

BOARD OF COUNTY COMMISSIONERS' MEETING

October 27-28, 1976

Wednesday, October 27, 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
Judith A. Mullins, Recording Secretary

The meeting came to order at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of October 20-21, 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.

EMCUMBRANCE VOUCHERS

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 Voucher No. 09993 payable to the Belvedere, seconded by Commissioner Parlett. Four Commissioners voted in favor with Commissioner Millison abstaining.

Commissioner Dean made a motion to approve Voucher No. 10124 payable to Henry Fowler, Sr., seconded by Commissioner Jarboe. Four Commissioners voted in favor with Commissioner Parlett abstaining.

Commissioner Jarboe made a motion to approve the remaining encumbrance vouchers, seconded by Commissioner Dean. All Commissioners voted in favor.

DISTRICT COURT RENOVATIONS

Present: Doris Jones, Clerk of District Court

Mrs. Jones appeared before the Commissioners to request the Commissioners' approval of enlarging the Judge's Chambers in District Court at a cost of approximately \$1,200, which would include electrical and plumbing work and tile and materials.

After discussion, Commissioner Dean made a motion that the Commissioners appropriate \$1,200 for the District Court Judge's Office to allow for more space, source of funding to be determined by the Budget Officer, seconded by Commissioner Parlett. All Commissioners voted in favor.

ASSESSMENT SEMINAR

Mr. Cox advised the Commissioners that the Assessment Seminar has been arranged for November 8 at 7:30 p.m. at the Technical Center where state officials will explain the assessment and appeal procedures, and if this seminar is successful, Mr. Cox suggested that another seminar be conducted with county officials making a presentation. The Commissioners gave their concurrence and requested that the Taxpayers' Association and other organizations be contacted regarding this meeting.

METROPOLITAN COMMISSION BOND MEETING

Mr. Cox stated that arrangements have been made for the Metropolitan Commission Bond meeting in New York which has been scheduled for November 4 and presented a list of those who will attend. The Commissioners gave their concurrence with this proposal.

ST. MARY'S HOSPITAL HELIPORT
CONTRACT WITH OWENS ELECTRIC, INC.

Mr. Cox presented the Contract between Owens Electric, Inc., and the St. Mary's County Commissioners for the work on the St. Mary's Hospital Heliport. Commissioner Dean made a motion to approve and authorize Commissioner President McKay to sign said Contract, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CLERK-STENO - COMMISSION ON AGING OFFICE

Due to the fact that Mrs. Rita Butler, Clerk-Steno, Commission on Aging Office has been hired by the State's Attorney's Office, a vacancy has been created in the Commission on Aging Office, which has been advertised as a promotion opportunity. Mr. Fresco, Personnel Officer, in a memorandum dated October 22, 1976, stated that Mrs. Diane Jenkins has been selected to fill this position, and that Mrs. Jenkins' position (CETA in the Commission on Aging Office) will be filled by a temporary employee until such time as the freeze on CETA hiring is lifted.

Commissioner Jarboe made a motion to accept the Personnel Officer's recommendation and promote Mrs. Jenkins from her CETA position to the permanent County position vacated by Mrs. Butler, seconded by Commissioner Parlett. All Commissioners voted in favor.

EXPORTING OF GROUNDWATER FROM SOUTHERN MARYLAND

The County Administrator brought to the Commissioners' attention that federal studies are being conducted concerning the feasibility of exporting of groundwater from the Southern Maryland area to meet the water needs of the Washington area. It was recommended that the County Commissioners express their concern and desire to be kept advised of these studies and further that a County staff person be appointed to monitor the studies; namely, Mr. Richard Platt, Director, Land Use and Development. The Commissioners concurred and further directed that a report be made on the meeting of October 22 regarding these studies.

COASTAL ZONE MANAGEMENT PLANNERS

The County Administrator brought to the Commissioners' attention the proposal from Calvert County for an additional allocation of funds in the amount of \$2,000 from each of the tri-counties to supplement the salaries of the recently hired Planners for the Coastal Zone Management Program.

After some discussion, the Commissioners indicated that the contract and schedule of workloads and salaries agreed upon should remain intact as previously agreed, and that no further salary consideration should be given at this time.

Commissioner Jarboe made a motion that the other counties be notified that St. Mary's County will underwrite the travel expenses of the Coastal Zone Management Planners while in St. Mary's County, subject to review by the Board of County Commissioners and that the Commissioners anticipate that they will work on the timetable worked out by the three county planners for one year, seconded by Commissioner Parlett. All Commissioners voted in favor.

TRANSFER OF FUNDS
PROCUREMENT SEMINAR

Mr. Cox advised that a Contingency Account transfer is necessary to cover the procurement seminar attended by the Director of Purchasing and Logistics September 13-15, 1976, in the amount of \$272.

Commissioner Dean made a motion to transfer \$272 from Account No. 2410-2081 (Contingency Account) to Account No. 1057-21110 (Purchasing and Logistics Expense Account), seconded by Commissioner Parlett. All Commissioners voted in favor.

FIRE BURGLAR ALARM - MAIN ADMINISTRATION BUILDING
AT CHARLOTTE HALL

The County Administrator presented the Memorandum of Agreement by and between Southern Maryland Alarm Company and the Board of County Commissioners of St. Mary's County at a cost of \$12 per month for six months and installation cost of \$30 for a fire burglar alarm system for two offices at the main administration building at Charlotte Hall.

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign said Agreement, seconded by Commissioner Parlett. All Commissioners voted in favor.

SCHOOL CONSTRUCTION PROGRAM

Present: James Raley, Board of Education
Dave Morgan, " " "

The above representatives of the Board of Education appeared before the Commissioners to review the Board of Education's Capital Improvement Program and requested the Commissioners' approval of same and the Commissioners' signatures on the proposed Resolution approving the application for assistance in funding for the purpose of financing the school building projects in St. Mary's County.

After review, Commissioner Dean made a motion that the Commissioners sign the Resolution prepared by the Board of Education petitioning the Board of Public Works of the State of Maryland for approval of \$1,208,508 for the purpose of financing the school building projects as they appear in the School Construction Project Summary for FY 1978, seconded by Commissioner Millison. All Commissioners voted in favor.

PROPOSAL FOR COUNTY MAP

Present: Marvin Joy, Chairman, Bicentennial Commission
Rube Beaman, Administrative Aide, Bicentennial Commission
Edwin Beitzell, County Historian
Robert Pogue

The above persons appeared before the Commissioners to present a proposal for a color historical map for St. Mary's County. Mr. Joy stated that once printed, they should be distributed at the Information Center, other places around the County, and information centers throughout the State.

Mr. Pogue displayed the proposed map with suggested color pictures to be included on the map, and the Commissioners made a few suggestions as to changes for the pictures. Mr. Joy pointed

out that funds were not budgeted for this purpose and if the Commissioners concur in the value of the project, it would necessitate an additional allocation of funds.

The Commissioners requested that they return to the Commissioners as to the pictures that will be used and the cost estimates for ordering 50,000 maps and 100,000 maps, and if 50,000 can be ordered at first with another 50,000 ordered at a later time.

The Commissioners thanked them for their presentation and agreed to make a decision on this matter at a later time when the additional information is received.

CONTINUATION OF BICENTENNIAL COMMISSION

Present: Marvin Joy, Chairman, Bicentennial Commission
Ruby Beaman, Administrative Aide, Bicentennial Commission

Mr. Joy requested consideration by the Board of County Commissioners for the continuation of the staff and activities of the Bicentennial Commission beyond the termination of the CETA Program in March 1977 in that there are several projects that have not been completed. Two of the staff members are CETA employees and Mr. Joy requested that their employment be continued through the end of the Fiscal Year, June 30, 1977. Some of the incompletd projects are: history of the County, updating of Mr. Beitzel's book - "Jesuit Mission", historical County maps, continuation of arts and crafts project at Old Mill, finalizing Bicentennial Commission's records, etc.

In addition, Mr. Joy felt there was a need for the continuation of the Bicentennial Commission beyond June 30, even if there is no staff.

The Commissioners agreed to consider this matter and respond in a week's time.

REZONING HEARING
CASE NO. 76-4
WILLIAM E. RITTER

Present: William E. Ritter, Applicant
Maurice Racey, Manager, Ritter Motors
Joseph Garner, Zoning Technician, LUD

Application was made by William E. Ritter to have a parcel of land containing approximately 3.42 acres, located on Maryland Route 246 approximately .3 of a mile from Chancellors Run Road, Eighth Election District, rezoned from R-2, Residential, to C-2, highway commercial.

The secretary read the Notice of Public Hearing.

Mr. Ritter presented the Return Receipts of Certified Letters sent to the property owners within 200 feet of the subject property and explained his justifications for making this rezoning request.

The Commissioners requested Mr. Ritter to submit documents to substantiate that he was operating a car dealership business on May 28, 1974, the date of the adoption of the Zoning Ordinance.

The secretary read the Planning Commission's recommendations which recommended approval of this rezoning request from AR-2 to C-2 with the stipulation that the use would be limited to automotive sales and related accessory uses. Justification for approval was based on the commercial nature of Great Mills Road, change of nature due to increasing commercialization of the neighboring tracts of commercial land.

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

ATTORNEY FOR ZONING ADMINISTRATOR

Present: Richard Platt, Zoning Administrator

The Commissioners concurred with the opinion that Mr. Platt, Zoning Administrator, should obtain legal counsel of his choice to represent him in the Try-Me Tavern Case, payment for which will be made by the Board of County Commissioners.

The meeting recessed at 12:30 p.m.

WORK SESSION ON UPDATE OF ZONING ORDINANCE

Prior to the Commissioners beginning their work session on the update of the Zoning Ordinance, Mr. J. Frank Raley, Jr., appeared before the Commissioners to express his opinion that the Commissioners should keep in mind during the update that the Zoning Ordinance should be a very flexible document and suggested procedural guidelines for the handling of non-conforming uses.

The Work Session on the update was held from 12:45 p.m. to 5:15 p.m.

Thursday, October 28, 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
Judith A. Mullins, Recording Secretary

WORK SESSION ON UPDATE OF ZONING ORDINANCE

At 8:30 a.m. the Commissioners continued their Work Session on the update of the Zoning Ordinance.

The meeting came to order at 9:50 a.m.

STATUS REPORT - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

As a follow-up to the County Engineer's presentation of October 14, 1976, Mr. Norris continued the status report of his office showing funds budgeted, projects of his office and staff to carry out these projects. Mr. Norris also presented a list of all current projects and made two requests of the County Commissioners:

1. A decision as to priorities of these projects;
2. Consideration for the employment of an additional inspector.

Commissioner Dean stated that the Board would have to make a determination as to how much effort they would want to expend with regard to these various projects.

The Commissioners agreed to respond to Mr. Norris' request as soon as possible.

CONSTRUCTION CREW

Present: John Norris, County Engineer

Mr. Norris stated that in his 1977 budget there was proposed an outside construction crew and that he would like to make the Commissioners aware of the duties such a crew would have by taking them out in the field to demonstrate to them the various work items that this crew would do. The Commissioners concurred with this field trip.

EXECUTIVE SESSION

Present: John Norris, County Engineer
Joseph Ernest Bell, II, County Attorney

At this time the Commissioners agreed to meet in Executive Session in order to discuss items of litigation. The Session was held from 10:30 a.m. to 11:15 a.m.

APPLICATION TO APPLY FOR FEDERAL FUNDS
PUBLIC WORKS AGREEMENT

Present: Jerry McKinney, Executive Director, Tri-County Council

Mr. McKinney presented the Application to Apply for Federal Funds under the Public Works Agreement Program in the amount of \$1,485,000 for the St. Mary's County Courthouse and Leonard Hall Governmental Complex construction projects. Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign said Application, seconded by Commissioner Dean. All Commissioners voted in favor.

FINANCIAL STATUS REPORT ON THE COUNTY

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell presented to the Commissioners the Financial Statements and Supplemental Information for Fiscal Year Ending June 30, 1976, as prepared by the auditors, Wooden and Benson, and also gave a slide presentation as to the financial status of the County.

Mr. O'Dell suggested to the Commissioners that the documents be reviewed and a time set up in two weeks time to review this material in greater detail. The Commissioners concurred.

FIRE ALARM SYSTEM AND BURGLAR ALARM SYSTEM

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented to the Commissioners figures from various firms for the cost of fire alarm systems in County office buildings and burglar alarm for Leonard Hall. After some discussion, Commissioner McKay agreed to work with Mr. Raley to arrive at a recommendation for these systems.

DEEPWATER PORT PROPOSAL

Present: Mike Kilpatric, Department of Economic and Community
Development
Ward Miller, Economic Development Coordinator

In response to the Commissioners' letter dated October 14, 1976, to the Department of Economic and Community Development regarding the deepwater port proposal, Mr. Kilpatric appeared before the Commissioners to discuss the preparation of the Environmental Impact Study and the Economic Feasibility Study. He stated that the Department of Economic and Community Development does not have the technical expertise to do the Economic Impact Study; however, his Department could provide assistance in cooperating with the Department of Natural Resources to bring them together with the County Commissioners and Mr. Buckley, who is proposing the deepwater port, in arriving at a mutually acceptable consultant who would be qualified to do this study.

Mr. Kilpatric stated that the TEC is requiring of Mr. Buckley this same information relative to his rezoning application in this matter, and in addition, the Corps of Army Engineers on their application requires this type of study.

With regard to the Economic Feasibility Study, Mr. Kilpatric stated his department could draw up a Reason for Proposal (RFP) and that his department could meet with the Commissioners, Mr. Buckley, Technical Evaluation Committee and Planning Commission, and his department would assist in seeking consultants who would be capable of this type of study.

It was agreed that Mr. Miller would coordinate this project with Mr. Kilpatric and contact Mr. Buckley to determine if he is agreeable to such a meeting and then set up a meeting with him, Department of Economic and Community Development, County Commissioners, TEC, and Planning Commission. Mr. Buckley should be requested to define what categories he is pursuing in his proposal.

The Commissioners thanked Mr. Kilpatric for his expeditious response to the Commissioners' letter of October 14 and requested to be kept informed of any further developments.

ENCUMBRANCE VOUCHERS

Commissioner Jarboe made a motion to approve Encumbrance Voucher No. 10235 payable to First National Bank of St. Mary's for principal and interest due November 1, 1976, Court House Bond, seconded by Commissioner Dean. All Commissioners voted in favor.

Commissioner Parlett made a motion to approve Encumbrance Voucher No. 10241 payable to St. Mary's County Treasurer for Jurors' Fees and petty cash, seconded by Commissioner Jarboe. All Commissioners voted in favor.

DELINQUENT PERSONAL PROPERTY TAXES
IMPOUNDED CONFISCATED FUNDS

Commissioner Dean made a motion to accept the County Attorney's recommendation, as set forth in his letter dated October 22, 1976, with regard to collection of delinquent personal property taxes and impounded confiscated funds, seconded by Commissioner Jarboe. All Commissioners voted in favor.

1977 LEGISLATIVE PACKAGE

At this time, the County Administrator, Mr. Cox, reviewed with the Commissioners the legislative items and requested the Commissioners' decision on each item as to their support for prefiling:

1. Nursing Home/Municipal Corporation - Commissioner Dean made a motion that the Commissioners support this bill, seconded by Commissioner Jarboe. All Commissioners voted in favor.

2. Board of Education

(a) Attorney's Salary - Commissioner Dean made a motion that the County Commissioners be given authority to set the Attorney to the Board of Education's salary, seconded by Commissioner Jarboe. All Commissioners voted in favor.

(b) Election Days - Commissioner Jarboe made a motion to recommend to the Board of Education that the Commissioners would support this bill if it were a state-wide bill, seconded by Commissioner Dean. Four Commissioners voted in favor, with Commissioner Millison voting against.

3. Land Clearance and Wood Disposal - Commissioner Jarboe made a motion that this matter be referred to the County Attorney and that it be deleted from the package, seconded by Commissioner Dean. All Commissioners voted in favor.

4. President of the Board of County Commissioners Full Time - Commissioner Jarboe made a motion to support this proposal, seconded by Commissioner Parlett. Four Commissioners voted in favor, with Commissioner Millison voting against.

5. Metropolitan Commission -

(a) Elected Vice-Chairman - Commissioner Dean made a motion to support this bill, seconded by Commissioner Parlett. All Commissioners voted in favor. Commissioner McKay suggested and the Commissioners concurred that the bill should be amended that there would be no special compensation for Vice Chairman.

(b) Bond Endorsement by Clerk of Board of County Commissioners - Commissioner Jarboe made a motion that the Commissioners support this bill, seconded by Commissioner Parlett. All Commissioners voted in favor.

6. Sheriff's Department Merit System - Commissioner Dean made a motion that the Commissioners support this legislation, seconded by Commissioner Parlett. Four Commissioners voted in favor, with Commissioner Millison voting against, stating it should go to referendum.

7. Open Public Meetings - The Commissioners agreed to hold up on this legislation until the Commissioners had an opportunity to meet with the Journalist Association and to see what the Board of Education has submitted on this matter.

8. Elected School Board - Commissioner Millison made a motion to support this legislation, seconded by Commissioner McKay. One Commissioner voted in favor with Commissioners McKay, Dean, Jarboe and Parlett voting against. Commissioner McKay stated he would support this bill if it were state-wide.

9. Public Drinking - Commissioner Dean made a motion to support this legislation, seconded by Commissioner Jarboe. All Commissioners voted in favor.

10. Election of Replacements for Unexpired Terms - The Commissioners agreed to hold this legislation until Commissioner Millison submits specifics on this bill.

11. Personnel References, Repeal Certain Sections.

12. Rescue Squads.

13. Period of License Suspension Increased.

14. Trash and Litter Control.

15. Master Electrician/Eliminate Bond Requirement.

16. Lowering of Fine for Littering.

Commissioner Dean made a motion to support the above items 11 through 16, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

17. Change of Date of Audit - Commissioner Dean made a motion to support this legislation, seconded by Commissioner Parlett. All Commissioners voted in favor.

OLD HOUSE AT LAUREL GROVE PROPERTY

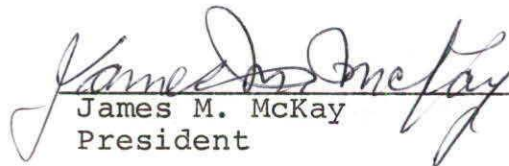
Commissioner Dean advised the Commissioners that a couple of individuals have approached Mr. Baggett, Director of Recreation and Parks, about removing some of the salvageable materials from the old house at Laurel Grove prior to it being burned down. Commissioner Dean stated he has discussed this with the County Attorney as to the drawing up of an agreement and holding the County harmless with regard to personal injury or property damage. Therefore, Commissioner Dean made a motion that John Baggett, Director, Recreation and Parks, be given the authority to give permission to individuals who so request to enter upon the property to remove salvageable materials from that condemned two-story building, provided that the individual requesting that privilege sign a hold harmless agreement with regard to any personal injury or property damage that might occur, such an agreement to be approved as to legal sufficiency by the County Attorney, seconded by Commissioner Parlett. All Commissioners voted in favor.

LETTER TO GOVERNOR MANDEL - ST. MARY'S CITY

Commissioner Jarboe made a motion to sign and forward the letter to Governor Mandel regarding St. Mary's City, seconded by Commissioner Parlett. All Commissioners voted in favor.

The meeting adjourned at 1:55 p.m.

Approved by,


James M. McKay
President