

BOARD OF COUNTY COMMISSIONERS' MEETING

June 16-17, 1976

Wednesday, June 16, 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 convened at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of June 9-10, 1976 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

The Director of Finance submitted the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve the vouchers as submitted, seconded by Commissioner Parlett. All Commissioners voted in favor.

REVENUE SHARING - INVESTMENTS

Present: Harris Sterling, Director of Finance

Mr. Sterling requested authority from the Board of Commissioners to place an expired CD in a savings account until such time as he has completed the bid process for investment. The Commissioners gave their concurrence.

Further, Mr. Sterling was instructed by the Commissioners to alter the "Direct Deposit" system of Revenue Sharing Funds so that monies would be directly deposited into an interest bearing account rather than a checking account as previously approved by the Board of Commissioners on June 2, 1976.

RESOLUTION NO. 76-30
ECONOMIC IMPACT FEE

Relevant to the discussion by the Commissioners at last week's meeting (See minutes of June 9-10, 1976) concerning the above-referenced Resolution, Commissioner Jarboe made a motion to adopt Resolution No. 76-30 - "Economic Impact Fee" which sets forth a new mechanism for collection of the Economic Impact Fee to be effective this date and rescinds previous Resolutions No. 74-27 and No. 74-42, seconded by Commissioner Parlett. All Commissioners voted in favor of the motion.

AGREEMENT - COUNTRY LAKES
ECONOMIC IMPACT FEE

Commissioner Dean made a motion that in light of the adoption of the Resolution No. 76-30 the Commissioners enter into an Agreement with Country Lakes, a Maryland Partnership, which sets forth the manner in which the Economic Impact Fee is to be collected in Section I of Country Lakes Subdivision, said Agreement having been reviewed and approved by the County Attorney, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

AGREEMENT - RECREATIONAL LAND - COUNTRY LAKES

Commissioner Dean made a motion that as per the requirement of the St. Mary's County Zoning Ordinance for Planned Unit Developments St. Mary's County enter into the proposed Agreement with Country Lakes establishing the manner in which the open space recreational facility will be developed in the Country Lakes Subdivision, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PERMANENT STATUS - WALTER WISE

The County Engineer submitted a recommendation that inasmuch as Mr. Walter Wise, Supervisor, Highway Inspections in the County Engineer's Office, will have satisfactorily completed his six-month probationary period on June 22, that he be placed on Permanent Status as of that date. Commissioner Dean made a motion to accept the County Engineer's recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

REMOVAL OF EMERGENCY POWER GENERATOR TO A NEW LOCATION

The County Administrator presented a request from Sheriff Sanger for permission to move the emergency power generator now located to the rear of the Health Department Building to the Banneker School. The generator would serve two important functions?

1. Operate the Sheriff's Department Radio Transmitter;
2. Furnish power for the large food freezer and refrigerators located at Banneker School.

Sheriff Sanger requested appropriation in the amount of \$600 for electrical supplies and labor necessary to make the generator operative.

Commissioner Jarboe made a motion to approve this request pending no objection by Dr. Marek of the Health Department, and that a determination be made as to source of funding, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

AMERICAN MANAGEMENT ASSOCIATION'S EXTENSION COURSE

The Budget Officer submitted a request to take the American Management Association's Extension Course concerning Budgeting by Department and Functional Area at a cost of \$55. Commissioner Jarboe made a motion to approve this request, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

CLEARINGHOUSE PROJECT

SOUTHERN MARYLAND TRI-COUNTY COMMUNITY ACTION COMMITTEE, INC.
CHILD DEVELOPMENT SERVICES

The County Administrator presented the above-referenced Clearinghouse Project to the Commissioners and stated that Mr. Carter of the Department of Social Services has reviewed the project and it is his recommendation that the Project Summary Notification Review be submitted to the State stating that the project is not inconsistent with this agency's plans, programs or objectives.

Commissioner Jarboe made a motion to forward this project to the State, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

MARYLAND HISTORIC SITES INVENTORY

The County Administrator presented correspondence from The Maryland Historical Trust which states that they will coordinate with the tri-counties the printing of the revised Maryland Historic Sites Inventory.

REQUEST FOR SUMMER HELP - SHERIFF'S DEPARTMENT

A request was received from the Sheriff's Department for summer help at the Lexington Park Office. The County Administrator stated that the Police Services Study will be presented to the Commissioners on June 30 in final form and since the study may impact upon the consideration of this request, he recommended that the Commissioners defer making a decision on this matter until the report is received. The Commissioners concurred.

ELMS PROPERTY

Requests have been received from the Maryland Department of Transportation, as well as the Elms Property Study Committee with regard to a proposed salt storage facility and monitoring wells for monitoring data at the Elms property location. The Technical Evaluation Committee has reviewed these proposals and has submitted recommendations that the Commissioners approve both facilities in that they would not impact on any potential future use of the Elms property.

The Commissioners directed Mr. Cox, County Administrator, to draft a letter of recommendation to the Power Plant Siting Program for the Commissioners' signatures.

BASE MAP SYSTEM

The County Administrator presented a request from the County Planner set forth in a memorandum dated June 2 regarding the purchasing of a base map system for St. Mary's County. This project has been approved for FY '77 implementation; however, since unexpended funds exist in the FY '76 budget that can be used for this purpose, the County Administrator recommended that the Board of County Commissioners approve the request to purchase the base map system now using FY '76 funds following standard county purchasing procedures.

The Commissioners expressed concurrence with the purchase of the base map system with FY '76 funds with the provision that the cost not exceed the stated amount in Mr. Kipp's memorandum of \$1695.

COMMISSION ON AGING - AGING TRENDS

Present: Dr. Tayback, State Office on Aging
 George Burnett, " " " "
 Wendy Morgan, " " " "
 Ted Beinart, " " " "
 Mrs. Louise Scott, " " " "
 Mrs. Agnes McGaharn, Executive Secretary, Com. on Aging
 Mr. Michael Sprague, House of Delegates
 Judge Dodge, Commission on Aging Board

Dr. Tayback introduced the various members of the State Office on Aging staff and gave a chart presentation of the present and future trends of the elderly population and programs and showing state and federal funds coming into St. Mary's County for the Commission on Aging Programs. In closing his presentation, Dr. Tayback encouraged the Commissioners to continue with their strong Commission on Aging Program and requested their continued support.

The Commissioners expressed their appreciation to Dr. Tayback for the informative presentation.

CERTIFICATE OF APPRECIATION

Present: Judge Clarence Dodge, Commission on Aging Board Member

The Commissioners presented a Certificate of Appreciation to Judge Dodge who had been serving as Chairman to the Commission on Aging Board.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
 Dick Myers, WKIK
 Bill Caffee, Beacon
 Brian Murphy, Guardian
 Cindy Cusic, "

The regular semi-monthly Press Conference was conducted at this time. A tape of the Conference is on file in the Commissioners' Office.

BLESSING OF THE FLEET

A request was received from the Seventh District Optimist Club for assistance from the County Engineer's Office as has been done in the past for the annual Blessing of the Fleet Program. The County Engineer is agreeable to providing this assistance, subject to the Commissioners' approval.

Commissioner Dean made a motion to grant this request, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

POLICY FOR PAYMENT OF OVERTIME - SHERIFF'S DEPARTMENT

The County Administrator presented a proposal regarding a policy and procedure for authorization of overtime for the Sheriff's Department. Mr. Cox recommended that the Commissioners consider establishing a committee to review this proposal to determine its impact on current operations and suggested that the Personnel Officer, Budget Officer and himself be on this Committee and return to the Commissioners with any problematical area and an analysis.

In view of the fact that the Police Service Study will be forthcoming June 30, the Commissioners accepted the County Administrator's recommendation that the Committee review the ramifications of the Sheriff's proposal and that a final report of this committee not be submitted until the Police Services Study is in hand in order that the Commissioners can take into consideration the contents of the report in conjunction with the committee's report.

PERSONNEL MANUAL (ADDITIONAL CHANGES)

The Personnel Officer submitted a memorandum dated June 14, 1976 requesting the following changes to be made to the Personnel Manual:

- (1) Change Section 0807(c) to provide that temporary employees are paid for actual hours worked on the basis of a forty hour week and do not earn any leave.
- (2) Add new Section 0807(f) to provide for a "permanent part time" appointment so as to allow for an alternative to permanent full time employment. Commissioner Dean made a motion that the changes suggested by the Personnel Office be approved, seconded by Commissioner Jarboe. All Commissioners voted in favor.

The meeting recessed at 12:15 p.m.

Thursday, June 17, 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 reconvened at 8:45 a.m.

CAPITAL IMPROVEMENT TRANSFERS

Present: Joseph P. O'Dell, Budget Officer

The Budget Officer appeared before the Commissioners to make recommendations regarding Intra-Account Transfers relative to the Capital Improvement Fund before the closing of the Fiscal Year 1976. Details of said presentation are covered in a memorandum with attachments dated June 17, 1976 from the Budget Officer. Action on these recommendations will be taken by the Commissioners' at next week's meeting.

SEVENTH DISTRICT PARK

Present: Dr. Robert King, Superintendent of Schools
Jim Raley, Board of Education staff
Catherine Barnes, Board of Education
Norma Dawson, Board of Education
Miss Hogan, Principal, Bethune School
John Baggett, Director, Recreation and Parks

As had been requested by the Commissioners at last week's meeting (See minutes of June 10, 1976), Mr. Baggett appeared before the Commissioners with representatives of the Board of Education to discuss the various options for the entrances to the Seventh District Park. The Board of Education will not grant a long term lease for Option 5 and would not allow entrance to the park during school hours. The State will approve Option 5 if the Board of Education's restrictions are removed. Miss Hogan expressed opposition to Option 5 because of the close proximity to Bethune School, and the fact that it was somewhat not a safe entrance.

Option 1 has been opposed by certain residents of the area because of increased traffic and the concern for the safety of their children in that area. However, Mr. Baggett indicated that the residents had not been made aware of Option 5, which would increase traffic through the school.

After a thorough review of the plans for the entrances, it was agreed that Option 1 appeared to be the most viable, and that the concerned residents of the area should be made aware of Option 5 and that Mr. Baggett should arrange a meeting with the residents and a representative of the Board of Education and himself to explain why Option 1 would be the most viable alternative.

LEXINGTON PARK SCHOOL PARK

Present: Dr. Robert King, Superintendent of Schools
Mrs. Catherine Barnes, Board of Education
Mrs. Norma Dawson, " " "
Mr. Jim Raley, Board of Education staff
Mr. John Baggett, Director, Recreation and Parks

After discussion concerning the entrance problem to the Lexington Park School Park as had been discussed at last week's Commissioners' meeting (See minutes of June 10, 1976), the Commissioners agreed that Mr. Baggett should proceed to have the entrance to the park constructed at the location which may be a future extension of Thomas Drive in the Essex South Subdivision, upon the advice of the County Attorney in his memorandum of July 29, 1975.

(Commissioner Millison left the meeting at 10:30 a.m.)

REZONING DECISION

CASE NO. 74-12

SHOMETTE AND STANHAGEN

The Board of County Commissioners conducted a second public hearing on May 26, 1976 on the application of Shomette and Stanhagen to have a parcel of land containing approximately 9.87 acres located on Md. Rt. 235 approximately 700 feet south of Chancellors Run Road, Eighth Election District, rezoned from C-1, neighborhood commercial to C-2, highway commercial.

Commissioner Dean made a motion that after hearing additional testimony and again reviewing the facts in this case, that the Board of County Commissioners grant this rezoning request for a change from C-1 to C-2 classification because the findings of fact and testimony given indicate that:

1. Population Change - There has been no significant population change;

2. Adequacy of Public Facilities - There is currently available at the site public sewerage and the site is in a W-4 water category. The site is additionally served by dualized Route 235.

3. Present and Future Transportation Patterns - Changing the property from C-1 to C-2 would not significantly alter any present or future transportation patterns, as evidenced by the statements of the State Highway Administration and the County Engineer's Office that the development would not disturb to any significant degree the traffic pattern of Maryland Route 235.

4. Compatibility of Existing and Proposed Development of the Area - The existing development and proposed development is a mix of residential with substantially commercial development and commercially zoned property. A motel, for which the property is being rezoned, would be compatible with such an area.

5. Recommendations of Planning Commission - The Planning Commission recommends to approve rezoning case 74-12 based on the reasons indicated in the May 7, 1976 memorandum from the Planning Commission to the Board of County Commissioners, copy of which is included and made a part of the record.

6. Relation to Comprehensive Land Use Plan - The subject property falls within the urban district of the Plan and therefore construction of a motel would not conflict with the Plan.

7. Fiscal Impact upon County Government - Commercial development would not provide any significant impact upon County Government, except to generate increased taxes.

8. Suitability of the Property in Question to the Uses Permitted under the Existing and Proposed Zoning Classifications - The property is presently zoned C-1; therefore, it is already commercial in nature. Under the proposed zoning classification, it would become C-2 which is necessitated by the desire to construct a motel, which is not permitted in the C-1 category.

Changing the classification from C-1 to C-2 does not establish the commercial nature of the property, but rather increases the number of permitted commercial uses.

In addition to the fact that it is already commercial property, the property is adjacent to and in the immediate vicinity of other commercially zoned property which also gives strength to the suitability of this property to be used for the proposed commercial use.

The appropriateness of the property having a C-1 commercial classification is somewhat questionable because the residential neighborhood for which C-1 is designed to serve is on the other side of the dual lane highway which as stated in testimony given, acts as a barrier to that neighborhood.

C-1 is a neighborhood commercial designation intended for daily short shopping trips from residential neighborhoods. The major residential subdivisions in the area are separated from the area of concern by Rt. 235, a dual highway. This makes it dangerous for use as a neighborhood shopping area. C-2 is a highway commercial designation, for other than neighborhood day to day short trips. Testimony during the hearings gave credence to the fact that the parcel in question is a commercial neighborhood onto itself, segregated as it is from the major residential subdivisions by a dual highway.

The finding of fact in this case not only indicate that the change is justified on the basis of being compatible with the Master Plan and within the ability of the County to provide the necessary services, but there is also some evidence to support the contention that a mistake or error was made at the time of the adoption of the original zoning classification.

The specific evidence that supports such a contention of a mistake having been made is:

1. Letters submitted by former County Commissioners Bowles, Aud and Guy who were in office at the time the original zoning classification was adopted, copies of which are included and made a part of the record;
2. Testimony of former County Planner, Robert Willard, copy of which is included and made a part of the record.

Commissioner Jarboe seconded the motion. All Commissioners present voted in favor. (A tape of the decision and discussion is on file in the Commissioners' Office.)

(Commissioner Millison returned to the meeting at 11:00 a.m.)

CROSS-EXAMINATION BY OPPOSING ATTORNEYS REZONING CASES

Commissioner McKay raised the question whether to permit cross-examination by opposing attorneys in rezoning cases in order to cut down the length of time of the hearings and requested the County Administrator to obtain a determination from the County Attorney with regard to this matter.

MASTER PLAN FOR THE ST. MARY'S COUNTY GOVERNMENTAL COMPLEX

The County Commissioners conducted a Public Hearing on May 25, 1976 to review the Master Plan for the St. Mary's County Governmental Complex. Therefore, Commissioner Jarboe made a motion to:

(1) Approve concept of the Master Plan as it applies to Leonard Hall for the St. Mary's County Governmental Complex as presented by Mosely-Henning Associates;

(2) That portions of Phase I Master Plan be approved for implementation, excluding Building 2 and 4 from renovation;

(3) That the Building Committee and County Engineer be permitted to seek bids on the engineering for renovations to Building No. 1, site work, and also Building No. 5 as an add-on.

Commissioner Parlett seconded the motion. Four Commissioners voted in favor with Commissioner McKay abstaining.

SPRAY IRRIGATION

Commissioner Parlett related to the Commissioners a discussion at a recent Metropolitan Commission meeting regarding spray irrigation and he had suggested that a study be made to determine if the County is heading in the right direction with regard to other studies of the treatment plants in the County. He stated that Walter Raum of the Environmental Committee has agreed to gather as much current information available on spray irrigation such as types and systems and to determine the possibility of the Environmental Protection Agency delaying the July 1977 deadline date that the new regulations are to be in effect. Commissioner Parlett suggested that all the facts and individuals with expertise and interest in this area be gathered and that a seminar be conducted to determine the feasibility of spray irrigation for St. Mary's County.

PURCHASE OF BUS FOR COMMISSION ON AGING PROGRAM

Commissioner Dean stated that the Executive Secretary of the Commission on Aging had requested the purchase of a bus under Title III funds, but would commit the county to the cost of maintenance and operation.

After discussion, Commissioner Parlett made a motion to approve the request for an additional bus in this year's Title III Grant with the understanding that Mrs. McGaharn, Executive Secretary, Commission on Aging, present this request to the Commission on Aging Board in order to come up with a justification based on findings of fact for the purchase of the van, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

WILLIAMS PROPERTY - ENCROACHMENT ON RAILROAD RIGHT-OF-WAY

Commissioner Dean discussed with the Commissioners correspondence and attachments received from the County Attorney regarding the above-referenced subject. Commissioner Dean recommended subscribing to the County Attorney's opinion of adverse possession of the piece of property to the present owner, Joseph Stanley Williams and pending no objection from Southern Maryland Electric. The Commissioners concurred with this course of action and agreed to make a formal decision after SMECO responded to our proposed intent.

AIRPORT COMMITTEE

Commissioner Dean made a motion that we appoint Mr. Thomas Howard to the Airport Committee as a voting member of that Committee as he has been serving as a liaison member, term to expire June 30, 1979, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion. A letter is to be forwarded to Mr. F. Elliott Burch, Sr. thanking him for his years of service on this Commission.

RESOLUTION NO. 76-32
PURCHASING AGENT - PURCHASING SYSTEM

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell presented the above-referenced Resolution for the Commissioners' review and approval.

Commissioner Jarboe made a motion to adopt Resolution No. 76-32 "Purchasing Agent-Purchasing System" to be effective this date, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

Commissioner Jarboe made a motion to designate the Director of Purchasing and Logistics as the Purchasing Agent for St. Mary's County, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

JOURNALIST ASSOCIATION - OPEN MEETINGS BILL

Present: Sunny Schust, Enterprise)
Dick Myers, WKIK) Committee
Edward V. Cox, County Administrator)

The above Committee appeared before the Commissioners to present a workable solution to problem areas in the Open Meetings Bill which is to become effective July 1; one with regard to the requirement of notice of staff meetings and the other regarding the purchase of real property as a reason for executive sessions. A meeting has been scheduled with the Department Heads and other members of the public on Wednesday, June 23 at 7:30 p.m. in the Circuit Court Room to explain the Open Meetings Bill.

The Commissioners advised that this matter would be referred to the County Attorney before making a decision.

(Commissioner Dean left the meeting at 12:15 p.m.)

RUNWAY END IDENTIFIER LIGHTS - ST. MARY'S COUNTY AIRPORT

The County Engineer's Office submitted a memorandum setting forth proposals for the installation of four runway end identifier lights. Proposals were as follows:

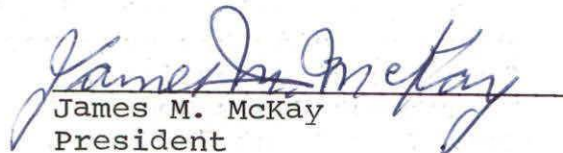
Leonard Harding, Jr.	\$3,100
Taylor Plumbing & Electric	\$8,874
Owens Electric, Inc.	\$5,200

The County Engineer recommended that this project be awarded to Leonard Harding, Jr., in the amount of \$3,100 with a contingency of an additional \$180 if the existing conduit on the property cannot be utilized.

Commissioner Jarboe made a motion to accept the County Engineer's recommendation, seconded by Commissioner Millison. All Commissioners present voted in favor of this motion.

The meeting adjourned at 12:45 p.m.

Approved by,


James M. McKay
President