

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, March 30, 1977

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 8:50 a.m.

READING AND APPROVAL OF MINUTES

The minutes of March 23-24, 1977 were read. Commissioner Parlett made a motion to approve the minutes as read, seconded by Commissioner Jarboe. All Commissioners voted in favor.

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 the bills, as submitted, seconded by Commissioner Dean. All Commissioners voted in favor.

OAKVILLE RECREATIONAL CENTER - ST. JOSEPH'S HOUSING PROJECT

The County Administrator presented a packet of information relative to the previously discussed Oakville Recreational Center. The supplied information indicates that the funds requested from the County to assist in this project are in the amount of \$3,349. Because the Commissioners may not make any allocation for this purpose without adhering to the budgetary process, the representatives of the Oakville Recreation Center will submit a request and the matter will be considered during the budget process for FY 78.

ABELL'S WHARF ARCHAEOLOGICAL PROJECT - CONTRACT FOR OUTDOOR PARK

The County Administrator presented a contract by and between the Board of County Commissioners of St. Mary's County and James Mahoney in the amount of \$600 for the plan, design, and layout conceptual drawings for an outdoor archaeological park for the St. Clements Island and Potomac River Museum on the site designated at Abell's Wharf.

Commissioner Dean made a motion to approve the above-referenced contract, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT No. 77-3-1005SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY GRANT APPLICATION

The County Administrator presented the above-referenced Clearinghouse Project and stated that it is in keeping with the planning of the Health Systems Agency Governing Body and their representatives from St. Mary's County, and,

therefore, recommended that the project be forwarded to the State, stating that the project is not inconsistent with our agency's plans, programs, or objectives. The Commissioners gave their concurrence.

NOTIFICATION OF GRANT AWARD
YOUTH DIVERSION PROJECT (BIG BROTHER PROGRAM)

The County Administrator advised that the Notification of Grant Award in the amount of \$11,340 was received from the Governor's Commission on Law Enforcement and the Administration of Justice. Mr. Cox recommended that the Commissioners sign the Notification of Grant Award but that they withhold forwarding the Notification of Project Commencement until the position of Youth Coordinator is filled.

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign the Notification of Grant Award, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

REQUEST FOR ATTENDANCE AT CONFERENCE
DIRECTOR OF RECREATION AND PARKS

The Director of Recreation and Parks requested approval for attendance at a Recreation Liaison Officers' Meeting and State Convention on Parks and Leisure Services from April 19-22. Approximate cost will be \$200, which has been budgeted. Commissioner Parlett made a motion to grant this request, seconded by Commissioner Dean. All Commissioners voted in favor.

REQUEST BY COUNTY ADMINISTRATOR FOR ATTENDANCE AT MEETING

The County Administrator requested approval for his attendance at the MACO Administrative Officers' Meeting in Kent County April 21-22. Commissioner Jarboe made a motion to approve this request, seconded by Commissioner Parlett. All Commissioners voted in favor.

TRAVEL REGULATIONS

On behalf of the Personnel Officer, the County Administrator presented amendments to the previously adopted Travel Reimbursement Regulations for the Commissioners' approval.

Commissioner Jarboe made a motion to approve these amendments, seconded by Commissioner Dean. All Commissioners voted in favor.

SOUTHERN MARYLAND DRUG ABUSE PROGRAM - REQUEST FOR FEE REFUND

A request was received from the Southern Maryland Drug Abuse Program for a building permit refund in the amount of \$100.80 in accordance with the County's Resolution No. 75-53, in that the County has contributed funds for this project. Commissioner Parlett made a motion to grant this request, seconded by Commissioner Jarboe. All Commissioners voted in favor.

In addition Mr. Sola, Director of Walden Counseling Center, requested reimbursement in the amount of \$21.56 for postage on registered letters spent on behalf of the Charlotte Hall School Application and a refund in the amount of \$66.00 for the hearing fee.

Commissioner Parlett made a motion to refund the \$21.56 postage money and the \$66.00 hearing fee, seconded by Commissioner Millison. All Commissioners voted in favor.

ANIMAL WARDEN

The County Administrator advised the Commissioners that this is the time of year when the Animal Warden's duties increase and recommended that he be granted overtime from April 4 to June 4 every other weekend in order to clear up problems in such areas such as Center Gardens, Town Creek, and Golden Beach. Total cost will be approximately \$125.00 and 25 hours Compensatory Time.

Commissioner Parlett made a motion to grant overtime in accordance with the County Administrator's recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor.

SPEECH THERAPY PROGRAM

By memorandum dated March 28, 1977, the Budget Officer set forth a request for the purchase of a typewriter and tape recorder for the Speech Therapy Program (Health Department).

Commissioner Jarboe made a motion to approve the acquiring of these items, with funds to be taken from the Reserve for Contingencies, seconded by Commissioner Dean. All Commissioners voted in favor.

ALTERATIONS AND RENOVATIONS TO LEXINGTON PARK HEALTH DEPARTMENT BUILDING

Present: John Norris, County Engineer

Mr. Norris stated that proposals were solicited for certain alterations and renovations to the Lexington Park Health Department Building, and the lowest bid received was from Lorenzi, Dodds & Gunnill, in the amount of \$6,300.00.

After discussion, Commissioner Jarboe made a motion to approve awarding the project in the amount of \$6,300 to Lorenzi, Dodds & Gunnill and authorized the commencement of Phase I in the amount of \$2,200 (preliminary work). Phase II will be authorized upon review and acceptance of Phase I. The motion was seconded by Commissioner Dean. All Commissioners voted in favor.

CONTRACT No. SM-77-7-1
SUNNYSIDE ROAD AND OLD ROUTE 5

Present: John Norris, County Engineer

The County Engineer submitted the monthly estimate for the period of March 25, 1977, from B. F. Asher, in the amount of \$54,749.28 for the above-referenced project.

Commissioner Millison made a motion to authorize the expenditure to B. F. Asher, seconded by Commissioner Parlett. All Commissioners voted in favor.

PROJECT No. SM 76-3-3
KINGSTON CREEK JETTY PROJECT

Present: John Norris, County Engineer

The County Engineer advised that the Department of Natural Resources concurs with the County's request for the installation of tie-backs to the old sections of the jetty at Kingston Creek. Therefore, Mr. Norris submitted a Change Order in the amount of \$5,982, funds for which the Budget Officer would need to make the appropriate transfer. The County will receive 100% reimbursement from the Department of Natural Resources.

Commissioner Parlett made a motion to approve the Change Order, seconded by Commissioner Jarboe. All Commissioners voted in favor.

INDIAN RIVER ESTATES

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County had accepted an irrevocable letter of credit from Mr. Orval B. Upole, developer of Indian River Estates, which indicated that the construction of the roads in that subdivision must be completed before July 1 of this year. The County has received correspondence from Mr. Edward J. Cook of Washington who indicated that he has purchased the first section of Indian Creek Estates and would like to extend the bond for 12 months.

The County Engineer stated that Mr. Cook would have to obtain a separate letter of credit and sign a Public Works Agreement. The Commissioners concurred.

MAPLE RUN SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris stated that the County is in receipt of correspondence from Daniel J. Guenther, developer of Maple Run Subdivision, stating that he will not be able to meet the completion date of April 30. The County does not have a letter of credit, but has a cash agreement, indicating funds are in the bank. The cash agreement expires April 30. The County Engineer inquired if the County wanted to exercise that cash agreement or grant an extension. The Commissioners agreed to refer this matter to the County Attorney for review and recommendation.

STUB STREETS INTO SUBDIVISIONS

Present: John Norris, County Engineer

Mr. Norris requested a policy decision from the Board of County Commissioners as to stub streets leading into undeveloped land. Mr. Norris suggested that the County take title to the stub street and, if adjacent land is developed, that the developer be required to construct that portion of the road joining the stub street to the proposed subdivision.

Commissioner Dean suggested that this policy be contained in the Subdivision Regulations so that it is clearly defined.

THIRD QUARTERLY REPORT - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

The County Engineer presented the County Engineer's Office Project Status Report for the third quarter ending March 30, 1977 and reviewed same with the County Commissioners.

STOP WORK ORDER - AIRPORT INDUSTRIAL PARK

Present: Joe Mattingly, Developer, Airport Industrial Park
Joe Garner, Airport Industrial Park
Richard Platt, Director, Land Use & Development
Joseph Ernest Bell, II, County Attorney

With regard to the Stop Work Order issued by the Office of Land Use & Development to Mr. Mattingly on the construction of an addition to an existing structure at the Airport Industrial Park, the Commissioners requested from Mr. Platt his reasons for issuing the Stop Work Order.

Mr. Platt stated he had issued the Stop Work Order for the following reasons:

- (1) The existing structure is non-conforming as to lot size, set backs, lot depth, and, with the addition of the new entrance to the industrial park, the lot itself is non-conforming.
- (2) Since the existing structure is non-conforming, any expansion may not be greater than 50% of the existing structure, and the planned expansion in this case would be 300% expansion. Any expansion greater than 50% would have to be considered by the Board of Appeals.

In addition, Mr. Platt informed the Commissioners that, as of yesterday, March 30, 1977, his office had issued a notice to Mr. Mattingly and Mr. Garner that they would have to vacate the premises since the present use of the building is in violation of the Zoning Ordinance.

Mr. Mattingly, in response, presented several documents explaining the procedures he had followed and stated his belief that he had acted correctly in the matter and did not intend to violate the Zoning Ordinance.

The Commissioners raised clarifying questions to both Mr. Platt and Mr. Mattingly and, in conclusion, requested that the County Attorney, along with the Planning Commission Attorney Joseph Densford and Board of Appeals Attorney Charles Mander, review the issues and attempt a clarification of the matter, especially the non-conforming use and expansion of the structure.

SITE PLAN FOR ST. MARY'S SALVAGE

Present: Richard Platt, Director, Land Use & Development

Mr. Platt presented the industrial site plan for St. Mary's Salvage Company for scales and building at St. Mary's Industrial Park. Commissioner Jarboe made a motion to approve said site plan, seconded by Commissioner Dean. All Commissioners voted in favor.

OFFICE OF LAND USE & DEVELOPMENT

Present: Joe Gough, Chairman, Planning Commission
Ed Peregoy, Chairman, Board of Appeals
Richard Platt, Director, Land Use & Development

Mr. Gough appeared before the Commissioners to make several comments and recommendations with regard to the functions of the Office of Land Use & Development. Mr. Gough spoke favorably in Mr. Platt's behalf and cited the various accomplishments by Mr. Platt, such as the revision of the Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations. Mr. Gough made the following specific recommendations:

- (1) Mr. Platt's Contract should include yearly increments;
- (2) Any deficiencies in Mr. Platt's job description should be clarified during the contract negotiation process;
- (3) That Mr. Platt's Contract be extended to a three-year contract instead of two years;
- (4) That the elimination of any position in the Office of Land Use & Development only be done after careful study of the job descriptions.

Mr. Peregoy also spoke favorably on Mr. Platt's behalf. The Commissioners thanked Mr. Gough and Mr. Peregoy for their comments and recommendations and stated they would be taken into consideration.

AREAS OF CRITICAL STATE CONCERN

Present: Richard Platt, Director, Land Use & Development
Frank Gerred, County Planner

At this time the Commissioners reviewed the Areas of Critical State Concern that had been presented at the Public Hearing on March 10. The Commissioners made several amendments and deletions, after which Mr. Platt was instructed to incorporate these changes and present them next week for formal adoption, along with a cover letter to the Department of State Planning transmitting the County's recommendations.

PIZZA HUT SITE PLAN

Commissioner Dean raised the unresolved issue concerning the Pizza Hut Site Plan and recommended that the County Engineer make arrangements to have

all affected parties, including Mr. Lee and Mr. Garner of the State Highway Administration, assembled to determine what the problem is and how it can be resolved. The County Engineer should develop a letter and a list of who should be invited to the meeting and present same to this Board for review, concurrence and signature.

GOLDEN BEACH - ALLISON COURT

Commissioner Parlett brought to the Commissioners' attention that he had been contacted by residents of Allison Court in Golden Beach concerning upgrading of roads in that area. A group from Golden Beach will be requesting an informational meeting in the future as to what the procedures would be for them to have these roads upgraded under the County's Taxing District for Sub-standard Roads Policy.

SHERIFF'S DEPARTMENT - COUNTY JAIL

Commissioner Parlett stated that Sheriff Somerville apprised him of on-going problems concerning the County Jail, such as controlling of certain items being brought to the prisoners by visitors and controlling the prisoners themselves. In addition, Commissioner Parlett addressed the ventilation problem in the jail and it was agreed that the County Engineer and a representative from the State Department of Public Safety and Correction Services should take a look at the problems and present recommendations.

RESOLUTION No. 77-15 (COMPREHENSIVE PLAN)

RESOLUTION No. 77-16 (ZONING ORDINANCE)


Commissioner McKay reported that he had talked with the County Attorney and he stated that he has no problem with any Commissioner indicating their opposition to a Resolution, and that he feels that the opposition is contained in the minutes. He also has no problem if a Commissioner wants to have an appendix to a Resolution, and wants it recorded, setting forth his objections to a Resolution. Commissioner McKay further stated that the County Attorney did agree with him that it is not appropriate to mark on the signature line anything other than the signature.

The meeting adjourned at 1:50 p.m.

BUDGET MEETINGS

Following the regular meeting, the Board of County Commissioners convened as The Board of Estimates and reviewed the Budget Requests of the following departments: Recreation and Parks, County Engineer, and the Airport Committee.

Approved:



 JAMES M. MCKAY, President