

BOARD OF COUNTY COMMISSIONERS' MEETING

August 13-14, 1975

Wednesday, August 13, 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 August 6-7, 1975 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

APPROVAL OF BILLS (ENCUMBRANCE VOUCHERS)

Present: Harris Sterling, Finance Director

Mr. Sterling submitted the encumbrance vouchers for the past week for review by the County Commissioners. Commissioner Jarboe made a motion to approve and authorize Commissioner McKay to sign the submitted encumbrance vouchers with the exception of Vouchers No. 2081 and No. 4494, payable to B & J Nursery, for work at Laurel Grove, which need further clarification from Mr. Baggett, Director, Recreation and Parks. The motion was seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

ECONOMIC DEVELOPMENT COORDINATOR

Mr. Cox, Chief Clerk, discussed the setting of a salary range for the Economic Development Coordinator prior to advertisement. The Commissioners agreed to set the salary range for this position at \$15,000 to \$20,000 per year, and that it should be a one-year contract.

ROAD RESOLUTION R75-18  
TALL TIMBERS ROAD

The County Engineer's Office submitted Road Resolution No. R 75-18 designating Tall Timbers Road as a "No Parking At Any Time" zone.

Commissioner Dean made a motion to approve and authorize Commissioner McKay to sign said Resolution, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PATUXENT RIVER ASSEMBLY OF GOD  
REQUEST FOR WAIVER OF ZONING PERMIT FEES AND BUILDING PERMIT FEE

Correspondence dated August 4, 1975 was received from Rev. Bonnici, Pastor of Patuxent River Assembly of God, requesting a waiver of fees for a zoning permit and a waiver on building permit fees on the future construction of a church sanctuary and educational facilities. It is the policy of St. Mary's County not to abate any fees other than building permit fees. Mr. Cox, Chief Clerk, will forward a reply to Rev. Bonnici enclosing a copy of Resolution No. 75-53 pertaining to Abatement of Building Permit Fees.

REQUEST TO ATTEND AICUZ COURSE

Mr. Platt, Director, Land Use & Development, forwarded a letter requesting authorization from the Commissioners to attend the AICUZ Course at Pensacola, Florida on October 7th and 8th, 1975. Cost estimate for attending this course is \$300.

Commissioner Millison made a motion to authorize Mr. Platt to attend this course, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

RESIGNATION OF JOSEPH KENNEDY  
COUNTY ENGINEER'S OFFICE

Mr. Cox, Chief Clerk, brought to the Commissioners' attention that Joseph Kennedy will be resigning his position of Civil Engineer in the County Engineer's Office as of September 30, 1975. Mr. Cox requested authority to readvertise the position of Civil Engineer I and that it be a classified position rather than contractual. Commissioner Jarboe made a motion to grant this authority, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

RESIGNATION OF HARVEY R. MCELHENNY - MAINTENANCE MECHANIC

Mr. Cox, Chief Clerk, brought to the Commissioners' attention that Harvey R. McElhenny will be resigning his position as Maintenance Mechanic, effective August 22, 1975, and requested authority to readvertise this position. Commissioner Jarboe made a motion to grant this authority, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

RESIGNATION OF JULIANA M. VALLANDINGHAM  
YOUTH COMMISSION AND COMMISSION ON AGING

Mr. Cox, Chief Clerk, brought to the Commissioners' attention that Juliana Vallandingham, Clerk-Steno in the Youth Commission Office and Commission on Aging Office, has tendered her resignation as of August 15, 1975. Mr. Cox requested authority to advertise for this position. Commissioner Jarboe made a motion to grant this authority, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.



MECHANICSVILLE VOLUNTEER FIRE DEPARTMENT  
REQUEST FOR REFUND OF BUILDING PERMIT FEE

Correspondence dated August 12, 1975 was received from the Mechanicsville Volunteer Fire Department requesting a refund in the amount of \$562.00 for the fee paid in connection with the building permit issued by the County for the construction of a new fire station. This request is made in light of Resolution No. 75-53, "Abatement of Building Permit Fees". Commissioner Parlett made a motion to grant a refund of the Building Permit Fee; seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

BICENTENNIAL COMMISSION GRANT REQUEST

Mr. Cox, Chief Clerk, presented a Grant Request in the amount of \$1,600 from the Bicentennial Commission. Mr. O'Dell, Budget Officer, forwarded comments that this request would not increase the budget in any way and stated that he would be reviewing a financial summary from the initial date of operations of the Bicentennial Commission through September 1, 1975 and will transmit same to the Commissioners.

Commissioner Jarboe made a motion to approve the Bicentennial Commission seeking this Grant, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

JOSEPH GARNER, ZONING TECHNICIAN  
CONTRACT TO CLASSIFIED POSITION

It was moved by Commissioner Jarboe, seconded by Commissioner Parlett that the present contract position of Zoning Technician be established as a classified position at Grade 11; and, further, that Joseph Garner, incumbent in the position, retain the position and become a classified employee of the classified system, subject to all of the provisions thereto. All Commissioners voted in favor of this motion.

STENO-CLERKS - SHERIFF'S OFFICE

It was moved by Commissioner Dean, seconded by Commissioner Parlett, that the two clerical positions in the Sheriff's Office be reclassified as recommended by the State Department of Personnel to Steno-Clerk, Grade 6; and, further, that said reclassified positions be offered as promotional opportunities to qualified County employees. All Commissioners voted in favor of this motion.

PINEY POINT AQUIFER

Correspondence dated August 8, 1975 was received from Mr. Lewis C. Merchant of the Metropolitan Commission, forwarding a letter from Mr. Harry Hansen, of the Maryland Geological Survey, stating that Dorchester County declined to participate in the Piney Point Aquifer Modeling Project. Mr. Merchant enclosed a draft of a letter for the Commissioners' use in replying to the County Commissioners of Dorchester County requesting they reconsider their decision.

Commissioner Millison made a motion to forward a letter to Dorchester County requesting that they reconsider their decision; seconded by Commissioner Jarboe. All Commissioners voted in favor.

CARETAKER - ST. ANDREWS LANDFILL

Mr. Norris, County Engineer, submitted a recommendation to employ Joseph Leon Huntt to work at the St. Andrews Landfill as a caretaker at the rate of \$2.18 per hour commencing September 1, 1975. Commissioner Millison made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

ST. MARY'S CITY COMMISSION  
RECONSTRUCTION OF THE DOVE

Present: Polly Barber, Director, St. Mary's City Commission  
Gen. Robert Hogaboom, Chairman, St. Mary's City Commission  
Joseph P. O'Dell, Budget Officer

Mrs. Barber and General Hogaboom explained the project of the reconstruction of the Dove and their search for matching funds for the \$75,000 appropriated by the Maryland General Assembly.

Mrs. Barber stated that the St. Mary's City Commission would like to hire William A. Baker, a naval architect who resides in Massachusetts, for the drawing up of blueprints for this project. \$7,200 would be needed for this and Mrs. Barber requested the Commissioners' consideration for a portion of the \$25,000 that had been allocated by the County for the reconstruction of the Dove.

Mr. O'Dell stated he would like to meet with Mrs. Barber and General Hogaboom to discuss financing of this project and distribution of funds.

Commissioner Dean made a motion that the St. Mary's City Commission meet with Mr. O'Dell to work out necessary details for funding of the architectural services for the reconstruction of the Dove project, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

NATIONAL CASH REGISTER PRESENTATION

Present: Ray Marks, NCR  
Barbara Hughes, NCR  
Robert Henry, NCR  
Harris Sterling, Director of Finance  
Joseph P. O'Dell, Budget Officer  
Don McGlade

Mr. Marks gave a visual presentation by way of charts pertaining to NCR's review of the County's Finance Accounting System and NCR's proposed recommendations. Three areas within the County were encompassed in this review: County Finance Office, Metropolitan Commission, and Nursing Home.



Mr. Marks explained that the proposed NCR 399 Computer System would not only represent a financial savings to the County, but would provide control and timely management of funds.

In concluding his presentation, Mr. Marks discussed the cost of this system:

NCR 399 System	25,388.75
Soft Ware (including: budget account payroll utility billing Nursing Home)	7,250.00
TOTAL	<hr/> 32,638.75

In addition, Mr. Marks discussed the possibility of additional terminal units with cassette possibilities that could be used by the Metropolitan Commission in connection with the NCR 399, which would cost approximately \$3,000 additional. This unit would capture information as well as transmit information.

The NCR 399 System would have a 90-day warranty with a \$1,000 per year maintenance contract. After ten years the machine would have to be inspected and overhauled before it could be maintained for another ten years.

Commissioner McKay requested Mr. Marks to provide the Commissioners with a list of political subdivisions and municipalities presently using this system.

The Commissioners thanked Mr. Marks for his presentation and stated they would review his proposal and discuss it with the County finance people, after which time they would make a decision as to what direction to proceed.

EXECUTIVE SESSION

Commissioner Jarboe made a motion that the Commissioners meet in Executive Session to discuss personnel; seconded by Commissioner Millison. All Commissioners unanimously agreed and met in Executive Session from 11:40 a.m. to 12:15 p.m.

ENVIRONMENTAL STUDY COMMITTEE  
EXTENSION OF PIER BY STEUART PETROLEUM COMPANY

Present: Walter Raum  
Mrs. Gerald Phillips  
Jerome Swann

Mr. Raum came before the Commissioners to review the comments from the Environmental Study Committee concerning the draft of the Environmental Statement for the Pier Extension at Piney Point by the Steuart Petroleum Company. A series of meetings were held by this Committee and they relied on

the factual data before them in making this report. Mr. Raum stated the Committee felt that there were several items in the Environmental Statement that needed to be answered in greater depth.

Commissioner Parlett requested Mr. Raum to contact Col. Simpson relevant to comments made by him to the Commissioners at their meeting of July 16, 1975 regarding enclosed slips for the barges in order to avoid oil spillage.

In conclusion, Mr. Raum stated that he would develop a reply for the Commissioners' signature to be forwarded to the Corps of Engineers and will present same at next week's Commissioners' meeting for their review.

#### ELMS PROPERTY

Present: Dr. VanAalst, Chairman, Elms Property Study Committee

Dr. VanAalst presented to the Commissioners a status report and recommendations from the Elms Property Study Committee pertaining to use of this property, which is on file in the Commissioners' Office. The Commissioners will review these recommendations and make a decision at a later date.

#### VIEW COURT (EXTENSION OF PORTNEY'S OVERLOOK ROAD)

Present: Arthur Mix  
Joseph Tolson  
John Norris, County Engineer

Mr. Mix appeared before the Commissioners to request that View Court (Portney's Overlook Subdivision) be resurfaced and explained the problems he has encountered in trying to have this done. He stated that Portney's Overlook Road had been surface treated recently and felt that View Court (approximately 200 feet) should also be surface treated.

Mr. Norris stated that View Court is not in the County Highway Maintenance System and explained that the developer, Oliver Guyther, had posted a bond in the amount of \$1,000 to cover the roads in this subdivision. Most of the streets were subsequently accepted and deeded to the County; however, the County did not receive title to View Court. A letter dated August 6 was forwarded to Mr. Guyther from the County Engineer's Office requesting him to submit prior to September 10th a proposed schedule for the completion of the construction of View Court and Chesapeake Drive. Commissioner Dean stated that a number of subdivisions that have sub-standard roads have requested that they be taken into the County System. The County is moving in the direction of developing a policy to deal with this problem which would apply to all.

Commissioner Millison suggested that developers such as Oliver Guyther be requested to meet their obligations, otherwise the County would take action to deny them from further development until they comply with regulations and requirements.



The Commissioners agreed to have the County Attorney contacted to determine if the Commissioners have the power to take such action.

Mr. Mix will be advised of the County Attorney's opinion as to Mr. Guyther's liability and responsibility.

RETIRED EXECUTIVE ASSISTANCE PLAN

Present: Don McGlade

Mr. McGlade advised the Commissioners that the Retired Executive Assistance Plan has been approved by the Economic Development Administration. He stated that the plan is to hire qualified people from St. Mary's County in the operation of this program and that office space is needed. Mr. Cox, Chief Clerk, suggested that for the initial period space is available in the Office of Land Use & Development. Mr. McGlade will look into this.

BICENTENNIAL COMMISSION - TOURIST INFORMATION CENTER

Present: Mr. Elliott Burch, Bicentennial Commission  
Mr. Marvin Joy " "  
Mrs. Rubye Beaman " "

The above persons appeared before the Commissioners to inform them that certain problems which have arisen in obtaining the use of the property at the intersection of Route 5 and Route 6 in Charlotte Hall for the Tourist Information Center. Primarily, the only way the property can be obtained from the State is by a permit system which is unsatisfactory because of the conditions connected with the permit and the indefinite future. Mr. Burch stated that the Bicentennial Commission would pursue the use of the land at the intersection of Route 5 and Route 6, but he requested the approval of the Commissioners to make a contingency plan to investigate other pieces of property in the general area. The Commissioners gave their approval and also agreed to speak to the State Highway representatives at a meeting scheduled for 10:30 a.m. Friday, August 15.

(Commissioner Millison left the meeting at this time.)

LOITERING PROBLEM - POWDER PUFF BEAUTY SALON

Present: Mrs. H. J. Bracken and daughter

Mrs. Bracken, owner of the Power Puff Beauty Salon, explained to the Commissioners the undesirable loitering situation existing in the area of the beauty shop. The Commissioners advised Mrs. Bracken that the County does not have an "Anti-loitering" Ordinance; however, there is an Anti-Public Drinking Ordinance proposal which has been drawn up and a public hearing held.

Commissioner Jarboe suggested that the matter be turned over to the State's Attorney for his advice and to obtain a direction to proceed with this and other similar situations in the County. Commissioner Jarboe offered to contact the State's Attorney and, upon obtaining advice from him, the Commissioners will advise Mrs. Bracken.

PERMIT VIOLATION - BERTHA HALL

Present: Mrs. Bertha Hall  
Mrs. Edna Hall  
Jamie Raley, Land Use Office

Mrs. Bertha Hall appeared before the Commissioners to discuss the violation in that she has placed a mobile home on property without a permit from the Health Department or a building permit. The trailer is located on approximately 1½ acres of land on which there is already a house located. Mr. Raley explained that at least three acres would be necessary in order to have both the house and the trailer on the property. Mrs. Edna Hall stated that if they could have additional time, she would be able to purchase the necessary additional land.

The Commissioners agreed that Mrs. Hall be granted a six-month extension in order to have a "perc" test and to purchase the additional land. The Commissioners requested that the Land Use Office draft a letter to Mrs. Hall giving her a six-month extension to correct the situation, said letter to be signed by Mrs. Hall indicating her assurance to comply, and then returned to the Commissioners.

BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

Mr. Sterling stated that bids were opened this date and bids were as follows:

<u>AMOUNT</u>	<u>TERM</u>	<u>First Nat'l</u>	<u>Maryland National</u>	<u>Md. Bank &amp; Trust</u>
\$1,000,000	95 days	6.76%	6.715%	6.155%

Mr. Sterling recommended awarding the bid to the First National Bank, the highest bidder. Commissioner Dean made a motion to accept Mr. Sterling's recommendation, seconded by Commissioner Jarboe. All Commissioners present voted in favor of this motion.

AIRPORT COMMITTEE - CHAIRMAN

Commissioner Dean made a motion, based on the recommendation of the Airport Committee, that the Commissioners appoint George Sullivan as Chairman of the Airport Committee, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

ANTI-PUBLIC DRINKING ORDINANCE

Present: Joseph Ernest Bell, II, County Attorney

Commissioner Jarboe submitted written comments pertaining to the Anti-Public Drinking Ordinance for review by the Commissioners and the County Attorney.



Mr. Bell suggested that these comments be submitted to the ad hoc committee on public disturbances for comment and reaction within two to three weeks.

Commissioner McKay stated he was in favor of a strong Alcoholic Beverage Board, whereby they could suspend the license of establishments creating a public nuisance.

BOARD OF EDUCATION'S METRO MAIL SYSTEM

Commissioner Parlett brought to the Commissioners' attention that the Board of Education has a metro-bus system to transport mail from school to school, and suggested that the County participate in this system and have mail delivered between the various County agencies of Government. This system would save time and money.

The Commissioners instructed Mr. Cox, Chief Clerk, to look into this and determine if other departments would be interested in such a system.

ACQUISITION OF RIGHTS-OF-WAY - GOLDEN BEACH ROAD

The County Engineer's Office submitted a request to hire Dale T. Cropper to acquire the rights-of-way for the Golden Beach Road construction project at the rate of \$8.00 per hour, and mileage expenses at the rate of 12¢ per mile.

Commissioner Jarboe made a motion to hire Mr. Cropper at \$8.00 per hour, 12¢ per mile, with a 90-day limit on his employment; seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

PROPOSAL FROM SMEALLIE, ORRICK AND JANKA

The County Engineer's Office submitted a recommendation for acceptance of a contract with Smeallie, Orrick & Janka for provision of plans and specifications for the Control Center excavation in the amount of \$1,100 for the preparation of the plans and specifications and a maximum of \$450 for periodic inspections by the architect.

After review of the contract and discussion of same, Commissioner Jarboe made a motion to accept this proposal, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

REZONING HEARING

CASE No. 75-9 - J. IRVING KNOTT

Present: J. Irving Knott, applicant  
Walter Dorsey, Attorney representing Mr. Knott  
Interested citizens (proponents and opponents)

Commissioner McKay opened the Rezoning Hearing at 6:30 p.m. and announced that the hearing would be recessed until 8:00 p.m. due to the fact that conflicting times had been announced for the holding of this hearing.

The meeting was recessed and 6:30 p.m. and reconvened at 8:00 p.m.

Application was made by J. Irving Knott of Callaway, Maryland, to have some five acres of the premises known as "Take It Easy Ranch", Second Election District, rezoned from Agricultural Residential to Neighborhood Commercial.

The secretary read the Notice of Public Hearing.

Mr. Dorsey, representing J. Irving Knott, questioned Mr. Knott and the following proponents concerning the desirability for the rezoning: Louis Curry of Callaway, Maryland; Bill Winters (Winters Sheet Metal), Chingville, Maryland; Ken J. Conklin of Harry Lundeberg School; Ken Rossignol (JayCees), Lexington Park; and Irvanette Hall (4-H), Valley Lee. Others speaking in favor of this rezoning were Sarah Greenwell and Ann DeJong.

Mr. Charles T. Bean and Mr. James Bean, adjoining property owners, spoke in opposition of the rezoning because of the disturbance created on their property during the music festivals at the "Take It Easy Ranch".

Mr. Dorsey submitted the following exhibits:

Exhibit I - Notebook of photographs of music festivals at the Take It Easy Ranch;

Exhibit II - Advertisement in Music City News concerning the Take It Easy Ranch;

Exhibit III - Receipts of notification of adjoining property owners.

If rezoning is granted, Mr. Knott intends to establish the following: Gift Shop, Swimming Pool, Haunted House, and a Restaurant.

Mr. Dorsey requested the Commissioners to consider this rezoning request favorably in that he felt there was a mistake in the Zoning Ordinance because there was no recreational classification. Mr. Dorsey also stated that there has been a substantial change since the adoption of the Zoning Ordinance of May 28, 1974 in that 70 campsites had been approved which had not been approved prior to the adoption of the Zoning Ordinance. In addition, Mr. Dorsey stated there would not be any adverse effect on adjoining property in that the property in question was isolated from all other property.

The secretary read the Findings of Fact and recommendation of the Planning Commission dated August 6, 1975. The Planning Commission recommended that the application for rezoning be denied for the following reasons:

- (1) There were not sufficient facts submitted to justify the need for change;
- (2) That the proposed change would not be compatible with the Master Plan;



- (3) That the proposed uses, if commercial rezoning were granted, could adversely affect the ability of the County to provide the necessary services;
- (4) There has been no evidence submitted that a mistake or error was made in the original zoning classification of this property.

Commissioner McKay inquired if there was anyone else present who wished to speak for or against this rezoning request. Hearing none, Commissioner McKay closed the rezoning hearing. A tape of the hearing is on file in the Commissioners' Office.

The meeting adjourned at 9:45 p.m.

Thursday, August 14, 1975

Due to the fact that the Commissioners had a tour of the road problems in the County with the County Engineer, there was no regular County Commissioner meeting on this date.

Approved:

  
JAMES M. MCKAY, President