

BOARD OF COUNTY COMMISSIONERS' MEETING

August 27-28, 1975

Wednesday, August 27, 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 9:15 a. m. by Commissioner President McKay.

READING AND APPROVAL OF MINUTES

The minutes of August 20, 1975, were read. Commissioner Jarboe made a motion to approve the minutes, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

APPROVAL OF MINUTES

PUBLIC MEETING ON RECONSTRUCTION OF GOLDEN BEACH ROAD

The minutes of the meeting held on the reconstruction of the Golden Beach Road held July 29, 1975, at the Mechanicsville Elementary School were read. Commissioner Parlett made a motion to approve said minutes, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Finance Director

Mr. Sterling submitted encumbrance vouchers for the past week for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the encumbrance vouchers, with the exception of Vouchers No. 4142 payable to Ed Atkins for Outdoor Drama and No. 4398 payable to B. A. Garner for assembling of a bench, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

ADDITIONAL TELEPHONE LINE

Present: Paul Raley, Administrative and Logistic Officer

Commissioner Parlett requested Mr. Raley to contact the telephone company to ascertain the cost for adding either an 884 line or a 274 line to the courthouse telephone system in order to be able to call LaPlata or Waldorf toll free.

OUTDOOR DRAMA - REQUEST FOR FUNDS

Mr. Cox reported that the Outdoor Drama Association is requesting consideration by the Commissioners for an amount of \$2,517.50 in order to cover expenses through September of the "Wings of the Morning" production. Mr. O'Dell recommended approval of this request in that an overall review of the status of the Outdoor Drama is scheduled for September 24.

Whereas, the Outdoor Drama has maintained its expenditures as closely as possible to the \$40,000 allocation as of September 1 and, Whereas income for the Outdoor Drama has equaled or surpassed the projected income level and, Whereas the general review of the Outdoor Drama is scheduled on September 24, as previously requested by the Commissioners, Commissioner Jarboe made a motion to authorize the expenditure of \$2,517.50 to the Outdoor Drama Association, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

CODE SUPPLEMENTS

Mr. Cox reported that correspondence was received from Dr. Carl Everstein of Legislative Reference stating that the cost for 100 copies of the supplement to the St. Mary's County Code would cost approximately \$2,100. \$1600 was budgeted for this.

Commissioner Parlett made a motion to order up to 100 copies of the Supplement, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

TRI-COUNTY COUNCIL - RC & D PROJECT

Correspondence was received from the Tri-County Council requesting St. Mary's County to contribute \$250 to augment the RC & D Project. Mr. O'Dell, Budget Officer, recommended approval of said contribution.

Commissioner Parlett made a motion to contribute \$250 to augment the RC & D Project of the Tri-County Council, and that said funds be taken from the Contingency Fund, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

INTRA-ACCOUNT TRANSFER - CIRCUIT COURT

Mr. O'Dell requested the Commissioners' approval of an intra-account transfer for a portion of Mr. Al Szal's salary, as Administrator for Seventh Judicial District as follows: Increase Account No. 20-20201 and decrease Account No. 20-20191 by an amount of \$3900. Commissioner Jarboe made a motion to approve said transfer, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

MOSQUITO CONTROL PROGRAM

Paul Raley, Director, Administrative and Logistic Services advised that Dr. Altman from Md. Department of Agriculture called regarding a possible extension of the Mosquito Control Program due to the fact that funds are left over from this year's program (\$3,715 from State and \$1,485 from County). Dr. Altman requested a decision from the Commissioners as to the commitment of county funds for this extension.

Commissioner Jarboe made a motion to assure Dr. Altman that the Commissioners are in favor of continuing the Program and that it be kept within the budgeted amount, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

COMPLAINTS CONCERNING MOSQUITO CONTROL PROGRAM

Commissioner Jarboe suggested that the various concerns and complaints from the citizens of the County concerning the Mosquito Control Program be turned over to the Department of Agriculture.

VACANCY ON RECREATION AND PARKS BOARD

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised the Commissioners of the unofficial resignation of Bruce Pethal to the Recreation and Parks Board and requested the Commissioners to consider making an appointment to fill this vacancy.

ROLLER SKATING VAN

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett brought to the Commissioners' attention that although his Department does have a roller skating van it is in need of extensive repairs and therefore expressed the need for a new van. He is still working with the Sheriff's Department on the possibility of obtaining one of the confiscated vans.

SEVENTH DISTRICT PROPERTY

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett stated that he received a request from Lorenzi, Dodds, and Gunnill to withdraw their bid of \$980 for the development of the Seventh District Park plans in that he could not do the work for that amount. Mr. Baggett recommended that the project be rebid.

Commissioner Jarboe made a motion to accept Mr. Baggett's recommendation and rebid the project, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

DOUGLAS TUBMAN ESTATES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett stated that the Recreation and Parks Board would not approve the installation of a hard-surface court but did approve a temporary ball diamond and basketball backboard which would cost approximately \$300. The Commissioners agreed that Mr. Baggett should proceed with this.

WILLOWS ROAD PROPERTY

Present: John Baggett, Director, Recreation and Parks

In view of the fact that Mr. Baggett was ill on Sunday, Commissioners Jarboe and Millison did not visit the Willows Road site with Mr. Baggett; therefore, another visit was scheduled with all Commissioners and Mr. Baggett for Sunday, August 31. Mr. Baggett stated that the Recreation and Parks Board was in favor of the purchase of the Willows Road property.

USE OF RAILROAD RIGHT-OF-WAY

Commissioner Dean submitted a draft memorandum to various persons establishing a committee to address uses, maintenance, safety conditions and general policy with regard to the railroad right-of-way. Commissioner Dean recommended that John Baggett, Director, Recreation and Parks chair this committee.

Commissioner Dean made a motion that the following individuals be requested to serve on this task force to review certain aspects of the railroad right-of-way: Lt. Muchow, Md. State Police; Sheriff George Sanger; John Baggett, Recreation and Parks; John Norris, County Engineer; Walt Smith, SMECO; Richard Platt, Director, Land Use and Development; Joseph Marion Gough, Chairman, Planning Commission; and Joseph Ernest Bell, II, County Attorney, and further that John Baggett be requested to be coordinator of this project for the Commissioners and that the above-mentioned memorandum be forwarded to these individuals, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

AMENDMENT TO COMPREHENSIVE WATER AND SEWER PLAN

Present: Richard Platt, Director, Land Use and Development

Mr. Platt stated that a public hearing was held on August 4, 1975, on the application by Benjamin Burroughs, et al to consider a change in the Comprehensive Water and Sewer Plan for "Country Lakes" Subdivision. Mr. Burroughs requested consideration for a change in the water category from W-6 to W-3 for Section I and from W-6 to W-4 for Sections Two, Three, and Four. (Mr. Platt added that the advertisement for public hearing incorrectly referred to Section 5).

Mr. Platt stated that the Planning Commission recommended approval of these changes.

Commissioner Jarboe made a motion to amend the Comprehensive Water and Sewer Plan to change the water category of Country Lakes from W-6 to W-3 for Section I and from W-6 to W-4 for Sections Two, Three and Four, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

APPROVAL OF VOUCHERS

Commissioner Millison made a motion to approve Vouchers No. 12819 through 13281, dated July 2 through July 31, 1975, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

KITTS POINT - VARIANCES TO ZONING ORDINANCE

Present: Victor Reynolds, developer, Kitts Point
Walter Schroeder
George Gavrelis
Richard Platt, Director, Land Use Office

Mr. Reynolds came before the Commissioners to discuss the decision of the Board of Zoning Appeals concerning his request for variances in the development in the floodplain area for the Kitts Point project. The Board of Appeals granted some variances and denied others.

Mr. Reynolds requested the Commissioners consideration of the following:

1. first floor elevation
2. ten-foot strip around the structure;
3. crown of the road;
4. The 25-foot strip access to the road.

Mr. Reynolds requested the Commissioners to consider changing requirements above prior to the update of the Zoning Ordinance to the 100-year statistical floodplain level and if not take this request into consideration at the time of the update.

In reviewing Article 4.15B of the Zoning Ordinance, the Commissioners agreed that a legal opinion would be needed from the County Attorney as to the interpretation of this section, particularly paragraph five.

Mr. Reynolds, Mr. Gavrelis and Mr. Schroder brought to the Commissioners' attention the need for the consolidation of the facts in the Zoning Ordinance and the Comprehensive Land Use Plan in order to have on format for the seeming present conflict.

The Commissioners advised Mr. Reynolds that they will obtain an opinion from the County Attorney and will contact him as soon as possible.

APPROVAL OF ENCUMBRANCE VOUCHERS

Commissioner Jarboe made a motion to approve the two Encumbrance Vouchers that were withheld this morning (Vouchers No. 4142 and 4398), seconded by Commissioner Parlett. All Commissioners voted in favor.

EXTENSION OF STEUART PETROLEUM PIER - LETTER OF OPPOSITION

The Commissioners discussed an item tabled from the previous week regarding a letter from the Board of County Commissioners in opposition to the proposed pier extension for the Steuart Petroleum Company. Commissioner Jarboe stated that having considered the matter he was of the opinion that a letter of opposition would be counter-productive following the Commissioners' previous letter regarding the Environmental Impact Statement and because of the fact that the Commissioners learned that the Steuart Petroleum Company was going to expand their tank farm and taking the position of opposition would hamper discussion of this expansion. The other Commissioners agreed, with the exception of Commissioner Millison who stated that he would prepare a letter over his signature alone expressing his personal opposition to the pier extension, which would not necessarily reflect the feelings of any other board members but himself.

WATERSHED SITES 3, 4 and 5

Present: John Hall, Soil Conservation Service
Richard Platt, Director, Land Use Office

Mr. Hall came before the Commissioners to request a decision from them as to their method and timetable for the acquisition of sites 3, 4 and 5 of the St. Mary's River watershed project. The Commissioners discussed the possibility of conducting a public hearing on this and inviting State people to attend. Mr. Hall was in agreement.

The Commissioners informed Mr. Hall that they will discuss this further at next week's meeting.

ANNUAL REPORT OF ZONING ADMINISTRATOR

Present: Richard Platt, Director, Land Use and Development
(Zoning Administrator)

Mr. Platt submitted his Annual Report of the Zoning Administrator pertaining to the St. Mary's County Zoning Ordinance and statistical data concerning the Ordinance as of May 1975.

Mr. Platt brought the Commissioners up to date relevant to the subcommittees of the Planning Commission working on the update of the Zoning Ordinance and the Comprehensive Plan and stated that the Planning Commission will conduct public hearings on these documents and submit recommendations to the Commissioners.

DRAFT COPY OF PROPOSED SUBDIVISION REGULATIONS

Present: Richard Platt, Director, Land Use and Development

Mr. Platt submitted the Draft Copy of the Proposed Subdivision Regulations 1975. He stated that the Planning Commission will be submitting recommendations to the Commissioners. Commissioner McKay suggested that the Commissioners hold a work session on this document prior to conducting a public hearing.

COMPREHENSIVE WATER AND SEWER PLAN

Present: Richard Platt, Director, Land Use Office

In discussing the update of the Comprehensive Water and Sewer Plan, Mr. Platt stated that the State Health Department recommended that the water and sewer maps be updated. Mr. Platt also recommended that the coloring of the legend be changed; the larger categories should be a lighter color.

Mr. Platt recommended the establishment of a committee to review the Comprehensive Water and Sewer Plan prior to the Commissioners review and that said committee should consist of representatives from the Metropolitan commission, Health Department and County Commissioners. The Commissioners agreed there would be a staff committee to update the Water and Sewer Plan which will be forwarded to the Planning Commission who will then forward it to the County Commissioners.

Mr. Platt is to determine if the Tri-County Council can provide staff assistance for the update of the Plan.

FINANCIAL ACCOUNTING AND REPORTING SYSTEM

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell recommended to the Commissioners that an Executive Session to be held concerning the organizational aspects and personnel relevant to the County proceeding with a financial accounting and reporting system. NCR has made their presentation and Mr. O'Dell stated that IBM and Burroughs will be making a presentation to the Commissions on this system. The Commissioners set September 18 at 9:00 a.m. to conduct an Executive Session on this subject.

LETTER TO DR. KING - CETA EMPLOYEES

Present: Joseph O'Dell, Budget Officer

In response to the Board of Education's letter dated August 22, Mr. O'Dell presented a draft letter for the Commissioners' review. The Commissioners were in agreement with the several items addressed in this response and specifically directed Mr. Cox to arrange for the transfer of CETA employees to the Board of Education no later than September 30.

LETTER FROM RICHARD CAWOOD - "ONE DAY TRADERS LICENSES"

In response to a letter from Ricaher Cawood pertaining to a trader selling furniture with a "One-Day Trader License" and referred to Commissioner Millison' property, Commissioner Millison stated the following for the record: "When I discovered him on a piece of property of mine, I asked him to leave. He refused to leave so I had the Sheriff's Department come over and tell him to leave, after which time he did leave. The second piece of land he located on did not belong to me and I don't think I should take it upon myself to tell the people selling furniture to leave.

GROUNDWATER RESOURCES

Commissioner Dean recommended a groundwater conference with representatives of the following agencies: National Geological Service, Maryland Geological Service, Water Resources Administration, Maryland Environmental Service, Metropolitan Commission and Tri-County members and staff.

In this Conference it should be determined where are with respect to our knowledge of water resources, what has to be done to manage this water and course of appropriate action should be charted.

Commissioner Dean recommended that this be coordinated through the Tri-County Council President and staff and he would contact Tri-County Council to determine if such a conference could be organized. It was suggested that Mr. Benjamin Beaven and Fred McCoy be added to those who should attend this conference.

ST. MARY'S COUNTY SCHOLARSHIPS

Present: Eloise Pickerell
Recipients of Scholarships

Miss Pickerell introduced to the Commissioners those students who received St. Mary's County scholarships and expressed the appreciation of those students who could not be present today.

COUNTY COMMISSIONERS' SCHEDULE

Commissioner Dean distributed a proposed agenda for the scheduling of appointments for the County Commissioners' meeting.

NURSING HOME BOARD

Correspondence dated July 24, 1975 was received from Chauncey Karsters from the Nursing Home Board expressing his concern about the legal liability of Nursing Home Board members in their position of managers of the Nursing Home.

Mr. Cox was requested to determine the Nursing Home Board's insurance coverage and determine if they are covered under the County's policy.

The meeting recessed at 5:05 p.m.

Thursday, August 28, 1975

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

The meeting reconvened at 9:25 a.m.

GRANT APPLICATION - POLYGRAPH TRAINING

Commissioner Parlett made a motion to approve and authorize Commissioner President McKay to sign the Grant Application for the Polygraph Training for the deputy in the Sheriff's Department - federal share - \$2610, state share - \$102, local share - \$188, for a total of \$2900, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

RENOVATION OF RESTROOM FACILITIES - LEONARD HALL

Present: John Norris, County Engineer

Mr. Norris requested approval to obtain bids on the proposed renovations to the restroom facilities at Building No. 4 at Leonard Hall. Commissioner Jarboe made a motion to grant this request, seconded by Commissioner Dean. Three Commissioners voted in favor with Commissioner McKay and Millison abstaining.

ACCEPTANCE OF BATES DRIVE INTO COUNTY SYSTEM

Present: John Norris, County Engineer

Mr. Norris presented the Road Deed for Bates Acres Sub-division and stated that the roads in this subdivision are acceptable to the County Engineer's Office as being satisfactory condition and recommended that the County accept Bates Drive into the County Highway Maintenance System. Commissioner Jarboe made a motion to accept the County Engineer's recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor.

ST. ANDREWS LANDFILL RC & D PROJECT

Present: John Norris, County Engineer

Mr. Norris stated that the lowest bidder for the St. Mary's Landfill RC&D Project was Ray Sears, Davidsonville, Md. in the amount of \$25,539 and recommended acceptance of this bid pending notification from RC&D of Soil Conservation that it is acceptable to them.

Commissioner Jarboe made a motion to accept Mr. Norris' recommendation, subject to written authorization from Soil Conservation Service, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

RAILROAD RIGHT-OF-WAY (COLLAPSED FILL)

Present: John Norris, County Engineer

Mr. Norris recommended payment to B. F. Ascher Excavators in the amount of \$5,269.11 for the work to repair the collapsed fill situation near Md. Rte 5 at Mechanicsville.

Commissioner Jarboe made a motion to approve payment of billing in the amount of \$5,269.11 to B. F. Ascher from the Contingency Fund and authorize the transfer of monies received from the sale of railroad tracks and ties to the Contingency Fund if the County Attorney approves the transfer from the "restricted funds" account, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

DUKEHART'S CREEK

Present: John Norris, County Engineer

The Civil Suit has not been filed by the property owner who claims adverse possession of the land and in an effort to settle the question, Mr. Norris proposed that the Dukehart's Creek property be surveyed and restaked. The Commissioners concurred.

CHAPTICO - MECHANICSVILLE ROAD PLANS

Present: John Norris, County Engineer

Mr. Norris presented the plans for the reconstruction of Chaptico-Mechanicsville Road and requested Commissioner McKay's signature on same. Commissioner Dean made a motion to approve and authorize Commissioner McKay sign said plans, seconded by Commissioner Parlett. All Commissioners voted in favor.

SUBDIVISION ROAD POLICY

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

Commissioner Dean submitted a draft copy of the Subdivision Road Policy which he sated for the purpose of addressing the road problems that exist and to give guidance to the County Engineer.

In conjunction with this, Mr. Norris submitted items for the Commissioners' consideration pertaining to outstanding road construction bonds. Each item was reviewed and several questions were raised that needed the County Attorney's opinion. The questions are as follows:

1. Do we have a leagl right to require developers to meet 1954 Subdivision Regulation Standards, when previous roads in the same subdivision have been accepted in sub-standard conditions?

2. If undeveloped tract has been recorded, can new subdivision regulations, especially road profiles, be required?

3. Can we retroactively demand that an existing bond be increased because of inflation, increased costs, etc.?

4. Inasmuch as no term was established previously for completion of road, or term for bond, can such a term now be established in old subdivisions?

5. If an approved subdivision has an inadequate drainage system, can the County withhold building permits from lots in the subdivision subject to the flooding?

In addition, the Commissioners discussed the possibility of inviting a person expert in bond counselling to come before the Commissioners for a discussion of the mechanics of bonding.

In conclusion Mr. Norris stated he would gather all pertinent information, ie, number of bonds and number of subdivisions in order to get a scope of the problem in time for a meeting with the Commissioners on this matter scheduled for Friday, September 12, at 7:30 p.m.

PROPOSAL FOR SERVICES - H. D. MCGLADE

Mr. Cox presented for the Commissioners' review and approval correspondence to Mr. McGlade pertaining to the use of his services on a per project basis. Said correspondence contained terms and conditions under which Mr. McGlade's services would be employed. After some discussion, Commissioner Jarboe made a motion to sign and forward a letter, seconded by Commissioner Dean.

The Commissioners voted four to one in favor with Commissioner Millison voting no, and stating for the record that he was against the proposal because he has a "policy of not hiring anyone who is not a Resident of St. Mary's County.

Mr. McGlade lives in Bethesda and it has been a matter of grave concern in the community that the highest paid man in County Government is not a resident of the County. Mr. McGlade resigned on his own. Under the proposal Mr. McGlade would earn \$1,000 for 40 hours work."

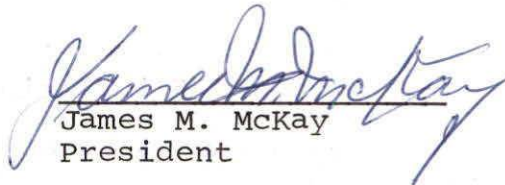
PRESENTATION OF BOOKS TO THE COMMISSIONERS

Present: Marvin Joy, Bicentennial Commission

Mr. Joy presented a book authored by Edwin Beitzell entitled "St. Mary's County, Maryland - The American Revolution" to each of the Commissioners.

The meeting adjourned at 12:00 Noon.

Approved by,


James M. McKay
President