

BOARD OF COUNTY COMMISSIONERS' MEETING

November 12 and 14, 1975

Wednesday, November 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 came to order at 9:15 a.m.

READING AND APPROVAL OF MINUTES

The minutes of November 5-6, 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.

ENCUMBRANCE VOUCHERS (BILLS)

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the Encumbrance Vouchers for the Commissioners' review and approval.

Commissioner Dean made a motion to approve payment of the bills as submitted, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

GENERAL REVENUE SHARING SURVEY FORM

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the General Revenue Sharing Survey Form for the period ending June 30, 1975, for Commissioner McKay's signature. Commissioner Jarboe made a motion to authorize Commissioner McKay to sign said form, seconded by Commissioner Millison. All Commissioners voted in favor.

PERMANENT STATUS - BERNARD A. TIPPETT

Mr. Cox stated that according to John Norris, County Engineer, Mr. Bernard A. Tippett, Landfill Operator I, has satisfactorily completed his six month probationary period, and therefore recommended that Mr. Tippett be given permanent status.

Commissioner Parlett made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

EXEMPTIONS FROM PROPERTY TAX

Mr. Cox presented recommendations from the Tax Assessment Appeal Board for three exemptions from property tax. Prior to the Commissioners making a decision on this matter, Mr. Cox is to obtain information from the Tax Assessment Appeal Board as to their rationale for the percentage of the reductions of the taxes and the rationale for their recommendations.

CETA PROGRAM

Mr. Cox advised the Commissioners that he and Mr. Sterling, Director of Finance, met with the gentlemen from the State administering the CETA Program to clarify reporting details. CETA will be forwarding a letter to the County guaranteeing continuation of funding through the fiscal year. Title II concluded as of the end of August 1975 and Title VI began as of Sept. 1, 1975.

REQUEST FOR ADMINISTRATIVE LEAVE - MCEA

Mrs. Joyce Nelson, local MCEA President, forwarded a letter requesting permission for Sharon Gatton, MCEA Vice-President, to attend the two-day seminar for MCEA in College Park on November 20 and 21 and that it be charged to administrative leave.

Commissioner Jarboe made a motion to grant administrative leave, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

RECREATION AND PARKS - CETA POSITION

Correspondence was received from John Baggett requesting the Commissioners to upgrade the position held by John Sothoron, a CETA employee, from Grade 10, Community Recreation Coordinator, to Grade 11, Recreation Supervisor Trainee, and that the Recreation and Parks Department be allowed another recreation supervisor position effective April 1, 1976, if CETA funds are terminated.

The Commissioners stated that Mr. Cox had the authority under the emergency section of the CETA Program to consider the reclassification request of the CETA position. With regard to Mr. Baggett's request for an additional recreation supervisor it should be submitted at budget time for consideration during the FY 77 budget process.

INTERGOVERNMENTAL PERSONNEL ACT GRANT

Present: Robert Mozer, Department of Economic & Community Development

Mr. Cox informed the Commissioners that Mr. Robert Mozer, Department of Economic & Community Development, has prepared a contract for the Commissioners' approval and signature granting \$14,670.60 to St. Mary's County for the employment of a Personnel Officer for one year. Mr. Cox stated that Mr. Mozer is requesting a letter of intent from the Commissioners that the Commissioners intend to adopt the Personnel System Program prepared by Civil

Service Commission and that we provide his office with the job description of the Personnel Officer, which has been done.

There was discussion concerning the mobility assignment of a Federal Service employee to help in carrying out the Program and whether funds released under the contract could be used for his salary. Mr. Mozer responded that it could.

In closing, Mr. Mozer requested that the Commissioners provide him with a copy of the resume' of the person selected for Personnel Officer.

The Commissioners will review the contract with the County Attorney prior to making a decision to sign same.

RECORDATION TAX CASE

Present: Ernie Bell, County Attorney

Mr. Bell brought the Commissioners up to date as to the current status of the recordation tax case in Anne Arundel County which involves seven Counties, including St. Mary's, and Baltimore City. The gist of the suit concerns the charge of \$6.60 for \$1,000 value of property and whether it is in conflict with the State statute which indicates that the tax should be \$3.30. Mr. Bell stated that the County Attorneys of each of the Counties will be meeting with the Judge in this case for a pre-trial conference.

LEGISLATION PERTAINING TO FIRE DEPARTMENTS

Present: Joseph Ernest Bell, II, County Attorney

Mr. Bell advised the Commissioners that he has received comments pertaining to the legislation relevant to the County guaranteeing loans to the Fire Departments from Mr. Gough, President, First National Bank, as to interest, and from Maryland Association of Counties, and will provide copies of this information to the Commissioners.

SPRING VALLEY SUBDIVISION

Present: Robert Petlow
Keith Fairfax
Ernie Bell, County Attorney

The above persons came before the Commissioners to present a petition from the residents of the Spring Valley Development and Coronado Village Development setting forth the following requests:

- (1) That the Commissioners expedite the settlement of the controversy with the Spring Valley developers concerning the maintenance of the roads; and
- (2) That until such settlement is made and permanent repairs initiated, temporary repairs on the roads be carried out by the County as soon as possible.

The County Attorney advised that there has been some negotiations with the Attorney for the developer and himself and that he would be presenting a settlement arrangement to the Commissioners this afternoon as proposed by the developer's attorney.

The Commissioners will advise the above persons as to the outcome of the negotiations.

INTERVIEW FOR POSITION OF PLANNER

At this time the Commissioners conducted an interview with an applicant for the position of Planner.

AREAS OF CRITICAL STATE CONCERN AND INTERVENTION PROCEDURES

Present: Richard Platt, Director, Land Use & Development

Mr. Platt appeared before the Commissioners to obtain their comments with regard to the Areas of Critical State Concern and Intervention Procedures.

Commissioner Dean questioned whether the State would have the authority to change the designated areas of critical concern submitted by the local government and, if so, there should be included in the procedures a method for local government to appeal.

Mr. Platt will forward a letter to the State including comments from the County.

ROAD STANDARDS - SUBDIVISION REGULATIONS

Present: John Norris, County Engineer
Richard Platt, Director, Land Use & Development

The Commissioners discussed the possibility of having a manual for standards for road design separate from the Subdivision Regulations.

Mr. Platt recommended that the County Commissioners express a desire to the Planning Commission that they act with a certain time limitation on the proposed subdivision regulations and design standards.

Commissioner Dean suggested that a list of priorities be compiled giving direction to the Planning Commission; that it is the Commissioners' desire that specifications and design standards for streets and roads in subdivisions be contained in a separate document from the subdivision regulations, but referred to in the Subdivision Regulations. Also, that it is the desire of the Commissioners in the revision of the Subdivision Regulations that the Planning Commission review design standards first and procedures secondly.

The County Engineer was directed to prepare the draft of the Road Ordinance as soon as possible for the Planning Commission's review.

With regard to the Wildewood Subdivision, Mr. Larry Day appeared to inquire from the Commissioners as to their request for a variance to the road design standards.

Mr. Norris stated that the plans for Wildewood could be reviewed based on what the proposed standards will be, however they could not receive approval until adopted.

Commissioner Dean stated that if the process for adopting the road standards should extend considerably beyond a two-month time frame, the Board of Commissioners would be willing to consider a variation then.

TRANSFER TRAILER

Present: John Norris, County Engineer

Mr. Norris presented the cost analysis for using the transfer trailer or contracting for trash hauling services. Based on this information, Commissioner Jarboe made a motion to authorize the County Engineer to proceed with the obtaining of the transfer trailer for use at the Valley Lee transfer station, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

Mr. Norris stated that \$25,000 had been budgeted for this purchase of the transfer trailer and that the Pak-More bid was in the amount of \$26,900. In addition, contractual services for trash pickups by mid-February, the date of delivery, will be an additional \$3,400.

Commissioner Jarboe made a motion to transfer funds from the Contingency Fund as follows:

\$3,400 to Account No. 57-58331

\$1,900 to Account No. 95-98132.

Commissioner Dean seconded the motion. All Commissioners voted in favor.

HIGHWAY ADEQUACY RATING STUDY

Present: John Norris, County Engineer

With regard to the presentation at the November 6, 1975 meeting concerning the Highway Adequacy Rating Study, Mr. Norris requested Commissioner McKay's signature on the Technical Study Agreement for the St. Mary's County Route Evaluation Study, said study to cost up to \$5,000.

Commissioner Dean made a motion to authorize Commissioner President McKay to sign said Agreement and that funds up to \$5,000 be taken from the Commissioners' Studies Account, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

BID OPENING ON MOTOR TRUCK

Present: John Norris, County Engineer

Mr. Norris stated that bids were opened October 31, 1975 for the purchase of a motor truck for landfill use, and two bids were received as follows:

Fenwick Ford	\$14,700
McKay Implement Company	\$12,985

Mr. Norris stated that the budgeted amount was \$12,500 and he was able to negotiate with McKay Implement and eliminated an item and agreed to an amount of \$12,805.

Mr. Norris recommended awarding the bid to McKay Implement in the amount of \$12,805.

Commissioner Dean made a motion to accept Mr. Norris' recommendation and further authorize the transfer of \$305 from the Contingency Fund to the Equipment Account for the Landfill, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

REZONING HEARING

NEWTOWN NECK - CASE No. 75-2

Present: C. Daniel Webster, Developer (applicant)
Cypert O. Whitfill, Attorney for Developer
Henry T. Waring, Witness for applicant
Frank Inabinet, Land Planner (Wilbur Smith & Associates)
Fredrick Ward, President, Fred Ward Associates
William G. Mason, Wilbur Smith & Associates
Ronald Delahay, Witness for applicant
Edwin W. Beitzell, opponent to application
Mrs. Erik Jansson, opponent to application
Joseph Russell, out-property owner

Application was made by Caledon Development Corporation to have a parcel of land containing 812 acres, more or less, located on a peninsula known as "Newtown Neck", Third Election District, rezoned from R-1 (Rural Residential) to a Planned Unit Development, PDR 3.5.

Commissioner McKay called the hearing to order and the secretary read the Notice of Public Hearing.

Mr. Whitfill, Attorney for Caledon Development Corporation, called several witnesses to testify on behalf of the Newtown Neck Project and the following exhibits were presented:

- Exhibit 1 - - Receipts of Certified Letters to adjacent property owners;
- Exhibit 2 - Letter from Arthur "Buck" Briscoe in favor of the Project;
- Exhibit 3 - Notebook of material on the Newtown Neck Project;
- Exhibit 4 - Copy of letter from C. Dennis Webster to Mr. Ronald Delahay confirming an agreement concerning reseeding of oyster beds;
- Exhibit 5 - Current title flood plain map;
- Exhibit 6 - Post-development flood plain map.

Mr. Edwin Beitzell, County Historian, spoke in opposition to the project and expressed his concern as to the effect the project would have on the historical nature of the area.

Mrs. Erik Jansson expressed opposition to the project.

Mr. Joe Russell, an out-property owner, requested that the proposed road be placed in front of his house rather than behind it.

Commissioner McKay inquired if anyone else present wished to speak for or against the rezoning application. Hearing none, the rezoning hearing was closed.

A tape of the hearing is on file in the Commissioners' Office.

EXECUTIVE MEETING

The Commissioners unanimously agreed to meet in Executive Session with the County Attorney to discuss litigation matters.

The meeting recessed at 5:45 p.m.

Friday, November 14, 1975 (YOUTH DAY)

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

Also present were the following student representatives from the High Schools in the County selected to be County Commissioners for the day:

Mark Durkin, Great Mills High School
Jackie Lancaster, St. Mary's Academy
Louis Carrico, Ryken High School
Kelly McCleaf, Chopticon High School
Ricky Thiel, Charlotte Hall

Commissioner McKay reconvened the meeting at 9:05 a.m. and proclaimed this day as Youth Day.

COMMUNITY DEVELOPMENT ASSISTANCE GROUP - TITLE I HUD FUNDS

Mr. Cox stated that he, Donald Curtis, Joe O'Dell, Dick Platt and John Norris met with Mr. Radigan of Community Development Assistance Group to discuss eligible projects for the Title I HUD Funds. Mr. Cox submitted a resume' of the meeting and the proposed amended Agreement with CDAG. The resume' included the following recommendations of priorities for the Title I HUD Funds:

- (1) Drainage problems in Lexington Park area
 - (a) Spring Valley Subdivision
 - (b) Look at other Watershed Projects in Lexington Park area;
- (2) Watershed Project - purchase of land;
- (3) Site improvement for SATAV Project;
- (4) Rehabilitation of existing housing stock.

Funding and other items discussed are included in the resume' on file in the Commissioners' Office.

Mr. Cox stated that it was the recommendation of the Committee to enter into the Agreement with Community Development Assistance Group.

Commissioner Dean made a motion to proceed with the Agreement and the draft resume' as recommended by the Committee, contingent upon the County Attorney's approval of said Agreement, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

TRI-COUNTY YOUTH SERVICES BUREAU

Commissioner Jarboe made a motion to appoint Rev. Benjamin Bonnici, Jr. to the Tri-County Youth Services Bureau, to fill the unexpired term of Dr. Marek, term to expire November 1, 1976, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

RECREATION AND PARKS BOARD

Commissioner Jarboe made a motion to appoint Vincent Biscoe to the Recreation & Parks Board, to fill the unexpired term of Bruce Pethel, term to expire January 1, 1978, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

AMENDMENT TO COUNTY GROUP INSURANCE POLICY

Mr. Cox presented to the Commissioners an amendment to the County's group insurance policy with John Hancock regarding pregnancy benefits, for their approval.

Commissioner Jarboe made a motion to approve this amendment, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

INTERGOVERNMENTAL PERSONNEL ACT GRANT

Mr. Cox presented a letter for the Commissioners' signature to Mr. Robert Mozer stating that we intend to adopt the new personnel policy manual prepared by the Civil Service Commission and that we intend to employ for the period of the grant a personnel officer to implement the policy.

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

APPROVAL OF BILLS

On behalf of Harris Sterling, Director of Finance, Mr. Cox presented Requisition No. 00325, payable to Jenkins Construction Company, Encumbrance Voucher No. 5626, payable to Muriel J. Stone, and Encumbrance Voucher No. 5410, payable to the Sheriff of Prince George's County for the Commissioners' approval.

Commissioner Dean made a motion to approve payment of these bills, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

OPENNESS IN MEETINGS LEGISLATION

In view of the fact that the Journalists' Association submitted the final draft of the Openness in Meetings Legislation, Commissioner Dean made a motion that the proposed legislation be forwarded to our legislative delegation with the request that it be prefiled with the previously submitted legislation with the exception of the Anti-Loitering Bill, and further moved that the Commissioners reserve the right to further review and discuss the Openness in Meetings Bill, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LOITERING PROBLEM - LEXINGTON PARK

The Commissioners discussed the loitering problems in the County, particularly Lexington Park, with the Youth Day participants and took into consideration their input in this matter. Jackie Lancaster presented to the Commissioners the following resolution passed by the Youth Commission at their meeting of November 13, 1975: "Whereas concern has been voiced that a no-loitering law can be used selectively and might be used to discriminate against youth, the Youth Commission is opposed to enactment of an anti-loitering law for St. Mary's County."

Commissioner Jarboe made a motion to sign and forward the letters to Lt. Muchow and Sheriff Sanger concerning the adequacy of present laws for curbing gatherings that may have a potential for future disturbance, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

ANTI-PUBLIC DRINKING ORDINANCE

The Commissioners discussed and reviewed the proposed Anti-Public Drinking Ordinance with the Youth Day participants and requested their comments. After the Commissioners made several changes to the Ordinance, Commissioner Jarboe made a motion to adopt the intent with the suggested changes and refer the proposed Ordinance to the County Attorney and State's Attorney in order that they can draft a suitable Ordinance for the Commissioners' review, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

MacINTOSH-CLOVERHILL ROAD

Present: Oliver Guyther, Developer, Land O' Lakes Subdivision

Mr. Guyther displayed an aerial photograph of the MacIntosh-Cloverhill Road, pointing out the curve problem on that road, and suggested that the Commissioners request the County Engineer to proceed to reconstruct this curve within the County's 40 foot right-of-way, which Mr. Guyther felt would correct the situation.

In addition, Mr. Guyther requested approval for personal road bonds for Sections 1 and 2 of the development. Mr. Norris stated that it has been his office's policy not to recommend personal road bonds.

Mr. Norris also indicated that whether the developer proceeded or not the site distance at the intersection of MacIntosh Road and Allston Lane was a hazard and had to be corrected. In discussing the curve in the road, Mr. Guyther indicated that he was aware of the serious situation involved.

The Commissioners requested Mr. Norris to design for their consideration a safe 30-mile per hour curve for the affected intersection. Mr. Norris responded that he would do this; however, he may recommend that the road would be designed with a 40-mile per hour standard. The Commissioners also requested the County Attorney to make a determination as to whether or not the County does, in fact, own the 40-foot right-of-way.

With regard to Mr. Guyther's request for personal road bonds, the Commissioners took this matter under advisement.

MEMORANDUM TO JOSEPH WEINER - STEUART PETROLEUM COMPANY

Commissioner Jarboe made a motion to sign and forward the memorandum dated November 14, 1975 to Joseph Weiner concerning alleged conflict with regard to Steuart Petroleum Company, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

SUBDIVISION ROAD POLICY

The Commissioners agreed to meet on Sunday, November 23, 1975 at 9:00 a.m. in the Commissioners' Conference Room to discuss the Subdivision Road Policy with John Norris, County Engineer, Ernie Bell, County Attorney, and Dick Platt, Dan Raley and Joe Garner of the Land Use Office.

SEMINAR ON MINICOMPUTERS

Commissioner Dean made a motion to authorize Joseph O'Dell, Budget Officer, to attend a three-day seminar on minicomputers in Washington, D. C. starting November 17, 1975 at a cost of \$265 plus travel, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

TOURISM GRANT

With regard to the Tourism Grant, Commissioner Jarboe advised the Commissioners of the \$9,500 Grant that was being made available to Tri-County

Council for the promotion of tourism in the Tri-County area and that \$7,000 was being made available to St. Mary's County. Therefore, Commissioner Jarboe made a motion that the County accept the Grant of \$7,000 for St. Mary's County and that St. Mary's County participate in the Tri-County Grant, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

BICENTENNIAL COMMISSION MEMBERSHIP

At the request of the Bicentennial Commission, Commissioner Jarboe made a motion to increase the Bicentennial Commission membership from 15 to a maximum of 25 and that the Bicentennial Commission make recommendations for the Commissioners' consideration as to appointments, seconded by Commissioner Dean. All Commissioners voted in favor.

LETTER TO PLANNING COMMISSION - SUBDIVISION REGULATIONS

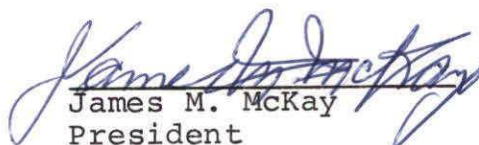
Commissioner Dean made a motion to sign and forward the letter to the Planning Commission regarding the revision process to the Subdivision Regulations, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LETTER TO TRASH COLLECTORS

Commissioner Jarboe made a motion to sign and forward the letter to the trash collectors and Oliver Guyther concerning the purchase of the transfer trailer for use at the transfer stations and enclosing the cost analysis, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The meeting adjourned at 1:20 p.m.

Approved,


James M. McKay
President