

BOARD OF COUNTY COMMISSIONERS' MEETING

February 4-5, 1976

Wednesday, February 4, 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
Cecelia B. Adams, Recording Secretary

The meeting came to order at 9:10 A.M.

READING AND APPROVAL OF MINUTES

The minutes of January 28-29, 1976 were read. Commissioner Jarboe made a motion to approve the minutes, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

GOLDEN BEACH-COUNTY ATTORNEY

Mr. Ernie Bell, County Attorney, appeared before the Commissioners. Mr. Bell mentioned that both Mr. Benjamin H. Burroughs, Jr. and Mr. Arthur G. Wolff had verbally consented to emergency repairs being made on certain streets and roads in Golden Beach Subdivision. Mr. Bell stated that he had prepared and sent to them for signature an entry agreement to this affect.

H.B. 951-ROADS AND BRIDGES-COUNTY ATTORNEY

Mr. Bell explained the contents of his letter to the Commissioners dated January 30, 1976 regarding the ordinance-resolution distinction as it pertains to the proposed streets and roads legislation. The Commissioners agreed to include this matter in their discussion with the legislative delegation.

LEGISLATIVE PACKAGE

Commissioner Dean stated that perhaps it was in order to set time aside to discuss bills from the legislative package to see if there were any additional matters to be included.

Discussion followed as to the scheduling of a meeting with the Commissioners and the St. Mary's County legislative delegation. Mr. Cox advised the Commissioners that Delegate John Hanson Briscoe would like to hold the public hearing on the legislative package on February 27 at 7:00 P.M. at the St. Mary's County Technical Center. The Commissioners agreed to the proposed date and time. Mr. Cox will verify the location and date and report back to the Commissioners.

Ernie Bell, County Attorney, stated that it would be helpful if the Commissioners could obtain the gist of pertinent bills being introduced throughout the State that may pertain to St. Mary's County. Commissioner McKay stated that the Maryland Association of Counties would obtain any information that may be needed. Mr. Cox was requested by the Commissioners to route a copy of the proposed "open meeting" bill to department heads for their input.

ENCUMBRANCE 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 payment of these bills as submitted. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.

BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

Mr. Sterling informed the Commissioners that bids were opened on February 4, 1976 on the investment of \$275,256.26 as follows:

	<u>Md. Natnl.</u>	<u>First Natnl.</u>	<u>Md. Bank & Trust</u>
\$275,256.26-120 Days	5.00%	5.075%	5.12%

Mr. Sterling recommended that the bid be awarded to the highest bidder, Maryland Bank and Trust Company. Commissioner Jarboe made a motion that the Commissioners accept the Director of Finance's recommendation. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.

TAX ABATEMENT-MRS. JOHN G. FENWICK

Commissioner McKay informed the Commissioners of a request from the Property Tax Assessment Appeal Board of St. Mary's County. The Board has recommended that an exemption of 50% of the 1974 County taxes, amounting to \$106.27, for Mrs. John G. Fenwick, be granted since the same condition existed in 1974 that currently exists. The Commissioners had previously granted a tax abatement to this individual for the year 1975. Commissioner Dean made a motion that the Commissioners accept the recommendations of the Property Assessment Appeal Board and abate the taxes for 1974 for Mrs. John G. Fenwick pending the ultimate determination by the County Attorney that the Commissioners have the authority to do so. Commissioner Jarboe seconded the motion. All Commissioners voted in favor of this motion.

OFFICE OF CIVIL DEFENSE AND DISASTER PLANNING
AGENCY-ANNUAL REPORT, 1975

Present: Mr. Otis Wood, Director

Mr. Otis Wood, Director of Civil Defense and Disaster Planning Agency, presented to the Commissioners the statistical report for 1975 showing the incidents on which one or more law enforcement or emergency agencies participated, as recorded by the Central Communications Center. Mr. Wood reviewed same. The report indicated that there was an increase of 12,172 calls over last year and Mr. Wood felt that if this increase continues, more sophisticated communication equipment would be needed in the near future. Mr. Wood reported that the Deputy Director of Civil Defense would be meeting with him the following day to confirm the date for the Disaster Plan test. February 17 has been suggested as the date for the test. Mr. Wood requested that as many of the Commissioners as possible participate. Mr. Wood stated that several department heads (who would become involved in the event of a disaster) would be requested to participate also.

PRESS CONFERENCE

Present: Patty Muchow, Guardian
Dick Myers, Radio Station WKIK
Jack Kershaw, Enterprise
Brian Murphy, Guardian
Randy Buehler, St. Mary's Beacon

The regular semi-monthly press conference was held at this

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

REZONING HEARING-CASE NO. 75-11

IRVIN K. JONES, HARRY LEONARD AND BATES ASSO.

Present: Mrs. Wallace C. Coflin, Irvin K. Jones, Larry Day, Eugene Kopp, Robert Hall, Jr., Mrs. Lorraine D. Hall, Mrs. Louise A. Eckloff, John B. Dexter and Mrs. Lottie V. Tudge

Application was made by Irvin K. Jones, Harry H. Leonard and Bates Associates, Inc. to have a parcel of land containing approximately 1.29 acres located on the north corner of the intersection of Md. Rt. 235 and St. Andrews Church Road, rezoned from rural residential, R-1, to Highway Commercial, C-2.

The secretary read the Notice of Public Hearing.

Mr. Larry Day presented the following exhibits: (1) Certified receipts of letters notifying adjoining property owners within 200 ft. of the subject property, (2) Plat of parcel of ground as prepared by Larry Day and Associates, (3) Percolation test application from the St. Mary's County Health Department and (4) Letter from the Maryland Department of Transportation stating that a two-way entrance off of Md. Rt. 235 onto the proposed site would be allowable.

Commissioner McKay inquired if anyone present wished to speak for or against the rezoning request.

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

DISCUSSION OF PROCEDURE-REZONING CASES

Commissioner Dean suggested that in the future, it would be a good procedure to follow that when the booklet prepared by the Land Use and Development Office is sent to the Commissioners, a copy also be sent to the applicant. This would give the applicant the benefit of all information developed and let them know what the Commissioners will be deciding the case upon in addition to the public testimony. The Commissioners unanimously agreed that this should be done and so instructed Mr. R. L. Platt.

Commissioner Parlett stated that possibly information should be added to all notices of advertisement appearing in newspapers regarding public hearings, stating that the hearings will remain open for ten days for any additional comments anyone may care to make.

Mr. Cox was requested to prepare a memorandum to all departments that might be advertising public hearings to this affect.

LEGISLATIVE MEETINGS

Mr. Cox reported to the Commissioners that the meeting with the legislators and the County Commissioners has been scheduled for February 12, 1976 at 4:00 P.M. in Annapolis. The Commissioners will meet in Delegate Briscoe's office. The public hearing on the proposed legislative package has been scheduled for February 27, 1976 at 7:00 P.M. at the St. Mary's County Technical Center.

STEUART'S SITE PLAN

Discussion was had regarding Steuart Petroleum Company's site plan approval. Commissioner Jarboe made a motion that the Commissioners hold their decision pending the outcome of an environmental impact analysis. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.

Commissioner Dean suggested that the Commissioners notify the applicant of their decision since it is indicated that the analysis be paid for by the applicant and he must concur in that. The Commissioners must have a determination from the applicant as to whether he will pay for this. The Commissioners would then need to determine what procedure they would chose to do the study.

Commissioner Dean volunteered to draft a letter for the Board's review to go to Steuart. Commissioner Dean stated that all the requirements of the Zoning Ordinance need to be satisfied. There needs to be an accurate look at all procedures including the law of spills. The Commissioners agreed that Commissioner Dean would draft a letter to Steuart setting forth the Commissioners' position and requesting that he support financially an environmental impact analysis based upon the additional tanks if the permit is granted. Commissioner Jarboe stated that once a firm is selected, he would like to discuss the analysis with the firm chosen.

MORATORIUM-CLOVER HILL-McINTOSH ROAD

Commissioner Dean stated that a matter pending before the Board some time ago was the imposition of a moratorium on Clover Hill-McIntosh Road because of a situation existing on the turn on that road. Commissioner Dean stated that informal contact has been made with several persons (who are affected property owners), who have agreed to cooperate in obtaining a safe condition on that turn. There are persons on that road who would like to proceed with building permits. He inquired as to whether the Commissioners would possibly consider lifting the moratorium. If so, the next step would be to decide to correct the safety condition on that turn that has not been done. If that decision is made, the next decision would be to acquire the right-of-way. The property owners have expressed a willingness to work with the County. Commissioner Dean continued stating that this Board has never formally said they were going to correct the turn on that road. It is his understanding that the money to do that was obtained from the developers of Gillens Grove. Mr. John Norris, County Engineer, was due in before the Commissioners the following day. The Commissioners felt that Mr. Norris could be contacted and informed that they would like to discuss the Clover Hill-McIntosh Road and the correction of the turn there. They would also need the cost estimates for fixing the turn and the amount of money provided to the County by the developer of Gillens Grove.

LORETTA HOUSE FUNDING

Present: Mr. Joseph P. O'Dell, Budget Officer

Commissioner Jarboe stated that recent correspondence from the Loretta House indicated that funding was needed to complete their budget year. Commissioner Jarboe made a motion to supply \$3,750.00 for the three month period to complete their budget year, to be taken from the contingency fund, which would represent St. Mary's County's share for same. Commissioner Parlett seconded the motion. All Commissioners voted in favor of this motion.

FIFTH DISTRICT ELEMENTARY SCHOOL

The Commissioners signed letters being sent to the St. Mary's County legislators regarding the Interagency Committee for Public School Construction's decision not to recommend approval by the Board of Public Works, for St. Mary's County's F.Y. 1977 request for planning funds for a needed fifth district elementary school.

These letters asked the legislators to intercede in the reversing of this decision and asked for their support of the Commissioners' request for F.Y. 1977 planning funds for the fifth district elementary school.

HISTORICAL RECORDS-BASEMENT

Commissioner Dean stated that some time ago several of the Commissioners went down into the basement of the jail with members of the Bicentennial Commission and found the historical records of the County are being stored in the basement where it is damp and dirty. The records are in quite a bit of disaray. He felt they needed to take some positive steps in getting records out of the jail and into a secured place. Commissioner Dean stated that possibly the Bicentennial Commission could review, catalogue and save these records. Commissioner McKay stated that one of the best methods would be to take them to some area where it was dark and there was a dehumidifier. Commissioner McKay stated that they deserve to be preserved if they have any value. Commissioner Dean inquired if there was a willingness on the part of the Board to get these records out of the basement. Commissioner Dean stated that he would be happy to work with the County Administrator in an attempt to locate a place to store same. They could then come back within the next two weeks and report their findings. The Commissioners agreed that this should be done.

LETTER TO POPE PAUL, VI

Commissioner McKay stated that last week the Commissioners had discussed sending a formal invitation from the governing body of St. Mary's County to his holiness Pope Paul VI to visit the County during the Bicentennial Year. The letter had been prepared. Commissioner Jarboe made a motion to sign the letter. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.

GENERAL SERVICES ADMINISTRATION

Commissioner Dean referred to the recent letter from Mr. William Raymond Bosley, Chief, Space Management, Department of General Services, requesting that the County reconsider its position not to transfer the operating equipment held by the local Assessment Office. He stated that replacement equipment has not been ordered pending reply to same. Mr. Cox advised that Mr. Paul Raley, Director of Purchasing and Logistics, is in contact with them in an attempt to resolve the situation.

BICENTENNIAL HORIZONS' WORKSHOP

The Commissioners reviewed a memorandum from Mrs. Rubye Beaman of the Bicentennial Commission regarding the Bicentennial Horizons' Workshop to be held March 9, 1976. Mrs. Beaman suggested that someone in the County finance division attend the workshop. The Commissioners decided that no one would be sent from Finance and that Mrs. Beaman should attend the workshop.

APPOINTMENT TO YOUTH COMMISSION

Commissioner Jarboe made a motion to appoint Mr. Gerald Sword to the St. Mary's County Youth Commission for a term to expire July 1, 1979. Commissioner Parlett seconded the motion. All Commissioners voted in favor of this motion.

ANNUAL LEAVE ACCUMULATION

Mr. Cox discussed a portion of the County's Merit System regarding annual leave for employees. He stated that according to County Resolution 64-10, Section 18-6 it states, "An employee should not be allowed to accumulate and carry into a new calendar year more than thirty days annual leave. The rate of accumulation of annual leave should not exceed five days in any one year". Mr. Cox stated that at the end of the year employees could not carry more than five days of their annual leave they had earned into the next year. If someone had not taken all of their leave they were denied this leave. Mr. Cox stated that it was being recommended by Mr. Nace Frescoe, Personnel Officer, and himself, that the Commissioners should reconsider what has been interpreted and and that employees be allowed to carry an unlimited amount of leave into the next year, as long as there would be no change in the 30-day limit.

Commissioner Dean made a motion that the Commissioners instruct the Finance Office that it is the wish of the Board of County Commissioners that in the St. Mary's County Resolution 64-10, Section 18-6, the word should be construed as should and not shall. Commissioner Jarboe seconded the motion. All Commissioners voted in favor of this motion.

ELMS PROPERTY ADVISORY COMMITTEE

Mr. Cox requested some direction to the Elms Property Advisory Committee as to whether their proposal should be acted upon. Commissioner McKay stated that he would move on any of their short term proposals and would do whatever the Commissioners could do to make use of the property. He would not support any long term uses.

INTRA-ACCOUNT TRANSFER FOR LUD

Present: Mr. Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented a request from Mr. R. L. Platt, Director of the Office of Land Use and Development, that an additional \$800.00 be transferred to their office supplies account. Mr. O'Dell stated that he has reviewed the details of expenditures set forth in Mr. Platt's letter and he has found everything is in order. The basic problem was the account was not sufficiently budgeted and based on a review of the past six months of expenditures, that office will require approximately \$800.00 additional funds in Acct. #35-35221. He recommended to the Commissioners that they transfer \$800.00 from the contingency fund, Acct. #16-19101 to increase Acct. #35-35221, (office supplies and expenses) by that amount. Commissioner Jarboe made a motion to accept the recommendation of the Budget Officer. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.

POLICE SERVICES STUDY

Mr. Cox reported to the Commissioners that the Governor's Commission on Law Enforcement has given the County approval to proceed with the police services study.

EMERGENCY APPROVAL OF VOUCHERS

Mr. Cox stated that Commissioner McKay is in the office on a daily basis, however, there have been emergencies when funds were needed immediately such as in various cases of narcotics investigations and recovery of prisoners with the Sheriff's Department. Mr. Cox requested that the Commissioners consider granting the County Administrator the authority to approve emergency vouchers. This would be done only in the case of an emergency when Commissioner McKay was not available. Commissioner Dean made a motion to give the County Administrator the authority to approve emergency items up to \$1,000.00 under certain circumstances. Commissioner Jarboe seconded the motion. All Commissioners voted in favor of this motion.

HEALTH SERVICE AGENCY

Commissioner Parlett made a motion to appoint Commissioner J. Patrick Jarboe as the St. Mary's County representative to serve on the governing board of the Health Service Agency. Commissioner Dean seconded the motion. All Commissioners voted in favor of this motion.

CLEAN UP PROGRAM

Commissioner Jarboe discussed the possibility of initiating an extensive clean up campaign throughout the County during the Bicentennial Year. After discussion by the Commissioners it was decided that Mr. Cox would act as coordinator of the project and work with Commissioner Jarboe in formulating a plan of action.

MARGARET BRENT AUDITORIUM RENOVATIONS

Commissioner McKay presented an outline of costs related to the renovation of the Margaret Brent school auditorium representing an overall cost of approximately \$30,000 subject to decisions on various items. After some discussion, the Commissioners decided to inform the Board of Education that the County will make use of the Margaret Brent school auditorium and request that it not be scheduled for demolition. Commissioner Dean made a motion that the Commissioners indicate to the Board of Education that it is the Commissioners' desire to use the existing Margaret Brent gymnasium for community purposes and they would like it to remain standing. Commissioner Parlett seconded the motion. All Commissioners voted in favor of this motion.

The meeting recessed at 3:40 P.M.