

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 9, 1974

Present: Commissioner J. Wilmer Bowles, President
Commissioner George R. Aud
Commissioner J. S. Guy, Jr.
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:30 a.m.

NURSING HOME PROJECT

Present: Chauncey Karstens, Chairman, Building Committee

Mr. Karstens presented a letter dated April 8, 1974 from the Nursing Home setting forth the negotiations with Mervell M. Dean, Inc. concerning the bid for the renovation of the Nursing Home project. Mr. Karstens stated that an additional \$140,000 would be needed from the County to meet the current total project cost. Revenue Sharing Funds will be used for this, if possible.

Commissioner Guy made a motion that the County provide an additional \$140,000 needed to develop the Nursing Home addition and the remodeling of same, and that said funds be subject to being encumbered from the existing budget or appropriated in the 1975 budget, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

READING OF MINUTES

The minutes of April 2, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of March 26, 1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

BILLS APPROVED

The following bills were approved by the Commissioners:

Enterprise, dated March 14, 1974, for Nursing Home bid advertisement - \$127.88;

Free State Surveying and Land Planning, Inc., dated Mar. 29, 1974, for centerline stake-out of Larredore Road - \$1,300.00;

Dale Cropper, Engineering Inspector, March mileage expenses - \$190.94;

John Norris, County Engineer, March mileage expenses - \$69.48;

Maryland School for the Blind, dated April 1, 1974, for half-year tuition beginning April 1, 1974 - \$400.00;

C & P Telephone Company, for construction work on St. Andrews Church Road - \$2,634.00;

Department of Health and Mental Hygiene, for adjustment in previous billing (see minutes of March 19, 1974) re patients at Crownsville and Clifton T. Perkins Hospitals - \$571.02.

STATE'S ATTORNEY'S OFFICE REQUEST FOR FUNDS FOR TRANSCRIPT

A memorandum was received from the County Attorney, Joseph Weiner, stating that it was not mandatory for the Commissioners to pay for the transcript in the court case, State of Maryland vs. Charles William Knott; however, he was of the opinion that it would be discretionary with the Commissioners to expend the \$200 for the transcript since the State's Attorney feels that he needs this to aid in the prosecution of the case.

Commissioner Aud made a motion that the County pay for the cost of the transcript at a cost of approximately \$200, seconded by Commissioner Bowles and made unanimous by Commissioner Guy.

LINDA DELOZIER - RECLASSIFICATION

A letter was received from Donald Tynes, Department of Personnel, approving the reclassification of Linda DeLozier, Recreation and Park's Office, from Secretary A to Secretary B, effective July 1, 1974. Commissioner Aud made a motion approving this reclassification, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

JAMES W. MATTINGLY
REQUEST FOR EASEMENT

A letter dated April 4, 1974 was received from Mrs. McCoy, Board of Directors, St. Mary's County Nursing Home, stating that Mr. James W. Mattingly of the IGA Foodliner in Leonardtown would like an easement from the County for a piece of property where his water hydrant is located on the Nursing Home property. Ed Cox is to determine the exact location of the hydrant and if it interferes with the Nursing Home.

SUPERVISOR OF ELECTIONS ANNUAL SEMINAR

A request was received from the Supervisor of Elections for funds in the amount of \$313.00 to cover expenses for the

attendance of Board members and office staff at the annual seminar of the Maryland Association of Election Officials scheduled May 17, 18 and 19, 1974. Commissioner Aud made a motion approving these funds, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

CONFISCATED AUTOMOBILES

Present: Paul Raley

Commissioner Bowles inquired of Mr. Raley what confiscated automobiles were being held at the State Road Garage. Paul Raley stated that the cases for the vehicles have not been heard in Court and some cases have been dropped. The Commissioners were of the opinion that the County should not be in the automobile business, and, therefore, requested Paul Raley to contact the County Attorney to develop procedures to either return or dispose of the vehicles. Paul Raley is to return next week with recommendations to the Commissioners.

Paul Raley stated that the following vehicles were being held at the State Road Garage: 1972 Fiat, 1963 Chevrolet, 1967 Ford Mustang and a 1973 Ford Pinto Station Wagon. Mr. Raley said that the Sheriff would like to keep the 1973 Ford Pinto Station Wagon (Serial No. 3T12X135786) for use by his Department. The Commissioners directed Paul Raley to sell the other three vehicles and keep the 1973 Pinto Station Wagon. Mr. Raley is also to sell the other three vehicles and keep the 1973 Pinto Station Wagon. Mr. Raley is also to sell the vehicle being used presently by the Sheriff, which the Pinto Station Wagon would replace. There is a lien in the amount of \$2,108.40 on the Pinto Wagon and the sale of the other vehicles would help defray this cost.

ASSISTANT FOR JOSEPH "SKIP" JONES, MECHANICAL MAINTENANCE SUPERVISOR

Ed Cox stated that after several interviews, the previous plan to utilize the Work Incentive Program to employ an assistant for Mr. Jones was not feasible and, therefore, he recommended that he and Paul Raley being proper procedures to hire a qualified person for this position (advertisement, interviews, etc.). Commissioner Aud made a motion to accept Mr. Cox's recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

OPTION TO PURCHASE PROPERTY (LOCATED BEHIND BETHUNE SCHOOL)

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented a Contract for Option to purchase property located behind Bethune School, Seventh Election District, between Southern Maryland Association, Inc. (owner of property)

and the St. Mary's County Commissioners. Mr. Baggett said the residents of the area are interested in a park in that vicinity. The total cost of the property, consisting of 63 acres, is \$51,000, or the appraised price, whichever is less. Mr. Baggett requested approval from the Commissioners to proceed with the Option and have appraisals made. Commissioner Bowles stated he would like to visit the site before making a decision. Mr. Baggett will arrange this before next Tuesday.

COMPREHENSIVE RECREATION AND PARKS PLAN

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett verified that Stewart Allen, consultant for the Comprehensive Recreation and Parks Plan, fulfilled his contract on the local level on the Plan and, therefore, requested the Commissioners to authorize Tri-County Council to release the final payment to Mr. Allen. Commissioner Guy made a motion to approve this request seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

Commissioner Guy made a motion that John Baggett draw up the necessary Resolution for the Comprehensive Recreation and Parks Plan and present same to the Commissioners for possible adoption, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

OFFICE FACILITIES FOR RECREATION AND PARKS ED ATKINS - RECREATION SUPERVISOR

Present: John Baggett

Mr. Baggett stated that Ed Atkins will have to vacate the office located at Great Mills High School in the near future. Mr. Baggett said he visited the flat tops at Lexington Park as a possible location for an office, however, Mr. Baggett was of the opinion that, with all the necessary repairs needed to the building, it would not be a good investment. He is to pursue other possibilities for relocation of Mr. Atkin's office.

BICENTENNIAL COMMISSION

Ed Cox stated that he and Harris Sterling, Finance Director, recommended that the Bicentennial Commission set up their own checking account and take care of their own funding system, because we do not do this service for other Commissions serving in this capacity. Commissioner Guy suggested that they reconsider this recommendation inasmuch as this Commission will grow to such great proportions over the next few years and it may be a good idea for the County to know exactly what is being done.

With regard to secretarial help for the Commission, Ed Cox stated that the Commission tape their own meetings and that our

office could provide secretarial help for transcribing the minutes, if necessary, and any letter writing that would be needed.

INTRODUCTION OF GERALD MCKINNEY, EXECUTIVE DIRECTOR - TCC

Present: John Schilling, Public Information Officer, TCC
Gerald McKinney, Executive Director, TCC

Mr. Schilling introduced Mr. McKinney to the Commissioners and Mr. McKinney explained his goals for the Council. He stated that he would like Tri-County Council to give direction instead of directives. He stated that the Council will provide staff for organizational efforts of the County Commissioners and other Commissions appointed by the County Commissioners.

Commissioner Aud inquired as to the status of a meeting between TCC and State Roads Commission with regard to State Route 235. Mr. McKinney said no meeting date has been set, but he would like to proceed in this matter. The Commissioners agreed.

The Commissioners then discussed the Regional Comprehensive Land Use Plan and advised Mr. McKinney that the Regional Plan should not be adopted until all three counties' plans have been completed. Mr. McKinney agreed.

THREE ACRE LOT REQUIREMENT
COMPREHENSIVE LAND USE PLAN

Present: Benjamin Burroughs, Jr.
Judge Philip Dorsey
Richard Arnold
Louis B. Mattingly
Joseph Weiner, County Attorney

Mr. Burroughs presented a form letter dated April 5, 1974 that had been distributed and signed by individuals who objected to the three acre lot requirement in the Agriculture Zone of St. Mary's County. Mr. Burroughs stated he represented some of the business people and property owners and voters in the northern part of the County. He stated that the northern part of the County has a right to grow as the rest of the County. Mr. Burroughs said that the Metropolitan Commission wanted that area to have a public water system; however, it was not financially possible with the three acre lot requirement.

Judge Dorsey said he supported the statements made by Mr. Burroughs and added that the northern part of the County has the best percable land in the County, and by having the three acre requirement, it would stop growth of an area that should be the largest growing area in the County.

Mr. Willard mentioned the possibility of spray irrigation for that area and Mr. Burroughs said he had looked into this and

was told that it takes 30 acres of land for spray irrigation to develop a shopping area of four acres.

Dick Arnold spoke in support of Mr. Burrough's letter and statements and stated that the three acre restriction would be a hardship for small land owners of the County.

Louis Mattingly said he also concurred with the other gentlemen and said he would like to be able to leave land for his children and grandchildren, but with the three acre requirement he would have nothing to leave them.

Mr. Burroughs mentioned the need for low-income housing in the northern area of the County and he had had plans for this; however, he will not be able to do this with the three acre requirement.

Mr. Willard explained that it is the Planning Commission's feeling that the Plan sets forth the best way for the County to grow.

It was decided that the County Commissioners would meet with the Planning Commission Tuesday, April 16, to discuss the Plan before making any decision for adoption.

NEWTOWN NECK

Present: Father Neuner, S.J.
 Father Zeits, S.J.
 Joseph Weiner, County Attorney
 Robert Willard, Planning Director

Father Neuner stated that the Jesuit Order is in the process of disposing of the property at Newtown Neck, which is designated as a recreational area in the Comprehensive Land Use Plan and the purpose of this meeting was to determine how the County's Plan will affect this property.

Commissioner Bowles stated that the County is required by law to develop a Comprehensive Recreation and Parks Plan, Land Use Plan, and Water and Sewer Plan. The information in the Comprehensive Recreation and Parks Plan.

Father Neuner asked if this restricted the use of the property.

Mr. Willard explained that the Land Use Plan is a book of goals. The Newtown Neck parcel is a parcel that Recreation and Parks would like to have in their park system and is recommended in their Park Plan. The waterfront protection area can be developed but under strict environmental protection standards. The Plan permits the area to be developed for residential use at one dwelling unit per acre or Planned United Development at 3.5 dwelling units per acre.

Father Neuner asked by this area being designated in the Plan for recreational use would it mean additional approvals would need to be obtained to proceed on any plans for development.

Commissioner Bowles explained that it would mean that Recreation and Parks would be advised of any interest in the proposed development and be given an opportunity to express their interest in the site and plans for said property.

Mr. Willard said he has been in contact with potential developers of this area, and they had asked what Recreation and Parks' interest was in the property. The Recreation and Parks Office informed them that they did not have the money at this time to purchase the property, but would like to have waterfront property in that area.

Commissioner Guy inquired if they had a potential purchaser who was negotiating with the Planning Office. Father Neuner said they did have.

Father Neuner and Father Zeits thanked the Commissioners for their time and information.

COMPREHENSIVE LAND USE PLAN

Present: Joseph Weiner, County Attorney

Mr. Weiner was requested by the Commissioners to determine if the Commissioners had the authority to amend the Land Use Plan and what time limit there was to do so.

BOARD OF EDUCATION

Present: Henry Kanowicz

Mr. Kanowicz came before the Commissioners on behalf of Dr. King, Superintendent of Schools, to report on the following:

1. Retirement system's attempt to compel the Board of Education to make some back payments which could amount to approximately \$11,000;
2. Extend an invitation to the Commissioners to attend a special conference to be held on the Eastern Shore, being sponsored by Superintendents Association April 19, 1974;
3. Report on the home built by students at the Tech Center which was recently sold. Mr. Kanowicz stated that definite procedures should be developed so that funds received from the sale of the homes built by the students could be used towards future home construction projects. Mr. Kanowicz is to work with Mr. McGlade, Comptroller, and Harris Sterling, Director of Finance, on this matter and they should return to the Commissioners with their recommendations.

ZONING CATEGORIES

Present: Robert Willard, Planning Director

Mr. Willard presented a memorandum dated April 8, 1974 with attached summation and general explanation of the various zoning categories that the Planning Commission has approved. Mr. Willard stated that his office is being left open until 6:00 p.m. each evening to answer questions anyone may have concerning zoning.

SECRETARY IN PLANNING OFFICE

Present: Robert Willard, Planning Director

Mr. Willard requested that Kathy Kennedy, the temporary secretary employed in his office, be allowed to have her employment extended until after the County Commissioners' public hearing on the zoning ordinance which will be held May 6, 1974. The Commissioners agreed that her employment be extended through the public hearing and whatever time necessary to transcribe minutes of the hearing. The Commissioners agreed to appropriate whatever funds necessary in order to provide salaries for this extension.

SUBDIVISION GUIDELINES

Present: Robert Willard, Planning Director

Mr. Willard presented a memorandum dated April 8, 1974 which states that during the interim period that the Subdivision Regulations are to be rewritten a definite procedure should be established so that the Planning Department and the public would have knowledge of the details and time involved between submission and approval.

Mr. Willard stated that he and John Norris, County Engineer, have reviewed the guidelines of the surveyors/engineers and that Mr. Norris was of the opinion that the 45 day clause (which would require each agency to respond in 45 days between preliminary and record plat approval) be stricken from the document. Mr. Willard said that Mr. Norris was of the opinion that this requirement would work a hardship on his office because of his workload.

Mr. Norris entered the meeting and in discussing the guidelines felt that the item in question should be changed to six months. Mr. Willard and Mr. Norris will discuss this and return to the Commissioners with their recommendations.

NON-CONFORMING SUBDIVISIONS

Present: Bob Willard, Planning Director

Mr. Willard submitted a memorandum dated April 8, 1974 setting forth procedures to handle non-conforming subdivisions.

REPAIR OF COURTROOM CEILING

Present: John Norris, County Engineer

John Norris stated that a proposal was received from Lawrence Pilkerton for the repair of the courtroom ceiling in the amount of \$6,732. Mr. Norris stated that Mr. Pilkerton did not want to commit himself to the penalty clause; however, John Norris recommended that the Commissioners accept this proposal. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

HEATING AND COOLING SYSTEM FOR LEXINGTON PARK HEALTH DEPARTMENT BUILDING

Present: John Norris, County Engineer

Mr. Norris recommended awarding the bid for the above project to Winter Sheet Metal in the amount of \$11,741. Commissioner Aud made a motion to accept Mr. Norris' recommendation and authorize Commissioner Bowles to sign the Contract, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

INSPECTION SERVICES FOR GOLDEN BEACH ROAD

Present: John Norris, County Engineer

Mr. Norris recommended that the Commissioners accept the proposal from Lorenzi, Dodds and Gunnill for the above. Commissioner Aud made a motion to approve the proposal subject to inspection fee not exceeding \$1,000 (amount deposited by developer) upon completion. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

SURFACE TREATMENT ROADS FOR SUMMER OF 1974

Present: John Norris, County Engineer

Mr. Norris submitted a list of the roads which are to receive resurfacing for the Summer of 1974.

CONTRACT FOR SALE OF RAILROAD TRACKS AND TIES

Present: John Norris, County Engineer

Mr. Norris stated that Midwest Steel (highest bidder) submitted a check representing the balance of their original bid (total bid was in the amount of \$240,100). After check has cleared with the bank, Mr. Norris is to return to the Commissioners for recommendations formally awarding the bid.

PROCEDURES FOR COUNTY ACCEPTANCE OF PERSONAL ROAD
CONSTRUCTION BONDS

Present: John Norris, County Engineer

Mr. Norris submitted proposed procedures for the above.

SMECO - REQUEST TO PURCHASE PROPERTY (ST. ANDREWS LANDFILL AREA)

Present: John Norris, County Engineer

John Norris stated that SMECO would like to purchase the existing easement of 100 feet plus an additional 50 feet from the County where the power line crosses St. Andrews Landfill. The Commissioners informed Mr. Norris that property cannot be sold without a public sale; however, an easement could be given for that area. John Norris is to contact SMECO for negotiations.

FAMILY SUBDIVISION (DAVID THOMPSON)

Present: Robert Willard, Planning Director

Mr. Willard stated that Mr. Thompson is requesting approval from the County Commissioners for a private road for the family subdivision located in the Sixth Election District.

Commissioner Aud made a motion approving the private road, privately owned, serving the residents and that the residents thereon will not request the County to take said road into the County system and should the owner ever desire that the road be taken into the County system, it would be constructed to County specifications and deeded to the County at no cost. This approval is given subject to the plat being returned to the Commissioners with the proper wording as set forth above. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

FAMILY SUBDIVISION (CHARLES LASCHALT)

Present: Robert Willard, Planning Director

Mr. Willard presented a plat for a family subdivision for Charles Laschalt, known as "Part of Ford's Discovery", Third Election District, and stated that the owner is requesting approval for the private road within the subdivision.

Commissioner Aud made a motion giving approval for the private road subject to the owner agreeing to the responsibility and liability for the road and subject to the plat being returned to the Commissioners with the proper wording setting forth his responsibility. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

SPECIAL ELECTION DATERE: STEUART REFINERY BILL (S. B. 389)

Commissioner Aud made a motion to set July 23, 1974 as the date for the Special Election for the Steuart Refinery Bill, subject to the bill being signed by the Governor and effected into law. This date was selected so as to allow for registration days for the primaries and also to allow the Oil Refinery Study Committee to complete their study. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

RECLASSIFICATIONS IN ASSESSMENT OFFICE

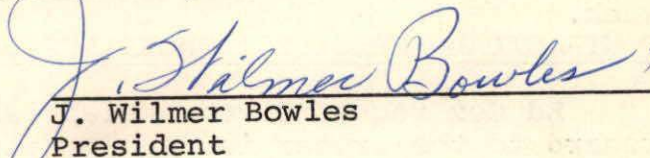
Mr. Donald Tynes, Commission of Personnel forwarded his recommendations for the reclassification of the following employees in the Assessment Office from Clerk Typist C to Secretary I: Ann Fowler, Margaret Yowaiski, and June Murray. Mr. William Lawrence, Supervisor of Assessments requested formal approval from the Commissioners for these reclassifications.

Commissioner Aud made a motion approving these reclassifications, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

EMPLOYMENT CONTRACT FOR JUDITH D. BOWLES

Ed Cox, as Personnel Officer, recommended the accepting and signing of the Employment Contract between the County Commissioners and Judith D. Bowles, Secretary to Judge Mattingly, for a term of three years commencing April 15, 1974 through April 14, 1977. Commissioner Aud made a motion to sign the Contract, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

The meeting adjourned at 6:00 p.m.

 7/23/74
J. Wilmer Bowles
 President