

BOARD OF COUNTY COMMISSIONERS' MEETING

June 11, 12, 1975

Wednesday, June 11, 1975

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

The meeting was called to order at 9:00 a.m. by Commissioner President McKay.

READING AND APPROVAL OF MINUTES

The minutes of June 4-5, 1975 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PRIVATE ROADS COMMITTEE

Present: Joseph Ernest Bell, II, County Attorney  
Col. Richard Ducote  
John Norris, County Engineer

Mr. Bell explained that several months ago, Col. Ducote appeared before the Commissioners regarding the Tower Hill Subdivision being serviced by a private road, making the Commissioners aware of the problem of private roads in the County, and therefore a committee was formed to study the problem.

Commissioner Dean distributed the report from the Committee stating that the Committee was to address the subject of private roads, not only with relation to Col. Ducote, but to the County in general.

The Commissioners agreed that a policy could be developed with regard to private roads for the future; however, it would have to be determined how to resolve situations that had occurred prior to this time.

The setting up of a taxing district was discussed, which would require the majority of the property owners on a private road to be in favor of bringing the road up to county standards and having them accepted into the County system.

The Commissioners were in agreement that Col. Ducote's situation would have to be considered on its own merits. Col. Ducote's primary request was that he be permitted to subdivide his 39 acre tract into approximately nine four acre lots. If not, he would like to divide the tract into three thirteen acre lots for himself and his two brothers. In addition, Col. Ducote requested that his two brothers be granted building permits.

The Commissioners advised Col. Ducote that they would make a decision on this matter by June 26, 1975.

HISTORIC DISTRICT COMMISSION

Present: Dave Roberts, Md. Historical Trust  
Richard Platt, Director, Land Use and Development

Mr. Roberts explained that the Md. Historical Trust may be doing some of the things that the Historic District Commission will be doing, such as identifying historic district areas. Mr. Platt stated that the Zoning Ordinance provides that the Historic District Commission would work with the Maryland Historical Trust.

It was suggested that two or three members of the Maryland Historical Trust could serve on the Historic District Commission.

In closing, Mr. Roberts stated he would provide the Commissioners with the register of historical places in St. Mary's County.

C & P TELEPHONE SURVEY FOR COURTHOUSE

Present: Paul Raley, Director, Adminis. and Logistic Services

Mr. Raley reviewed the survey report conducted by the C & P Telephone Company and explained the recommended changes in the various offices in the Courthouse.

The telephone company recommended five additional trunks to alleviate the busy condition at the switchboard and would put in the night service recorded message after 4:30, announcing that the courthouse is closed.

The Commissioners directed Mr. Raley to proceed to work with the C & P Telephone Company in making the necessary changes, keeping in mind that each department have adequate service without unnecessary expense. If any department has any questions pertaining to this, they may contact the Commissioners.



SOUTHERN MARYLAND RESIDENTIAL PROGRAM - WALDEN

Present: Dr. Pat Hawkins, Director, So. Md. Drug Abuse Program  
Jack Kershaw

Dr. Hawkins stated that federal money is being made available for the setting up of the Southern Maryland Residential Program for juvenile drug abusers; however, these funds do not allow for the construction or purchase of building facilities. Therefore, Dr. Hawkins requested \$12,000 from the County for the purchase of two trailers to be located at the Walden site which would be paid back to the County at \$6,000 a year. Dr. Hawkins stated that Charles County will be approached to contribute towards additional expenses.

Dr. Hawkins explained the Program stating that there will be ten residents - six boys and four girls. They are anticipating that they will be in residence from six months to a year, until they can be returned to a family situation or foster home.

Commissioner Jarboe made a motion to provide funding in an amount up to \$12,000 and that the possibility of other counties assisting in the funding will be explored, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

Mr. Cox Chief Clerk, will return to the Commissioners with a recommendation as to where the funds for this will be derived.

CLEARINGHOUSE PROJECTS

Present: H. D. McGlade, Comptroller

Mr. McGlade presented the following Clearinghouse projects, explaining the status of each:

Project: St. Mary's County Sewerage Facilities  
Applicant: St. Mary's County

Project: Waste Treatment of Leonardtown - Step I Planning  
Applicant: Commissioners of Leonardtown

Project: St. Andrews Church Landfill Critical Area  
Treatment Measure Plan (Review of this project  
has been initiated by State Planning.)

Project: St. Mary's Transportation Project - Title III  
Applicant: St. Mary's County Commission on Aging

Project: Title VII Nutrition Program for Elderly  
Applicant: St. Mary's County Commission on Aging

JUDGE POWER'S CONDITIONAL USE DECISION

Present: Jim Waring, Attorney  
Joseph Ernest Bell, II, County Attorney

Mr. Waring came before the Commissioners to discuss Judge Power's decision with regard to the appropriate body determining Conditional Uses under the Zoning Ordinance. Mr. Waring said he had contacted six counties and a city in Maryland who derived their authority under Section 66B and determined that some had the Board of Appeals as the deciding body and some had the County Commissioners. He stated that the conflict is obvious and therefore suggested that the Commissioners petition for a clarification of the language in Judge Power's decision. The County Attorney agreed and the Commissioners gave their consent that this be done.

Commissioner Jarboe made a motion that a public hearing be held to determine whether or not the Board of County Commissioners or Zoning Board of Appeals will be the body to determine Conditional Uses under the County Zoning Ordinance, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

The Public Hearing was scheduled at 3:30 p.m., July 9 in the Circuit Court Room.

BOARD OF ZONING APPEALS

Commissioner Jarboe stated that on May 29, 1975, the County Commissioners passed a resolution to increase the membership of the Zoning Appeals Board from three members with one alternate to five members with one alternate. Although this move has been under consideration for some time, the resolution now has been formalized just prior to Judge Power's decision on the gravel mining operation at Breton Bay. Many suggestions have been made on the mechanism of selecting the new members, and a great deal of concern has been expressed on the selections, suggesting a belief that the expansion of the Board of Appeals was due only to concerns over the gravel mining operations. This is not so, but in an effort to depoliticize these appointments, Commissioner Jarboe moved that appointments to and expansion of the Board of Appeals be held in abeyance until after a decision on the granting of the conditional use permit has been rendered on the gravel mining operation. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.



J. J. MAILING, INC.

As a result of the meeting that the Commissioners attended Friday, June 6 at the invitation of Harry Lee Smith of the EDC with John Roth of the firm of J.J. Mailing, correspondence dated June 11 was received from Mr. Roth setting forth his proposal to have a direct mailing firm located in St. Mary's County. Mr. Roth requested the County to provide financial assistance for the cost of training new employees and moving expenses.

Commissioner Jarboe made a motion that the County authorize J. J. Mailing up to \$5,135 to be used for the purpose of training St. Mary's County citizens in the employ of this firm should it be located in St. Mary's County. Said authorization is dependent upon a favorable legal opinion from the County Attorney that it is within the authority of the Board of County Commissioners to render said granting of funds, seconded by Commissioner Dean. The Commissioners voted four to one with Commissioner Millison voting against.

LAUREL GROVE PROJECT

Present: John Baggett, Director, Recreation and Parks  
Dwight MacRae, contractor  
Larry Day, engineer

Mr. MacRae stated he submitted two bills to Recreation and Parks - \$10,162.50 due as the balance on the original contract and \$6,338.00 for additional work done at the Laurel Grove project. Mr. MacRae contended there was extra work because of underground springs which necessitated the rotating of the ball diamond.

Mr. Baggett stated that Mr. MacRae did do extra work; however, he was of the opinion that no additional work was incurred because of the moving of the diamond. Mr. Baggett stated that any extra work request according to the contract would have to be put in writing and this was not done.

With regard to the \$10,162.50 bill from MacRae, Mr. Baggett stated it could not be paid until he had a release of lines and the work had been completed.

The Commissioners took this matter under advisement.



LEXINGTON PARK POLICE SITUATION  
ANTI-PUBLIC DRINKING ORDINANCE

Present: Lt. Wm. Muchow, Md. State Police  
Sgt. Miedzinski, Md. State Police  
Sheriff George Sanger  
George Sparling, States Attorney  
Robert Wentworth, Executive Secretary, Youth Commission  
Joseph Ernest Bell, II, County Attorney

The above persons came at the Commissioners' request to discuss the status of the proposed Anti-public Drinking Ordinance and the need for additional police in Lexington Park.

Mr. Bell stated that a proposed Ordinance has been drafted and has been submitted to the State's Attorney. Because of the enabling legislation, the Ordinance is limited in that drinking can only be prohibited on public property. It does not include quasi-public property, where most of the problems occur.

Commissioner Millison stated there should be some re-arrangement of the police we have and there should be a resident policeman in both areas; Lexington Park and Leonardtown, the most populous areas in the County.

Sheriff Sanger expressed a need for a centrally located building in Lexington Park. In addition, there should be a District Court Commissioner located in Lexington Park.

It was agreed that the County Attorney, State's Attorney, Sheriff and Md. State Police would meet with the legislators to determine if there is any existing laws that would give more authority and assist in developing appropriate legislation for next year.

Mr. Sparling proposed that the Commissioners consider adopting the Anti-drinking Ordinance and that it would be well advised for this group to meet again prior to the legislative session to work out the type of laws to be considered at the next legislative session. A tentative target date was set for August 13 for the proposed legislation.

Commissioner Millison made a motion to hold a public hearing July 9, 1975 at 7:30 p.m., Circuit Court Room to consider adopting the Anti-public Drinking Ordinance, prohibiting drinking on public property, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

Commission McKay said he would investigate the possibility of obtaining an additional District Court Commissioner or have one relocated to Lexington Park.

PERSONNEL STUDY

Due to the fact that the Commissioners had only recently received comments by the employees on the Personnel Manual, Commissioner Dean made a motion to postpone for one week the Commissioners review of said comments, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

REZONING HEARING

MAYJACK, INC.

CASE NO. 74-14

Present: William Loker, Mayjack, Inc.  
James H. Miller (interested citizen)

Application was made by Mayjack, Inc. to have approximately 12 acres of parcel No. 18, the present location of Maryland Manor on Rte. 235, Eighth Election District, rezoned from C-1 to C-2.

Mr. Loker stated that said property was zoned "Commercial" prior to the adoption of the County Zoning Ordinance, which permitted uses now prohibited by the C-1 classification under the new Ordinance.

Mr. Loker presented Return Receipts for the notification to landowners within 200 feet of the subject property.

Mr. James H. Miller, owner of the Siesta Motel inquired as to the proposed use of the subject property, to which Mr. Loker stated the potential use would be a mobile home sales lot.

The Planning Commission recommended that the Board of County Commissioners approve reclassification of subject parcel from neighborhood commercial to highway commercial.

Commissioner McKay inquired if there were any proponents or opponents. Hearing none, the rezoning hearing was closed. A tape of the hearing is on file in the Commissioners' Office.

REZONING HEARING

R & R ASSOCIATES

CASE NO. 75-7

Present: Herman Riffe, R & R Assoc.  
Jerry Rust, R & R Assoc.  
Meral Wood, R & R Assoc.  
Ronald Payne, proponent

Application was made by R & R Associates to have parcels No. 102 and 138, containing approximately .78 of an acre, located on the east corner of Rt 246 and Chancellors Run Road, Eighth Election District, rezoned from R-2 to C-2.



The secretary read the Notice of Public Hearing.

Mr. Ronald Payne, an adjacent property owner, stated that he was in favor of the rezoning of this property.

It was brought to the Commissioners' attention that the property owners within 200 feet from the subject property had not been notified. Therefore, the rezoning hearing was recessed until June 26, 1975 at 11:30 a.m.

FISCAL CLERKS IN ASSESSMENT OFFICE

Mr. Cox, Chief Clerk, stated that interviews were held for the two Fiscal Clerk positions in the Assessment Office. It was the recommendation of Mr. Cox, Mr. William Shoemaker and Mr. William Lawrence, Supervisor of Assessments, that Mrs. Eleanor Mattingly and Mrs. Elizabeth Norris fill these positions, Fiscal Clerk I, Grade 6, Base, effective June 16, 1975.

Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The meeting recessed at 5:15 p.m.

Thursday, June 12, 1975

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

The meeting reconvened at 9:25 a.m.

APPROVAL OF BILLS

The following bills were approved by the Commissioners:

Department of Health and Mental Hygiene for required local appropriation for hospital in-patient services FY '75 - \$16,726;

Department of Health and Mental Hygiene for amount due for case formula 75/25 disbursements FY '75 - \$158,975;

Purchase Order from the Bicentennial Commission in the amount of \$6,640 for 2000 books entitled "St. Mary's County in the American Revolution - Calendar of Events", to be resold at \$8.00 per book.



Commissioner Jarboe made a motion to approve the above bills and purchase order, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

PUBLIC HOUSING COORDINATOR

The Commissioners met in Executive Session to discuss personnel.

After the Executive Session, Mr. Cox, Chief Clerk, stated it was his recommendation and that of Mr. William Green and Mr. Leroy Thompson of the Housing Authority that Donald Curtis be selected for the position of Housing Coordinator for St. Mary's County, Grade 14, effective July 1, 1975. Said position is to be contractual for a one-year period, subject to renewal.

Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Parlett. The Commissioners voted four to one, with Commissioner McKay voting against.

SCOTCH POINT SUBDIVISION SECTION ONE-A  
ECONOMIC IMPACT FEE

As had been requested by the County Commissioners, Mr. Platt, Director, Land Use and Development, forwarded a memorandum stating that the developer for Scotch Point, Section One-A submitted his plat to the Planning Office on November 16, 1973; received preliminary approval on March 4, 1974 and record approval on May 28, 1974 by the Planning Commission. Therefore, Commissioner Parlett made a motion that Scotch Point Subdivision, Section One-A, consisting of 17 lots, be granted relief from paying the Economic Impact Fee in that Scotch Point Section One-A met the same criteria that the County had granted to other subdivisions in that it was submitted prior to December 26, 1973. Commissioner Millison seconded the motion. All Commissioners voted in favor.

ROAD RESOLUTION 75-15  
FAIRGROUNDS ROAD

The County Engineer's Office submitted Road Resolution No. 75-15 setting the speed limit on Fairgrounds Road at 30 miles per hour from its intersection with Maryland State Rt. 5 for a distance of one-half mile; and that the maximum speed limit on Fairgrounds Road be posted at 40 miles per hour for all remaining portions thereof. Commissioner Jarboe made a motion to approve this resolution, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.



LINE ITEM TRANSFER - SHERIFF'S DEPARTMENT

Sheriff Sanger requested approval of a line item transfer in the amount of \$3,000 from Account No. 51-51354 - Auto, Gas and Service Account No. 51-51551 Jail Food Account. Mr. O'Dell, Budget Officer, recommended approval of this transfer. Commissioner Jarboe made a motion to approve the above transfer, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

APPROVAL OF OVERTIME - WILLIAM E. BALL

Mr. John Baggett, Director, Recreation and Parks, recommended that William E. Ball be reimbursed for five hours overtime that he worked on May 17 to prepare the grounds at the county airport for the Air Fair. Commissioner Jarboe made a motion to approve said overtime, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

RADIO ANTENNA TOWER - CIVIL DEFENSE

Correspondence dated June 3, 1975 was received from Otis Wood, Acting Director, Civil Defense, stating that the State Emergency Health Service has requested permission to erect a radio antenna tower and to install two radio transmitter/receivers at the Civil Defense Office, at no expense to the County. Commissioner Dean made a motion to approve this project, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

MAMMOGRAPHY MACHINE FOR HOSPITAL

Mr. Cox, Chief Clerk, advised the Commissioners that Mrs. Eleanor Peabody has requested that the County employees be solicited for donations towards the Mammography machine for the hospital.

Commissioner Dean made a motion to authorize the insertion of a solicitation in the county employees' payroll for donation towards the mammography machine, seconded by Commissioner Jarboe. All Commissioners voted in favor.

WITHHOLDING OF ONE WEEK'S PAY

Commissioner Millison raised the question of withholding one week's salary of certain employees. It was explained that certain employees' pay had been computed differently than others. The pay for newer employees, that is within the last few years, had been computed on a week's delay basis in order to allow sufficient time for the preparation of payroll. However, pay for other employees who had been working for the County for a longer period of time had been computed up to the actual end



of the payroll period. In order to correct this situation and allow sufficient time for the accurate preparation of the payroll, as well as to allow sufficient time for the affected employees to prepare themselves, a notice was sent to all affected employees on February 20 notifying them that a one week's delay in pay would be effected during the payroll ending May 30.

POLICY IN HIRING PERSONNEL FOR COUNTY

Commissioner Millison raised the issue of a policy needed for any further hiring of personnel in county government. After some discussion, Commissioner Millison made a motion that a ceiling be put on hiring except for emergencies and that any increase for personnel be submitted for consideration at budget time, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

REPLACEMENT OF ENGINEERING INSPECTOR

Present: John Norris, County Engineer

Due to the fact that Dale Cropper, Engineering Inspector had resigned as of June 5, 1975, Mr. Norris requested permission to advertise for this position and that Free State Surveying and Land Planning be hired to do engineering inspections until this position is filled at a maximum of \$12.50 per hour. Commissioner Dean made a motion to authorize Mr. Norris to advertise for the position of Engineering Inspector and to employ Free State to do inspection services at a maximum of \$12.50 per hour, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

STAFF MEETING

Present: John Norris, County Engineer  
Richard Platt, Director, Land Use and Development  
Robert Wentworth, Exec. Secretary, Youth Commission  
Joseph O'Dell, Budget Officer  
H. D. McGlade, Comptroller  
Harris Sterling, Finance Director  
Paul Raley, Director, Admin. and Logistic Services  
Otis Wood, Acting Director, Civil Defense  
Dr. Robert King, Superintendent of Schools  
Joseph Carter, Director, Social Services  
Dr. William Marek, Health Officer

The regular monthly staff meeting was held at this time. The following items were discussed: Reporting System, promotional system for county employees, communication between departments, summer youth employment program and policy for snow days.



EXECUTIVE SESSIONS

Commissioner Jarboe raised the question of continuing with Executive Sessions in light of the fact that the Commissioners have had a series of executive sessions in which personnel matters and matters of litigation had been discussed and there had been leaks to the press concerning these matters before the Commissioners had had a chance to discuss or decide the matters publicly. After some discussion, it was decided that the Commissioners would continue with the scheduled Executive Session on June 16 at 7:30 to discuss memberships to Boards and Commissions.

LETTER TO BOARD OF EDUCATION RE: BUDGET

Present: H. D. McGlade, Comptroller  
Joseph O'Dell, Budget Officer  
Harris Sterling, Finance Director

The above persons presented the letter addressed to the Board of Education approving their budget for 1975-76 fiscal year in the amount of \$16,023,981. Commissioner Jarboe made a motion to authorize Commissioner McKay to sign said letter, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

(Commissioner Millison left the meeting at this time.)

PROJECT MANAGER - SUMMER YOUTH EMPLOYMENT PROGRAM

Commissioner Dean made a motion to authorize the hiring of the Project Manager for the Summer Youth Employment Program for a period of nine weeks, effective June 23, at \$4.00 per hour, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

COST OF COURT CASES TRANSFERRED TO CALVERT AND CHARLES COUNTY AND COURT TESTIMONY

Present: H. D. McGlade, Comptroller  
Joseph O'Dell, Budget Officer  
Harris Sterling, Finance Director

Mr. Sterling forwarded a memorandum requesting a transfer in the amount of \$10,893.43 from the Contingency Fund to the Judicial Department for the cost of court cases transferred to Calvert and Charles County and for court testimony. Commissioner Jarboe made a motion to approve this transfer, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

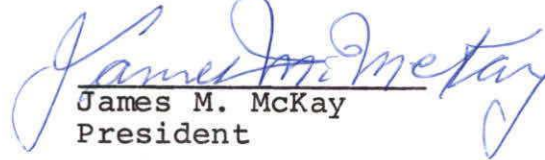


COST OF PATIENTS COMMITTED TO STATE HOSPITAL CENTERS  
FOR EVALUATION BY COURT ORDER

Mr. Sterling forwarded a memorandum requesting a transfer in the amount of \$11,666.14 from the Contingency Fund to the General Judiciary Departments Medical and Social Services Account for the cost of patients committed to state hospital centers for evaluation by court order. Commissioner Dean made a motion to approve this transfer, seconded by Commissioner Jarboe. All Commissioners presented voted in favor of this motion.

The meeting adjourned at 12:10 p.m.

Approved,

  
James M. McKay  
President