Whalen & Purdy, Inc.	-	\$43,087.00

After review of the bids, Commissioner Jarboe moved, seconded by Commissioner Parlett, to accept the bid from Bates & Associates, the lowest bidder, in the amount of \$33,650. All Commissioners voted in favor.

CHANGE OF ROAD NAME
CREEK ROAD TO FINNACOM ROAD

Present: John Norris, County Engineer

Mr. Norris stated that the County received a petition requesting change of the name of Creek Road to Finnacom Road in the Tall Timbers area and therefore requested authorization for Commissioner President McKay to sign the appropriate Resolution. Commissioner Millison moved, seconded by Commissioner Dean, to approve the change of name as requested and authorize Commissioner President McKay to sign appropriate documents. All Commissioners voted in favor.

SCHOOL BUS TRANSPORTATION

Present: Paul Raley, Director, Purchasing and Logistics
Joseph P. O'Dell, Budget Officer

Mr. Raley presented to the Commissioners a memorandum setting forth comparisons for school bus transportation for public and private schools. Mr. Raley noted that review of the two systems shows that private school bus contractors do not have the same liability insurance coverage afforded public bus contractors; pay for their insurance coverage whereas the public school bus contractors do not; and do not receive payment for physical examinations whereas the public school bus contractor is allowed \$20 for each examination.

The Commissioners requested Mr. Raley to determine the appropriate limits of liability coverage and to assist in bringing both systems under the same limit of coverage.

The Commissioners also directed that a plan be developed to compensate equally the contractors for both the public and private school systems, especially in regard to insurance payments and medical examinations so that contractors for the two systems would receive equal compensation.

The topic of the interpretation of the legislation authorizing transportation for private schools was introduced by Mr. O'Dell who indicated

that the Attorney General's Office was prepared to issue an opinion concerning this matter. The Commissioners requested that correspondence be forwarded to the Attorney General's Office requesting this interpretative opinion.

After some discussion as to the advisability of combining the school bus transportation systems, the Commissioners directed the County Administrator to prepare correspondence for their signatures announcing the formation of a study committee to examine the costs and service effects of a combined system.

PURCHASING SYSTEM

Present: Paul Raley, Director, Purchasing and Logistics
Joe O'Dell Budget Officer

With regard to the Commissioners' inquiry regarding Resolution No. 76-32 "Purchasing Agent-Purchasing System", Mr. Raley reviewed with the Commissioners the progress of the purchasing system being implemented through his office and displayed the various forms that are presently being used. He stated that prior to the development of the Purchasing Manual, the inventory and the preparation of additional forms must be completed, and that the establishment of a set of purchasing policies and procedures involved many difficulties.

The Commissioners requested Mr. Raley to contact Maryland Technical Advisory Service and Tri-County Council to seek assistance in resolving these difficulties and to establish as soon as possible a manual of policies and procedures, however brief, so that the purchasing process can be implemented.

DISCUSSION SESSION

AMENDMENT TO COMPREHENSIVE LAND USE PLAN TO INCLUDE RURAL SERVICE CENTERS

ZA #78-219 - AMENDMENT TO ZONING ORDINANCE TO PROVIDE FOR RURAL SERVICE CENTERS

ZA #78-220 - COMPREHENSIVE REZONING OF THE CALLAWAY NEIGHBORHOOD

FROM AR-2 TO RSC (RURAL SERVICE CENTERS)

ZA #78-130 - MARY O. CALLAWAY

ZA #78-132 - ELIZABETH PHILLIPS

The Commissioners continued their discussion session on the referenced matters from October 18, and discussed the similarities and differences between the proposed Rural Service Centers and the concept of the Community Service Centers as embodied in the Comprehensive Land Use Plan. After discussion, Commissioner Dean moved, seconded by Commissioner Jarboe, to amend the Comprehensive Land Use Plan to include the Callaway area in the list of Community Service Centers. All Commissioners voted in favor.

Prior to a decision on the remaining referenced rezoning matters, the Commissioners agreed to further review the boundaries of the Callaway Community Service Center area and to continue discussion on same at next week's meeting.

In addition, Commissioner Dean suggested, with the Board's concurrence, that the Office of Land Use and Development, in concert ultimately with the Planning Commission and County Commissioners, take a look at the entire list and criteria for designating the Community Service Centers.

(Commissioner Millison left meeting - 5:15 p.m.)

ST. MARY'S COUNTY EMPLOYEES' ASSOCIATION
PURPOSE, AIMS AND GOALS

Present: Judy Bowles, Steering Committee
 Rubye Beaman, " "
 Nancy Hutson, " "

The above-referenced members of the Steering Committee for the St. Mary's County Employees' Association appeared before the Commissioners to explain the purpose of the Association and its proposed aims and goals. The Committee presented a memorandum dated November 1, 1978 setting forth concerns of the county employees for the Commissioners' consideration.

Included in the referenced memorandum is a list of five areas which the Steering Committee developed during work sessions that they felt needed immediate attention.

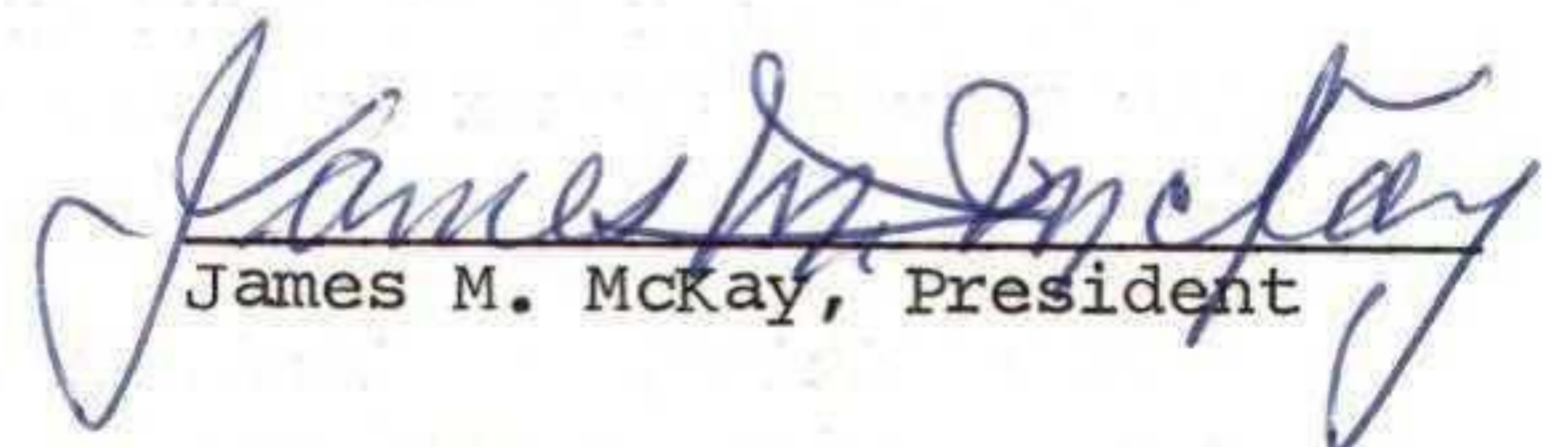
The Commissioners expressed their support of the various projects proposed by the Association and after discussion, Commissioner Dean moved, seconded by Commissioner Parlett, to authorize the St. Mary's County Employees' Association to receive 90% of the proceeds from the vending machines at the County Office Building, Governmental Center, to give sanction to the other four items listed in the November 1 memorandum and that the necessary details will be taken care of by the Association to implement this, and further that the Commissioners fully support use of the Governmental Center for meetings after hours. All Commissioners present voted in favor.

ZONING DECISION RESOLUTION NO. Z-78-4
SOUTHAMPTON INDUSTRIAL PARK, PD-IP DEVELOPMENT PLAN
CASE NO. 78-154

Having conducted a public hearing on October 4, 1978 on the request for approval of the development plan for approximately 58.2 acres, currently zoned PD-IP, Planned Development-Industrial Park, located three quarters of a mile south of the Main Gate of the Naval Air Station on the west side of Md. Rte. 235, Eighth Election District, Commissioner Jarobe moved, seconded by Commissioner Parkett, to approve Zoning Decision Resolution No. Z-78-4 and the Development Plan for Southampton Industrial Park. All Commissioners present voted in favor.

The meeting adjourned 5:35 p.m.

Approved,


James M. McKay, President