

BOARD OF COUNTY COMMISSIONERS' MEETINGApril 27-28, 1977Wednesday, April 27, 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 8:55 a.m.

EXECUTIVE SESSION

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

The Commissioners agreed to meet in Executive Session in order to discuss matters of possible litigation. The Session was held from 8:55 a.m. to 9:10 a.m.

READING AND APPROVAL OF MINUTES

The minutes of April 20-21, 1977 were read. Commissioner Jarboe made a motion to approve the minutes as read, seconded by Commissioner Parlett. 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 Dean made a motion to approve payment of the bills as submitted, seconded by Commissioner Jarboe. All Commissioners voted in favor.

PATUXENT RIVER FARMS, INC. - REZONING CASE No. 76-10A and 10B  
 PROPOSED DEEP WATER PORT

Present: Oliver Guyther, Attorney for the Applicant  
 Robin Guyther  
 Ward Miller, Economic Development Coordinator

Oliver Guyther appeared before the Commissioners in response to the letter to him from the Commissioners dated April 20, 1977 regarding the above-referenced rezoning application. Mr. Guyther reviewed the chronological history of the application for rezoning for Patuxent River Farms, Inc., citing the 31 topics the County and State wanted addressed and the issue of proving change in the character of the neighborhood or mistake in the original zoning. He stated



that in the 1974 Zoning Ordinance justification of need was a criteria in which rezoning could be granted; however, with the update of the Zoning Ordinance, this provision was amended out of the new Ordinance. Because of the complexity of the change or mistake rule, and because need is no longer available, Mr. Guyther stated that the applicant, Mr. Buckley, has decided to withdraw his application for rezoning and will file for a Planned Unit Development Industrial Park. He stated that the applicant will formally file a withdrawal of this application in the very near future.

APPOINTMENTS TO BOARDS AND COMMITTEES

RC&D BOARD FOR SOUTHERN MARYLAND - Commissioner Dean made a motion to appoint Mr. Ward Miller as a member and Commissioner Jarboe as an alternate to the RC&D Board for Southern Maryland, for terms to expire March 1, 1980; seconded by Commissioner Parlett. All Commissioners voted in favor.

TRANSPORTATION COMMITTEE - Commissioner Dean made a motion to appoint the following persons to the Transportation Committee for terms to expire July 1, 1978: James Marsh, Mrs. Carolyn Sieffert, Fred Pumphrey, James A. Mora, and a NAS representative to be selected at a later date; seconded by Commissioner Jarboe. All Commissioners voted in favor. The County Administrator should arrange for this Committee to come before the Commissioners.

AMENDMENT TO COOPERATIVE REIMBURSEMENT AGREEMENT  
STATE'S ATTORNEY'S OFFICE

On behalf of the State's Attorney, the County Administrator presented the amended Cooperative Reimbursement Agreement extending the term of the Agreement through April 30, 1977 and will allow time to prepare the necessary documents for renewal of the Agreement.

Commissioner Parlett made a motion to authorize the 30-day extension for the Cooperative Reimbursement Agreement for the State's Attorney's office; seconded by Commissioner Jarboe. All Commissioners voted in favor.

PUBLIC WORKS AGREEMENT  
HELEN ESTATES, SECTION II

On behalf of the County Engineer, the County Administrator presented the Public Works Agreement by and between Israel Z. Swarey and Ezra Swarey and St. Mary's County for Helen Estates, Section II, with appropriate bonding attached. Said Agreement is recommended for approval by the County Engineer and approved as to legal sufficiency by the County Attorney.

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

ECONOMIC IMPACT FEE AGREEMENT  
LAND O'LAKE SUBDIVISION - SECTION IIA and IIB

The County Administrator presented the Economic Impact Fee Agreement by and between Oliver Guyther and the Board of County Commissioners of St. Mary's



County for Land O'Lake Subdivision, Section IIA and IIB setting forth the method of payment of the economic impact fee in consonance with the County's Resolution No. 76-30 regarding economic impact fees.

Commissioner Dean made a motion to accept and to authorize Commissioner President McKay to sign said Economic Impact Fee Agreement, seconded by Commissioner Jarboe. All Commissioners voted in favor.

HIGHWAY SAFETY PROJECT  
POLICE TRAFFIC SERVICES

Present: LT. Gene Pellillo

LT. Pellillo discussed with the Commissioners the Highway Safety Project Agreement from the Maryland Department of Transportation for the project entitled "Police Traffic Services". Total cost of the project is \$34,151 - \$30,736 from the State and \$3,415 local contribution, and project period is from July 1977 through June 1978. LT. Pellillo stated he has met with the Maryland State Police and the County Engineer regarding this project and they are in agreement.

The Commissioners agreed to review this project and make a decision at tomorrow's meeting.

ELMS PROPERTY COMMITTEE

The County Administrator advised the Commissioners that a meeting has been arranged with appropriate parties concerning the use of the Elms Property for May 16th at 3:00 p.m. in the Conference Room at Leonard Hall.

RESOLUTION No. 77-26  
BI-STATE CONFERENCE ON THE CHESAPEAKE BAY

The Commissioners unanimously agreed to sign the above-referenced Resolution welcoming the participants in the Bi-State Conference on the Chesapeake Bay to St. Mary's County and extending a special note of appreciation to the sponsoring officials of the Patuxent Naval Air Station, State of Maryland, and Commonwealth of Virginia.

WALDEN COUNSELING CENTER  
RESIDENTIAL DRUG TREATMENT CENTER

Present: Dr. Pat Hawkins  
Ken Sola, Director, Walden Counseling Center  
John Norris, County Engineer

The above persons appeared before the Commissioners to discuss the plans drawn by the Office of County Engineer for the Residential Drug Treatment Center. The County Engineer presented the site plans and explained all the details related thereto. After some discussion, Commissioner Dean made a motion that the Commissioners approve the site plans for the construction of the Residential Treatment Center prepared by the Office of County Engineer, dated April 27, 1977, and further to authorize the President of the Board to sign same, seconded by Commissioner Parlett. All Commissioners voted in favor.



Dr. Hawkins and Ken Sola raised some questions regarding how they should proceed in light of the fact that there is pending litigation. The Commissioners directed all persons concerned to prepare everything for implementation but to take no official steps until the legal question has been resolved.

PIZZA HUT SITE PLAN

Present: John Norris, County Engineer  
 William Lacey, SHA  
 Arnold Gardner, SHA  
 John Duerr, SHA  
 Dan Raley, Chief, Permits and Inspection, LUD  
 John Curley, Besche Oil  
 Herman Hewitt, adjacent property owner  
 Rudy Baliko  
 Wilmer Bowles

Commissioner McKay opened the meeting by stating that the controversial drainage problem in the area of the Pizza Hut, Eighth Election District, had been brought to the County Commissioners' attention by the County Engineer and the purpose of this meeting is to try to resolve the matter.

Mr. Norris explained the history of the situation, referring to the concerns expressed by the adjacent property owners as to the flow of water for drainage. In addition, Mr. Norris stated that because of the drainage problem, the Pizza Hut and Besche Oil Gas Station have not been issued a final Occupancy Permit and the temporary Permits have expired some time ago.

At this point Mr. Baliko, consultant for Mr. Hewitt, requested that since all adjacent property owners were not present (referring to Aldridge Ford) and since Mr. Hewitt's legal counsel was not present, that there be a postponement of this meeting.

The Commissioners concurred with this request and directed the County Engineer to arrange a future meeting date that is satisfactory to all concerned.

BUDGET MESSAGE

Present: Joe O'Dell, Budget Officer

Mr. O'Dell reviewed with the Commissioners his draft of the Budget Message for the 1977-78 proposed budget. The Commissioners requested Mr. O'Dell to prepare the Message in final form and present it tomorrow.

The meeting recessed at 12:35 p.m.



Thursday, April 28, 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 reconvened at 8:40 a.m.

TOURISM ORGANIZATION FOR ST. MARY'S COUNTY

Present: Arthur "Buck" Briscoe, Director, EDC  
 James Marsh, Chairman, EDC  
 Alex Schust, EDC Member  
 Ward Miller, Economic Development Coordinator

The above individuals appeared before the Commissioners to discuss the proposed tourism organization report for St. Mary's County which had been forwarded to the Commissioners on March 28, 1977. Discussion ensued concerning the formation of various committees for tourism development for St. Mary's, including a committee of tourism attractors in the County.

After some discussion, Commissioner Jarboe made a motion to approve the Action Plan included in the Tourism Organization for St. Mary's County and to charge the Economic Development Committee with implementing it; seconded by Commissioner Dean. All Commissioners voted in favor.

TOURIST INFORMATION CENTER

Present: Jim Marsh, Chairman, EDC

Mr. Marsh stated that at the last EDC meeting it was agreed that the EDC would recommend to the Commissioners that the Commissioners appoint someone from the County staff to get together with two members of the EDC to negotiate with the Chamber of Commerce to provide supervision of the Tourist Information Center, and also to discuss the ongoing operation of the Center.

Later on in the meeting the Commissioners requested Mr. Cox, County Administrator, to act as the County's liaison with the EDC and Chamber of Commerce and return to the Commissioners in two weeks' time with a recommendation.

ST. MARY'S CITY COMMISSION

Present: Alex Schust, EDC Member

Mr. Schust recommended that the Commissioners contact the Governor requesting that a representative of the Economic Development Committee serve on the St. Mary's City Commission. Commissioner McKay requested that the EDC obtain the support of the legislative delegation on this proposal.



RECOMMENDED BUDGET FOR 1977-78

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented to the Commissioners the Recommended Budget for 1977-78.

After some discussion of the budget, Commissioner Jarboe made a motion that the Commissioners sign the budget as prepared and presented by the Budget Officer; seconded by Commissioner Parlett. Three Commissioners voted in favor, with Commissioners Millison and McKay voting against.

Commissioner Millison voted against, stating that he felt that the County could safely cut the tax rate more than the 25¢ cut proposed in the budget, and, further, that the County could more than safely reduce the tax rate by 50¢. In addition, Commissioner Millison stated he was in favor of funding the 12 teachers which would be needed in the first and second grades to bring the pupil-teacher ratio to 25-1, instead of the six additional teachers proposed in the budget.

Commissioners Dean, Parlett, and Jarboe indicated that the Recommended Budget should be presented to the public, after which time the figures could be reviewed for the possibility of additional tax rate decrease.

Commissioner McKay made a motion that on Page 1 of the Budget Document that the figures in the second paragraph, first line, the figure \$2.15 be changed to \$2.00, and in the second line, the figure 25¢ (tax decrease) be changed to 40¢. The motion died for lack of a second.

ADEQUATE PUBLIC FACILITIES

Present: Frank Gerred, County Planner  
John Norris, County Engineer

The Commissioners reviewed with Mr. Gerred and Mr. Norris the memorandum that had been forwarded on March 2, 1977 to certain County departments and agencies relative to a proposed Adequate Public Facilities Resolution.

Mr. Gerred indicated which departments had not yet responded to the memorandum and that Recreation and Parks comments should be presented at the next Planning Commission meeting and acted on.

Mr. Norris stated that his office had gathered background data and was desirous of discussing same with the Commissioners to explain the pros and cons and methods of accomplishing this.

A work session was scheduled May 11 at 1:30 to discuss the Adequate Public Facilities with Mr. Gerred, Mr. Norris, and the County Commissioners. At a later date the Commissioners will meet with others to discuss additional areas.



EASEMENTST. ANDREWS LANDFILL

On behalf of the County Engineer, the County Administrator presented the Easement to allow SMECO to cross County property at St. Andrews Landfill for the installation of transmission lines. As per approval at the County Commissioners' meeting of April 21st, Commissioner McKay signed same.

PUBLIC WORKS AGREEMENTLAND O'LAKE SUBDIVISION

The Commissioners delayed action on the acceptance of the referenced Agreement until questions were resolved relative to the entitled names.

LIGHTING AT JAMES W. HENDERSON PARK

Mr. Baggett, Director, Recreation and Parks, recommended that the Commissioners accept the bid from Owens Electric, Inc., in the amount of \$1,350.00, for the installation of a fluorescent lighting system for the double tennis court at James W. Henderson Park at Great Mills.

Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Millison. All Commissioners voted in favor.

PLANNING MEETING - MACO

The County Administrator advised the Commissioners that Maryland Association of Counties has scheduled a planning meeting on Wednesday, May 25th, at 10:00 a.m. in Annapolis, regarding the concept of town planning, and is requesting an elected official and staff person to attend.

STATE POLICE SEMINAR

A request was received from the Emergency Operations Center to allow Sharon Gatton, Communications Clerk, to attend the State Police Seminar in Pikesville. Commissioner Dean made a motion to authorize this request, seconded by Commissioner Millison. All Commissioners voted in favor.

OFFICE OF YOUTH SERVICES COORDINATOR

The County Administrator requested concurrence from the Board of County Commissioners on certain actions involving the Office of Youth Services Coordinator:

- (1) To change the location of this office to Building No. 4 at Leonard Hall because of the space demands of both the Youth Services Coordinator and Big Brother/Big Sister Program.
- (2) To transfer the CETA Clerk Typist position to the Office of Recreation and Parks, which is adjacent to the Youth Services Coordinator's Office. The clerical staff in the Office of Recreation and Parks will provide assistance henceforth for Recreation and Parks, Youth Services Coordinator, and Big Brother/Big Sister Program Coordinator.



- (3) To assign the Clerk Steno position full time to the Commission on Aging, which, up to now, enjoyed only half time of that position.

After some discussion, the Commissioners concurred with the above suggestions.

#### HIGHWAY SAFETY PROJECT AGREEMENT

With regard to the Highway Safety Program Agreement for the Police Traffic Services project which was presented at yesterday's meeting by LT. Pellillo, Commissioner Jarboe made a motion to proceed with the Grant for a one-year commitment, to be reviewed at the end of that time, seconded by Commissioner Millison. All Commissioners voted in favor.

#### ORGANIZATION CHART FOR OFFICE OF LAND USE AND DEVELOPMENT

With regard to the proposed organization of the Office of Land Use and Development presented at last week's meeting by Commissioner Dean, Commissioner Dean made a motion to rescind the Commissioners' previous motion of March 24, 1977, to establish the position of Assistant Director of Office of Land Use and Development, and further that the Commissioners adopt the Organizational Chart for the Office of Land Use and Development, seconded by Commissioner Jarboe. All Commissioners voted in favor. The above motion is based upon the following list of positions:

- (1) Director
- (2) Zoning, Subdivision Administrator
- (3) Administrative Assistant/Chief, Permits and Inspections
- (4) Assistant Planner
- (5) Plumbing Inspector
- (6) Zoning/Building Inspector
- (7) Recording Secretary (Office Secretary II)
- (8) Secretary to Director (Office Secretary I)
- (9) Permits Secretary (Office Secretary I)
- (10) Secretary to Zoning and Subdivision Administrator  
(Clerk-Steno)
- (11) Permits Clerk (Clerk-Typist)

#### POSITIONS OF RECORDING SECRETARY AND ZONING/SUBDIVISION ADMINISTRATOR OFFICE OF LAND USE AND DEVELOPMENT

The Commissioners directed that position descriptions for the proposed positions of Recording Secretary and Zoning/Subdivision Administrator in the Office of Land Use and Development be drafted by the Personnel Officer for review by the Commissioners. Once approved by the Commissioners, these positions should be properly advertised.

#### POSITION OF DIRECTOR OF LAND USE AND DEVELOPMENT

Relative to further implementing the organization of the Office of Land Use and Development, Commissioner Dean made a motion to assign Frank Gerred, County Planner, to the position of Director of Land Use and Development, Grade 18, Step 2, effective July 1, 1977, seconded by Commissioner Jarboe. Three Commissioners voted in favor, with Commissioners Millison and McKay



voting against. Commissioner McKay stated that he voted against because it is not in agreement with the County's practices of advertising for promotional opportunities.

#### COUNTY ORGANIZATIONAL CHART

The County Administrator presented the County Organization Chart for the Commissioners' review and approval. After review, the Commissioners gave their concurrence to this chart.

#### RESOLUTION No. 77-27

##### KING AND KENNEDY ESTATES

##### EXTENSION DEADLINE OF RECORD PLAT

With regard to the discussion at last week's meeting concerning SATAV's request for an extension of the deadline for recording the plat for Section IV in King and Kennedy Estates, Commissioner Dean made a motion to sign and adopt Resolution No. 77-27, granting an extension for a period of five years, until July 1, 1982, for the recordation of the plat for Section IV of King and Kennedy Estates, seconded by Commissioner Jarboe. All Commissioners voted in favor.

#### CITIZEN ADVISOR APPRECIATION DAY

Commissioner Jarboe submitted a proposal for a Citizen Advisor Appreciation Day to express gratitude to those citizens in the County who have served on the various Boards, Committees, and Commissions. All Commissioners concurred and directed the County Administrator to make the necessary arrangements.

#### WINTER ROAD DAMAGE

The Commissioners agreed that the County Engineer should contact the State Highway Administration to request that they accomplish as much of the necessary road repairs as they possibly can with their crew and to arrive at what specific areas are to be done by private contractors. The County Engineer and Budget Officer should develop a recommendation to the Commissioners as to source of funding for this project.

#### BALL DIAMOND FOR DOUGLAS TUBMAN ESTATES

Commissioner Jarboe discussed with the Commissioners the possibility of establishing a ball diamond for Douglas Tubman Estates. Having a contractor do the grading would cost approximately \$1,000 and Recreation and Parks Department would do the laying out of the diamond. The Housing Authority has agreed to pay half of this cost. Therefore, Commissioner Jarboe made a motion to appropriate \$500 from the Contingency Account to be matched with funds from the Housing Authority for the construction of a ball diamond for Douglas Tubman Estates, seconded by Commissioner Dean. All Commissioners voted in favor.

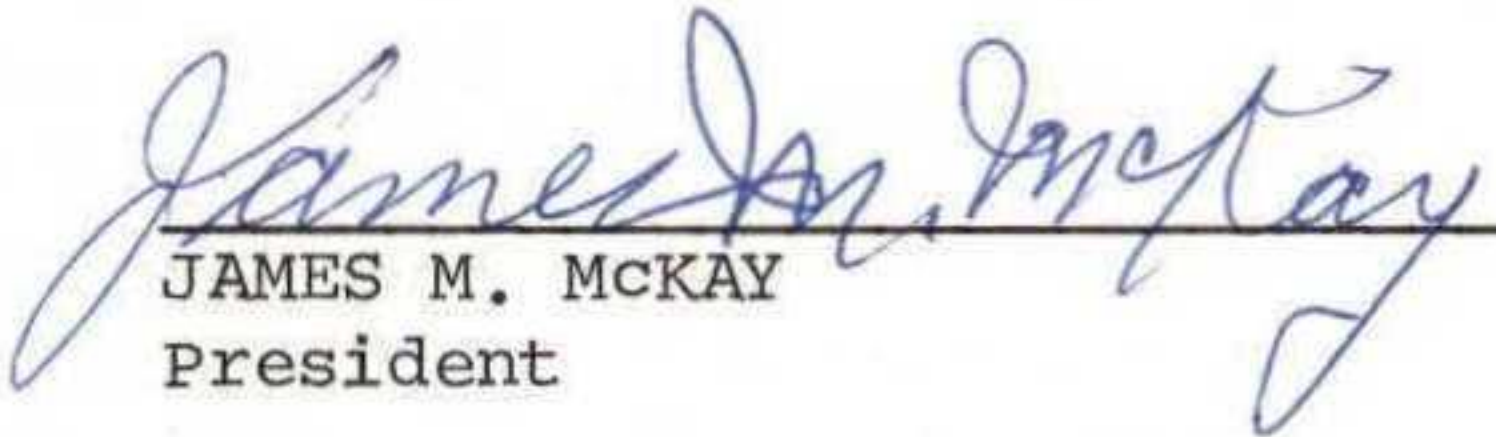


CHARLOTTE HALL - PUBLIC MEETING

Commissioner Parlett reported to the Commissioners that he had been informed that the Board of Trustees for Charlotte Hall have agreed to extend the County's notification date for the option on Charlotte Hall from May 10 to June 10. Commissioner Parlett stated that there should be a public meeting concerning the purchase of Charlotte Hall. This meeting was scheduled for May 31st at 7:30 p.m.

The meeting adjourned at 11:55 a.m.

Approved:

  
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JAMES M. MCKAY  
President