BOARD OF COUNTY COMMISSIONERS' MEETING

August 11 & 12, 1976

Wednesday, August 11, 1976

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Alice V. Bailey, Recording Stenographer

The meeting was called to order at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of August 4 and 5, 1976 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 the motion.

The minutes of the emergency meeting of the County Commissioners held on August 6, 1976 were read. Commissioner Jarboe made a motion to approve the minutes as read, seconded by Commissioner Dean. All Commissioners voted in favor of the motion.

APPROVAL OF BILLS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve the vouchers as submitted with the exception of vouchers 09203 and 08755, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

Commissioner Jarboe made a motion to approve voucher 08755, seconded by Commissioner Dean. All Commissioners voted in favor of the motion with Commissioner Millison abstaining.

CHESAPEAKE BAY AND COASTAL ZONE MANAGEMENT ADVISORY COMMISSION - SUPPLEMENTAL COMMITTEE

Present: Richard L. Platt, Director, Land Use & Development

Mr. Platt stated that he had attended a meeting on behalf of Commissioner McKay on August 6, 1976. He stated that a 63 man Advisory Committee has been appointed. This number is basically three persons from each of the seventeen Counties.

It was pointed out at the meeting that $810,000.00 is available through Federal Funding with an additional $400,000.00 plus being available through the State in current year. A draft Program for Coastal Zone Management must be submitted to the National Oceanic and Atmospheric Administration in early January '77 in order to obtain the above stated amounts of monies. He stated that this Advisory Commission-Supplemental Committee is making good progress. He stated that the Supplemental Committee will be meeting once a month, and that the five sub-committees will also be meeting once a month. He stated the goals and objectives of the Chesapeake Bay and Coastal Zone Advisory which were distributed to the Commissioners by letter dated August 5, 1976 from James B. Coulter, Secretary, Department of Natural Resources and memorandum dated August 9, 1976 to Coastal Counties Planning Directors from Scott Brumburgh.

Mr. Platt requested that a letter be forwarded designating him as the Liaison representative on the CB&CZAC Supplemental Committee. This letter will be forwarded in the near future.

CHARLOTTE HALL SCHOOL

Present: Edward V. Cox, County Administrator

Mr. Cox presented to the Commissioners a four page package showing the layout of the buildings situated on the property; a listing of recommendations for the buildings as to occupants and the action that should be taken as to securing the buildings for the winter, repairs, negotiations with the tenants, also, a listing of buildings with Tenants and their status. Mr. Cox stated that Mr. John Baggett of Recreation and Parks is in the process of reviewing the property for recreational purposes and will come before the Commissioners with his proposals at a later time. Mr. Cox stated that a complete inventory should be done as soon as possible. The Commissioners concurred with this and stated that he may proceed with same. Cheltenham has requested space at this facility for three classrooms and a conference room and have proposed to pay a sum of $100.00 per day for a total of 164 days. Mr. Cox was requested to have a concrete proposal obtained from Cheltenham representatives.

As to Building #1 it was stated that this building would be operated at the expense of the Board of Trustees, excluding normal maintenance work.

Mr. Cox suggested that his responsibility would be to keep this property operational and anything of a voluminous nature would be presented to the Board for their approval. The normal daily occurrances would be first relayed to Mr. McKay, and then he would authorize the implementation and/or actions to be taken.

The Commissioners at this point stated that they would review his recommendations and a decision would be forthcoming at the meeting of August 12th.

EXECUTIVE SESSION

Commissioner Jarboe made a motion that the Commissioners go into Executive Session with the County Attorney to meet regarding matters of litigation, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

The Commissioners went into Executive Session at 10:25 a.m. and reconvened the regular County Commissioners at 11:10 a.m.

CODIFICATION OF COUNTY PUBLIC LOCAL LAWS

GENERAL CODE PUBLISHING CORPORATION

Present: Mr. Harry Richman, Representative of General Code Publishing Corporation
Edward V. Cox, County Administrator
Joseph E. Bell, County Attorney

Mr. Richman presented a folder with resumé; municipalities that his company have done work for, a list of ordinance categories and a copy of a news letter.

Mr. Richman explained the process that would be involved in the codification of our laws and resolutions that had been presented to the County Commissioners previously. He stated that at a cost of $7,900 his organization would Codify our Public Local Laws, revise our legislation and incorporate our ordinances and resolutions. At a cost of $5900.00 his organization would compile the Code of Public Local Laws only.

County Attorney, Joseph E. Bell, Edward V. Cox and Mr. Richman will investigate his presentation as to additions, deletions, etc. and will return with a recommendation to the Commissioners at a later date.

CHARLOTTE HALL COMMITTEE:

Present: Dr. Leon Berube
Robert G. Dean, Sr.
James A. Forrest
Stuart L. Geisbert
J. Claude Jarboe
Joseph P. O'Dell

(Mrs. Helen Anthony was not present)

The Charlotte Hall Committee appeared before the Commissioners to discuss the objectives of this Committee and to clarify the details of their appointment.

The Commissioners stated that their purpose is to give to the Commissioners advice as to the needs of this facility and to explore the uses. A page describing the Committee's objectives was distributed.

The Commissioners stated that county personnel, such as County Attorney and County Administrator would be at their disposal if their assistance is needed.

Mr. O'Dell stated that he is in the process of preparing a packet of information for each committee member as to matters pertaining to Charlotte Hall that have been presented to the Commissioners previously.

Commissioner Parlett stated that he would like to appear before the Committee to explain in detail the uses that he previously proposed and to give them the names of people that they could contact that would be able to provide them with pertinent information.

The Commissioners stated that they would be happy to meet with them and to accomodate their needs in anyway they possible could.

Mr. McKay thanked the committee for accepting appointment and that they were to proceed.

The meeting recessed at 12:25 p.m.

Thursday, August 12, 1976

Present: Commissioner James M. McKay, President
Commissioner John K. Parlett, Vice-President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Edward V. Cox, County Administrator
Cecelia B. Adams, Recording Secretary

The meeting reconvened at 8:45 a.m.

ASSESSMENT PROCEDURES

Present: Rudolph J. Baliko
William S. Lawrence, Supervisor of Assessments, St. Mary's County
Joseph Szabo, Asst. State Supervisor, State Department of Assessments and Taxation

Mr. Rudy Baliko appeared before the Board to discuss the procedures of the assessment system in St. Mary's County as they pertain to cropland and woodland. Mr. Baliko felt that the present system for tillable land should be eliminated in support of a single assessment value per acre.

He stated that the rates used to assess same lead to inefficiencies because in many cases the exact assessment is not listed. He continued stating that the woodlands of the County are assessed at $30.00 per acre if associated with a farm. When this type of land is an individual tract entirely forested, it is upon the assessor's recommendation as to whether or not it is an investment or used for forest products as to its assessment. He did not feel this could be effectively done in most cases, since timberland is held for timber investment, retirement investment, real investment, etc. and may change from one year to the next depending upon the owner's needs. He felt that the forest land should be taxed the same regardless of its association with cropland as determined in Article 81, Section 19(b) of the Annotated Code of Maryland.

Mr. Buck Lawrence, Supervisor of Assessments for St. Mary's County, stated that the entire State does not use the same figures and procedures, Discussion followed as to procedures in variou Counties throughout the State.

Commissioner McKay stated that perhaps Mr. Baliko should contact the legislators regarding possible changes in the law. Mr. Baliko stated that in his past experience with various State agencies, his sole voice had not been recognized or acknowledged and this was the reason he was presenting these facts to the Commissioners today.

Copies of Mr. Baliko's presentation were distributed as well as a report prepared by Mr. Baliko regarding use of forest land.

BOND ANTICIPATION NOTES

Present: B. Harris Sterling, Director of Finance
Ed Clark, Bonding Attorney
Mike Marlay, Director, Metropolitan Commission
Charles Mander, Attorney

Mr. Marlay, Director of the Metropolitan Commission, stated that originally the Commissioners had authorized the issuance of $600,000 in St. Mary's County Metropolitan Commission Bond Anticipation Notes of which $150,000 was outstanding. He stated that they were appearing before the Commissioners today to present a resolution to the Commissioners for their approval and signatures which would approve the issuance and delivery of the remaining $450,000. This amount would enable the Commission to begin construction of the water tower for Lexington Park. This project is not a grant. These bond anticipation notes will be redeemed from the proceeds of the new $1,700,000 bond issue which is now being prepared with the hopes of being sold in the fall of 1976.

Mr. Ed Clark stated that at the present time, the market has improved since the last time he had met with the Commissioners.

Commissioner Jarboe made a motion that the County Commissioners sign the resolution approving the issuance and delivery of $450,000 St. Mary's County Metropolitan Commission Bond Anticipation Notes (1974), Series B pursuant to a Resolution adopted by the St. Mary's County Metropolitan Commission on December 4, 1974. Commissioner Millison seconded the motion. All Commissioners voted in favor of this motion.

MINI MODULAR BURGLAR ALARM SYSTEM

Present: Otis F. Wood, Director, Emergency Operation Center

Mr. Otis Wood, Director, EOC, reminded the Commissioners that during the preparation of FY '77 budget, a proposal for a mini modular burglar alarm system was discussed and approved. In this regard Mr. Wood received authority to proceed with the installation of said system and to negotiate with the users of the system to share in its expenses.

CORRESPONDENCE TO MR. AND MRS. WILLIAM GRAFF
LOCATION OF NEW INDUSTRY

Standard form correspondence for the location of new industry was presented to the Board of County Commissioners for signature addressed to the above referenced parties. The Commissioners signed same.

J. STANLEY WILLIAMS PROPERTY - QUITCLAIM DEED

The County Administrator presented for the Commissioners' approval, the above-referenced deed related to encroachment of said property on County owned railraod right-of-way. After some discussion, Commissioner Dean made a motion that the Commissioners authorize the President of the Board to sign the quitclaim deed in the matter of the J. Stanley Williams property on the railroad right-of-way, pending confirmation with the County Attorney that the document is in order. Commissioner Parlett seconded the motion. All Commissioners voted in favor of this motion.

PUBLIC HEARING - LARREDORE ROAD

The County Administrator presented a request from John B. Norris, Jr., County Engineer, to schedule a public hearing on Larredore Road for August 26, 1976 at 7:30 p.m. at the Valley Lee Fire Department. The Commissioners agreed to same.

PRIVATE ROAD IMPROVEMENT - ASSESSMENT

The County Administrator reported that the County Attorney and the County Engineer are drafting a proposed ordinance to effect recently enacted legislation regarding the above-referenced subject and will have within three weeks a document for the County Commissioners' review.

RELEASE OF COLLATERAL - MD. BANK AND TRUST

The County Administrator presented for the County Commissioners' approval, release of collateral forms from the Maryland Bank and Trust Company in the amount of $50,000 and $5,000. The Commissioners authorized the President of the Board to sign the two releases of collateral.

APPROVAL OF VOUCHERS

The County Administrator presented Vouchers #00846 and #09203 for County Commissioners' approval. Commissioner Jarboe made a motion to approve Vouchers #00846 and #09203 for payment. Commissioner Millisom seconded same. All Commissioners voted in favor of this motion.

HUGHES COMPUTER SERVICE - DATA PROCESSING

The County Administrator presented a recommendation from the Director of Finance that the services of Hughes Computer Services be retained for an additional year. The Commissioners agreed to accept the recommendation of the Director of Finance.

LEWIS CREEK

The County Administrator presented a quitclaim deed from A. Leola Dean for acceptance by the Board of County Commissioners providing right-of-way for the Lewis Creek entrance channel to be dredged this fall. Commissioner Millison questioned the wording of the deed as to its exactness and suggested that the deed be reworded to contain exact survey references. The Commissioners concurred and directed the County Administrator to proceed accordingly.

MD. DEPT. OF PUBLIC SAFETY AND CORRECTIONAL SERVICES - PAYMENT FOR PRISONERS

The County Administrator presented correspondence received from the Maryland Department of Public Safety and Correctional Services regarding funds available to pay for State prisoners housed in local jails for the 1976 fiscal year. Mr. Cox stated that he had requested the Sheriff to research same in order that a report might be given to the Commissioners at next week's meeting.

CLOVER HILL-MACINTOSH ROAD

After review of the bid talley sheet Commissioner Parlett made a motion that the Commissioners award project #SM-7613 to Dean Construction Company in the amount of $94,417.00. Commissioner Jarboe seconded the motion. All Commissioners voted in favor of the motion with the exception of Commissioner Dean who abstained. Commissioner Parlett stated for the record that another firm had obtained bid documents but had not submitted an acceptable bid.

CLOVERHILL-MACINTOSH ROAD AGREEMENT

The County Administrator presented for Commissioners' approval an agreement pertaining to the Cloverhill-MacIntosh Road, Old Three Notch Road and various streets in the Cape St. Mary's area. Commissioner McKay questioned the wording of the agreement stating that it was ambiguous as to whether it was a lump sum payment or a per unit cost proposal. Consequently, the County Administrator was directed to work with the County Engineer to clarify the matter and redo the agreement accordingly.

RC&D PROJECT - ST. MARY'S COUNTY AIRPORT

The County Administrator presented the bid talley sheet for the RC&D Project at the St. Mary's County Airport. He stated that the County Engineer has recommended awarding the bid to the low bidder Mayfield Landscaping, Inc., in the amount of $147,094.00. Commissioner Dean made a motion to accept the low bid and to award the contract to Mayfield Landscaping, Inc. Commissioner Jarboe seconded the motion. All Commissioners voted in favor of the motion.

CONTRACTING OFFICER - RC&D PROJECT

The County Administrator stated that the County Engineer had recommended that he be authorized to sign contracts implementing the above-referenced project. Commissioner Jarboe made a motion to authorize John B. Norris, Jr., as Contracting Officer for the project. Commissioner Dean seconded the motion. All Commissioners voted in favor of the motion.

YOUTH COMMISSION - BIG BROTHER PROGRAM

The County Administrator discussed correspondence received from the Youth Commission regarding the proposed Big Brother - Big Sister Program in St. Mary's County. Mr. Cox stated although the letter requests the support of the Commissioners he also will need a letter sent to the Governor's Commission from the Board of County Commissioners supporting the program. The Commissioners requested the County Administrator to draft same.

BOARD OF LIBRARY TRUSTEES - BOOKMOBILE

The County Administrator presented correspondence received from the Library Board of Trustees regarding the sale of the old bookmobile. Mr. Cox stated that his recommendation would be that the County release them from the $500.00 debt and dispose of the vehicle in the usual method. The Board of Library Trustees have made several attempts to sell the vehicle. Commissioner Jarboe made a motion that the Commissioners accept the bookmobile rather than the money and the County dispose of it in any manner suitable. Commissioner Dean seconded the motion. All Commissioners voted in favor of the motion.

FAIRGROUNDS PROPERTY - WELL

The County Administrator re-presented for the Commissioners' approval the low bid on the proposed new Fairgrounds well in the amount of $6,500.00 by Patuxent Pump and Well Company. Commissioner Jarboe made a motion that the Commissioners authorize giving the low bidder the contract (Patuxent Pump and Well) for the well at the Fairgrounds. Commissioner Parlett seconded the motion. All Commissioners voted in favor of this motion.

TRY-ME-TAVERN - PERMIT

Discussion was had regarding the Try-Me Tavern. Commissioner Jarboe made a motion that the Commissioners appeal the decision of the Zoning Administrator on the building permit issued July 19, 1976 to the Try-Me Tavern, said appeal to be filed with the Board of Appeals, the reason for the appeal being that there is at issue a differing of interpretation of the Zoning Ordinance as it pertains to issues of expansion of non-conforming uses. Commissioner Dean seconded the motion. All Commissioners voted in favor of the motion with the exceptions of Commissioner McKay who abstained and Commissioner Millison who voted no.

Commissioner Dean stated that this was a matter that must be filed with the Board of Appeals and someone would present it to them when it is heard. He felt it was an appropriate matter to be discussed in an executive session. Commissioner Jarboe made a motion that the Commissioners have an executive session. Commissioner Parlett seconded the motion. All Commissioners voted in favor of the motion. The Executive Session was held from 11:10 a.m. to 11:20 a.m.

THE MEETING RECONVENED

Commissioner Jarboe made a motion that the Commissioners request John Slade, Attorney, to represent the County in this appeal to the Board of Appeals. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.

Commissioner McKay left the meeting for the remainder of the day at 11:25 a.m.

POTOMAC RIVER - ST. CLEMENT'S ISLAND MUSEUM BOAT

Commissioner Dean stated that the County Archaeologist, Michael Humphries had contacted him regarding a 34 foot dory they have acquired. The boat has an inboard motor and is in pretty good condition. They plan to use it for personnel going to the St. Clement's Island. Mr. Humphries had inquired as to whether the County insurance would cover the boat. B. Harris Sterling, Director of Finance, has stated that Continental Insurance Company is reluctant to include a boat under their "umbrella clause". Commissioner Dean felt that the Commissioners should either urge the insurance company to blanket this item on the existing policy or to acquire a new policy. Commissioner Dean stated that the question arose as to whose property the boat would become.

Discussion followed regarding same. It was also the feeling of the Commissioners that the County Attorney should give an opinion on same.

NURSING HOME

Commissioner Dean stated that the Board of Directors of the St. Mary's Nursing Home had requested that he set up a meeting with the County Commissioners and the Board of Directors to (1) Tour the facility as an informational type tour and (2) To initiate discussion as to determination of County's direction as to the future provisions for nursing home care. Commissioner Jarboe felt that the Home for Elderly would have some input on this. Commissioner Parlett inquired as to whether some persons in the Nursing Home might be able to go into the Home for Elderly. This might be another avenue to pursue. Commissioner Jarboe felt that persons from St. Mary's Hospital, Home for the Elderly and the St. Mary's Nursing Home should all meet with the County Commissioners. Commissioner Dean will coordinate the meeting.

COUNTY PLANNER

The County Administrator requested the County Commissioners' approval to initiate a proposal for the use of a professional employment service to fill the position of County Planner. Commissioner Dean made a motion that the Commissioners authorize the County Administrator to proceed to investigate an executive search for County Planner. Commissioner Jarboe seconded the motion. All Commissioners present voted in favor of the motion with the exception of Commissioner Millison who voted no.

CHARLOTTE HALL SCHOOL

The Commissioners considered recommendations submitted by the County Administrator regarding interim usage of the Charlotte Hall School property and made the following decisions: (1) To remove the present tenants from buildings #3, 9 and 12, (2) Allow the present tenant to remain in building #7 rent free as provided for in the option agreement, (3) To negotiate usage of building #10 for the most suitable tenant arrangement, (4) To move Mr. Curtis to building #11 rent free as provided for in the option agreement, (5) To vacate building #14 and move the present tenant to building #17 rent free as provided for in the option agreement and (6) Review the plumbing and heating systems and to prepare recommendations for County Commissioners' approval.

The meeting adjourned at 12:20 p.m.

Approved by,

James M. McKay
President