

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, March 3, 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 came to order at 9:20 a.m.

READING AND APPROVAL OF MINUTES

The Minutes of February 25-26, 1976 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: Joseph Ernest Bell, II, County Attorney

The Commissioners unanimously voted to meet in Executive Session with the County Attorney in order to discuss legal matters.

MAINTENANCE ROAD BOND

Present: Joseph Ernest Bell, II, County Attorney

Relative to the Commissioners' inquiry of the County Attorney regarding their motion of January 28, 1976 requiring a maintenance road bond for a period of 12-months to guarantee roads once acceptance into the County Highway Maintenance System, the County Attorney was of the opinion that the County could not adopt this policy by simple motion, but would need expressed legislation for this purpose.

In light of this information, from the County Attorney, Commissioner Millison made a motion to rescind the Commissioners' motion of January 28, 1976 which required a 12-month maintenance road bond, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

Commissioner Dean recommended that the Commissioners consider adopting a formal bonding ordinance and that he would work on this with the County Attorney.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

The Director of Finance presented the Encumbrance Vouchers for the Commissioners' review and approval.

Commissioner Dean made a motion to approve payment of the Encumbrance Vouchers as submitted, with the exception of Voucher No. 06559, payable to The Belvedere, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

Commissioner Dean made a motion to approve payment of Voucher No. 06559, payable to The Belvedere, seconded by Commissioner Parlett. Four Commissioners voted in favor of this motion, with Commissioner Millison abstaining.

PROCLAMATION NO. 76-8
TALL CEDARS OF LEBANON WEEK

Present: Bricie Elliott

The Commissioners presented the above-referenced Proclamation to Mr. Elliott, proclaiming the week of March 14 through 20, 1976 as Tall Cedars of Lebanon Week.

PROCLAMATION NO. 76-9
MARCH, BEAUTIFICATION MONTH IN ST. MARY'S COUNTY

Present: Patty Runco

The Commissioners presented the above-referenced Proclamation to Mrs. Runco, proclaiming that the month of March 1976 will be designated as Beautification Month in St. Mary's County.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Randy Buehler, Beacon
Mike Klienback, WKIK
Patty Muchow, Guardian
David Chaffee, Guardian

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

ST. MARY'S RIVER WATERSHED PROJECT

Present: John Hall, Soil Conservation Service
Jim Dobry
Elmer Smith
Joseph Badalamenti

Dr. Jarboe opened the meeting by explaining that the Commissioners had requested more in depth information pertaining to the justification for Sites 4 and 5 and Site 3 individually of the St. Mary's River Watershed Project, and that after review of this information it was his recommendation that

Sites 4 and 5 be deleted from the Work Plan and that the Soil Conservation Service and the County Engineer should be requested to evaluate the flood control problems in the Flat Iron Road area. Commissioner Jarboe further recommended that a feasibility study be completed on Site 3 before the work is done on that site.

Mr. Hall of Soil Conservation Service stated that amending the Work Plan would cause a delay in the project in that environmental analysis would be required of a new or amended Work Plan and therefore recommended that the Commissioners informally delete Sites 4 and 5, holding them in abeyance for the time being.

Commissioner Jarboe made a motion that the Commissioners inform the other signators of the St. Mary's River Watershed Work Plan that we do not plan to proceed with Sites 3, 4 and 5 until the Commissioners are presented with evidence from a feasibility and need study on Site 3, such study to assume the givens of Sites 1 and 2 being in places and the possible absence of Sites 4 and 5, seconded by Commissioner Parlett. All Commissioners voted in favor.

Mr. Dobry questioned the entire validity of Sites 3, 4 and 5 and encouraged continued investigations.

STEUART PETROLEUM COMPANY'S SITE PLAN - ENVIRONMENTAL IMPACT ANALYSIS

Commissioner Dean prepared and submitted a preliminary draft copy of specifications for the environmental impact analysis which will be required of Steuart Petroleum Company relative to their proposal for the construction of six additional storage tanks at their Piney Point facility.

After review of this draft copy, the Commissioners agreed that a letter and specifications be forwarded to Steuart Petroleum Company and the Environmental Committee for their review and comments.

REZONING DECISION CASE NO. 75-12 BESCHE OIL COMPANY

The Commissioners conducted a public hearing on December 10, 1975 on the rezoning application by Besche Oil Company to have a parcel of land containing approximately 1.3 acres located on Md. Rte. 245 approximately one mile east of Leonardtown rezoned from Agricultural Residential (AR-2) to Industrial.

Commissioner Dean made a motion to deny the rezoning request because the finding of fact shows that:

1. There has been no significant change in the neighborhood;

2. The applicant contends that the rezoning is justified on the basis that a mistake was made in the original zoning. To allow the rezoning request, it is incumbent upon the Commissioners to determine that a mistake was in fact made. There is no clear evidence that a mistake was made when the property was zoned. There is no indication that it was the intent of the County at the time the Zoning Ordinance was adopted to zone all existing bulk petroleum storage sites industrial, as evidenced by the fact that of the total of nine such facilities located in the County, four were zoned industrial and five were zoned other than industrial.

3. Further, rezoning the property would be spot zoning and contrary to the Comprehensive Land Use Plan;

4. The subject property does not meet the minimum lot width requirements and screening requirements for an industrial district as set forth in the Zoning Ordinance.

5. The applicant has testified that the reason for applying for the zoning change is to have the zoning compatible with the use on the land. It should be pointed out that as the property is a legally existing non-conforming use, there is nothing to prohibit the present use from continuing and that the owner has a vested right to continue the present use.

Commissioner Parlett seconded the motion. The Commissioners voted four to one in favor of the motion, with Commissioner Millison voting against the motion stating that he was of the opinion that a mistake was made in the zoning of this property and also, that this establishment is not new to the area in that it has been in existence for 20 years.

A tape of the decision and discussion is on file in the Commissioners' Office.

REZONING DECISION

CASE NO. 75-15 - BENJAMIN F. ASHER, SR.

The Commissioners conducted a public hearing on January 28, 1976 on the rezoning application of Benjamin F. Asher, Sr. to have parcel of land containing approximately 3.9 acres located on the east side of Md. Rt. 5, approximately 3/4 of a mile south of Md. Rt. 6 at New Market in Fifth Election District, rezoned from Agricultural Residential (AR-2) to Highway Commercial (C-2).

Commissioner Dean made a motion to approve the rezoning request in that the finding of fact show that:

1. The character of the immediate area is that of a major commercial growth area;
2. The adjacent area is basically commercial in nature;
3. It is compatible with the Comprehensive Land Use Plan and commercial growth of the area;
4. It received a favorable recommendation by the Planning Commission;
5. There is a major concern with commercial development of this property for creation of additional entrances onto Route 5, thereby impacting on traffic flow on the road. This will not be a factor as there is currently an existing entrance to the immediate south of the property and the owner has agreed to construct a sevice lane which could be utilized for access between adjacent commercial lots. This should be required at the site plan approval stage.

Commissioner Jarboe seconded the motion. The Commissioners voted four to one in favor of the motion, with Commissioner McKay voting against the motion stating that he was of the opinion that this would be strip zoning in its most noted manner.

A tape of the decision and discussion is on file in the Commissioners' Office.

TREATMENT OF PRISONERS AT THE HOSPITAL

Commissioner Jarboe recommended that Dr. Martin, Administrator, St. Mary's Hospital, be requested to give consideration of absolving the County of the hospital charge for prisoners being treated at the hospital, due to the fact the County does support the hospital. The County Administrator was requested to forward a letter to Dr. Martin with this request.

RAILROAD RIGHT-OF-WAY CORRIDOR

Commissioner Dean advised the Commissioners that he, the County Attorney, the County Engineer and Mr. McCoy of SMECO, and perhaps Commissioner Parlett, will be meeting with State Highway Administration officials in Baltimore on March 12 to discuss the railroad right-of-way corridor.

MARYLAND STATE POLICE BARRACKS

Commissioner Parlett discussed with the Commissioners his suggestion of a year ago whereby the Maryland State Police was requested to consider relocating their proposed police barracks at their five acres at the fairgrounds to Leonard Hall instead.

Commissioner Parlett stated that he has learned that it is the feelings of the local Maryland State Police that they would prefer to remain at the Fairgrounds site. Commissioner Parlett stated he was of the opinion that the local police barracks should be located at Leonard Hall for the following reasons:

1. Security is needed at Leonard Hall;
2. The fairgrounds property will be needed for other uses; i.e., parking; future development.
3. All governmental services should eventually be centrally located at Leonard Hall.

Therefore, Commissioner Parlett made a motion that the County Administrator draft a letter for the Commissioners' signature to Col. Smith, Superintendent of Maryland State Police at Pikesville requesting that consideration be given to trading land with the County for the location of the local police barracks at Leonard Hall, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

REZONING HEARINGS

JULIUS J. FINNACOM - CASE NO. 75-16

Present: Julius J. Finnacom, applicant
James Kenney, Attorney representing applicant
Viola Cutchember, opponent
Dabney C. Winston, opponent

Application was made by Julius J. Finnacom to have a parcel of land containing approximately 1.7 acres located on the northeast corner of Md. Rte 235 and Rue Purchase Road in the Eight Election District rezoned from Residential (R-1) to Highway Commercial (C-2).

The secretary read the Notice of Public Hearing.

Mr. Kenny, attorney representing the applicant submitted the following exhibits:

Exhibit 1 - Returned receipts of certified letters to adjacent property owners within 200 feet subject property;

Exhibit 2 - Photographs of surrounding area of subject property; (being retained by Mr. Kenney)

Exhibit 3 - (a) plans prepared by Lorenzi Dodds and Gunnill showing R-1 zoning with no road widening;

(b) Plans prepared by Lorenzi Dodds and Gunnill showing R-1 zoning with road widening;

Exhibit 4 - Official State Road Map (maintained in the Courthouse);

Exhibit 5 - Plans by Lorenzi, Dodds and Gunnill showing the property constraints with the application to C-2 zoning.

Viola Cutchember and Dabney C. Winston, property owners within 200 feet of subject property, spoke in opposition to granting this rezoning request.

The secretary read the recommendation of the Planning Commission, which recommended that the County Commissioners deny this rezoning request.

Commissioner McKay inquired if anyone else wished to speak for or against this rezoning request, hearing none the hearing was closed. A tape of the hearing is on file in the Commissioners' Office.

BURGLAR ALARM PRESENTATION

Present: Charles A. Cox, (burglar alarm system)
Otis Wood, Director, Civil Defense

Mr. Cox made a presentation to the Commissioners on a burglar alarm system to replace the present system used at the Control Center for businesses in St. Mary's County. Mr. Cox explained the installation and maintenance costs. After Mr. Cox's explanation of the operation of this equipment, the Commissioners thanked him for his presentation.

TOWER FOR EMERGENCY MEDICAL SERVICE AT CONTROL CENTER

Present: Otis Wood, Director, Civil Defense

Mr. Wood presented plans for the location of the tower at the Control Center for the emergency Medical Service Tower for the communication with the rescue squads.

Mr. Wood recommended that the tower be placed at Site B, at the Northeast corner of the Control Center. Commissioner Dean made a motion to accept Site B as the location of the tower and authorize installation of same, seconded by Commissioner Jarboe. All Commissioner voted in favor of this motion.

FEDERAL GOVERNMENT EXCESS PROPERTY - JEEPS

Present: Otis Wood, Director, Civil Defense

Mr. Wood explained the federal government excess property policy, as opposed to surplus property, and that several jeeps are available at Aberdeen, which two fire departments are interested in obtaining. Mr. Wood stated there would be no cost to the County; however, the titles would have to remain in the name of the County and not the using agency. The Commissioners had no objection that these two departments have the use of the jeeps, but before they are put into use, it should be determined that the County be absolved of any liability.

PROMOTION OF ST. MARY'S COUNTY - WASHINGTON AREA TELEVISION

Present: George Clark, WKIK

Mr. Clark proposed to the Commissioners that the County spend \$10,000 over the 13-week period this summer to encourage tourists to visit St. Mary's County by promoting tourism in St. Mary's County on Metropolitan Washington television. Mr. Clark stated that the fact that St. Mary's County is the birthplace of freedom of religion should be stressed.

The Commissioners advised Mr. Clark that they would request the Budget Officer to review the budget to determine where these funds could be obtained if the proposal is approved.

ECONOMIC DEVELOPMENT COORDINATOR POSITION

Present: Edward V. Cox, County Administrator)
Jim Marsh, Director, EDC) Selection Committee
George Clark, Chamber of Commerce)

The Selection Committee for the position of Economic Development Coordinator brought to the Commissioners' attention the fact that 100 applications have been reviewed and they have not been able to arrive at a suitable candidate. It was recommended by the Committee that job description

be modified and that the position be re-advertised.

Commissioner Jarboe made a motion to authorize the Committee to rework the job description to emphasize personality and qualifications as opposed to job experience and that the position should be readvertised, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

GRAVES ROAD

The Commissioners were informed by the County Administrator that one of the properties involved in the realignment of the above referenced road had an outstanding tax bill against it. In order to record the deed for realignment to comply with the Court Order, Mr. Cox requested that the Commissioners sign a letter of request to the Treasurer to exempt that portion of land in question.

Commissioner Jarboe made a motion to ~~approve this request~~, seconded by Commissioner Parlett, pending review and approval by the County Attorney. All Commissioners voted in favor of this motion.

BOARD OF APPEALS SALARY ALLOTMENT

The Budget Officer submitted a memorandum recommending an increase to Account No. 35-35201 in the amount of \$2,275 for the Board of Appeals and decreasing the Contingency Fund by the same amount, based on the past seven months expenditures and in addition to the amendment the Commissioner made relevant to compensation to the Board of Appeals.

Commissioner Jarboe made a motion to approve this transfer, seconded by Commissioner Parlett. All Commissioners voted in favor.

CAPITAL IMPROVEMENT FUNDS

The Budget Officer submitted a memorandum dated March 3, 1976 pertaining to adjusting entries to the County's books of record relative to Capital Improvement Funds, balances and appropriations during FY'75. Commissioner Jarboe made a motion to approve the contents of this memorandum, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

MARYLAND DAY CELEBRATION

The County Administrator presented the tourism grant application for Maryland Day which would require the County to match funds in the amount of \$500.

Commissioner Jarboe made a motion to proceed with the application, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion. A budget source will have to be determined if the grant is awarded.

ASPHALT OVERLAY OF SHANGRI-LA DRIVE, TULAGI PLACE,
CORAL PLACE, ESSEX DRIVE AND WILLIAMS DRIVE

Bids were opened February 27 for asphalt overlay on the above-referenced roads. Bids were as follows:

Dean Construction Co.	\$57,913.50
Tuxedo Contractors	\$76,652.50
B. F. Asher, Inc.	\$94,119.60

Mr. Norris recommended that the bid be awarded to the lowest bidder, namely, Dean Construction Company. Commissioner Parlett made a motion to accept this recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor.

MASTER PLAN FOR ST. MARY'S COUNTY AIRPORT

The County Administrator advised the Commissioners that the Airport Committee has agreed to stay with their original recommendation to award the bid to do the Master Plan to Bourne, Gibson and Shamma. The Commissioners requested that the Airport Committee should come before the Commissioners with a formal recommendation, after which time the Commissioners would make a decision on this matter.

WORK INCENTIVE PROGRAM

The WIN Contracts were presented for approval to the Board of County Commissioners to participate in a 100% state-funded establishment of two positions - Clerk Typist for the Housing Authority and bus driver for Commission on Aging. Commissioner Jarboe made a motion to approve these two positions with 100% reimbursement through WIN Program, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PATUXENT RIVER BASIN WATER QUALITY MANAGEMENT PLAN
GOVERNMENT REPRESENTATIVE

Commissioner Jarboe made a motion that the Commissioners appoint Mr. Harry Knight and Mr. Walter Raum to the above-referenced Committee and that the Commissioners sign letters to appointment of these individuals, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

POLICE MUTUAL AID AGREEMENT

A proposed Police Mutual Aid Agreement was presented to the Commissioners for their review and along with a suggestion as to eventual approval by the three Boards of County Commissioners of St. Mary's, Charles and Calvert Counties. Agreement should be reached among the three County Sheriff Departments who in turn would recommend to their respective Boards of County Commissioners who in turn would signify approval by signing the proposed Agreement.

The Commissioners will make a decision on this matter at a later time.

SEIZURE OF CURRENCY - NARCOTIC OR GAMBLING ARRESTS

Correspondence was received from the Sheriff as to the the establishment of procedures to handle currenecy siezed as a result of narcotic or gambling arrests. Mr. Cox, County Administrator, recommended that this letter be forwarded to the Director of Finance for handling.

The Commissioners gave their concurrence.

The meeting recessed at 5:20 p.m.

Thursday, March 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
Judith A. Mullins, Recording Secretary

The meeting reconvened at 9:15 a.m.

COOPERATIVE REIMBURSEMENT AGREEMENT

Mr. Cox, County Administrator, presented an Agreement between the State Department of Human Resources and the Board of County Commissioners of St. Mary's County for the cooperative reimbursement Program to accomplish the goals of Title IV-D by establishing a separate unit in the State's Attroney's Office.

Commissioner McKay pointed out that the Cooperative Agreement is made in consideration of the fact that monies collected under the Program will be divided with 25% returning to the County the first year and 10% for each succeeding year. Commissioner McKay also mentioned that there is legislation being intorduced that may change the County's participation in the Program.

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

WORK SESSION - PERSONNEL MANUAL

Present: Nace Fresco, Personnel Officer

At this time the Commissioners reviewed the proposed changes developed by Mr. Fresco to the proposed County Personnel Manual. The Commissioners will review the discipline and grievance portions of the Manual with Mr. Fresco at next week's meeting.

LETTERS TO INDUSTRIES

Commissioner Jarboe made a motion that the Commissioners sign and forward letters of encouragement and pledge of assistance to two industries contemplating establishing business in St. Mary's County; Aiken Ford Tractor and Equipment and North End Lawn and Garden Center., seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

YOUTH COMMISSION

Present: Bob Wentworth, Executive Secretary
Dr. Frank VanAalst, Chairman

Dr. Frank VanAalst advised the Commissioners that the Youth Commission has conducted a series of hearings and have taken testimony from people who provide services for youths in the County. A formal report on these hearings will be submitted to the Commissioners in a short time.

SOUTHERN MARYLAND YOUTH SERVICES, USA

Present: Bob Wentworth
Dr. Frank VanAalst

Mr. Wentworth explained that the Southern Maryland Youth Services, USA Program has been made possible through grants for the last three years. He stated that a Youth Walk will be conducted on April 11 in order to raise money for this Program, as they were able to raise significant funds at last year's Youth Walk.

DIRECTORY OF COMMUNITY SERVICES IN ST. MARY'S COUNTY

Mr. Wentworth advised the Commissioners that the above-referenced Manual is in the process of being updated at an estimated cost of \$1.00 per copy. Due to the fact that there will be reorganization of County offices within the next couple of years, the Commissioners indicated that limited copies be printed.

BIG BROTHER - BIG SISTER PROGRAM

Mr. Wentworth stated that a committee has been formed for a Big Brother - Big Sister Program and that a general public meeting was held by various agencies, citizens and participants of this type of Program.

MAY DAY YOUTH FAIR

Mr. Wentworth stated that May 1 has been set tentatively as the date for the May Day Youth Fair to be held at the Fair grounds. It is planned as a fun day for high school aged youth of the County, with competitions between the schools, various local bands and display of science and bicentennial projects by the youths.

YOUTH SUMMER EMPLOYMENT PROGRAM

Mr. Wentworth and Dr. VanAalst presented a memorandum setting forth the 1976 Youth Summer Employment Program and the proposed costs. They proposed that ten youth workers and two foreman work five Saturdays during the Spring for a general spring cleanup and the regular Program to start on June 21.

Commissioner Jarboe made a motion to given authorization to approve the Youth Summer Employment Program concept and to proceed with the "cleanup" program and that the Youth Commission return to the Commissioners with more details on the regular program before it is implemented in order to give assurance that the program is well-supervised, seconded by Commissioner Parlett. All Commissioners voted in favor.

COMMISSION ON AGING - FOOD SERVICE CONTRACT

Present: Mrs. Agnes McGahran, Executive Secretary, Comm. On Aging
Mrs. Janet Martin, State Office on Aging
(Director, Title VII Program)

Sealed bids were opened March 3 for the Food Service Contract for the Nutrition Program of the Commission on Aging Bids were as follows:

Bailey's Restaurant	\$1.90 per meal
Breton Bay Golf and Country Club	\$1.35 per meal
Capt. Sam's Carryout	\$1.65 per meal
Board of Education	\$1.35 per meal (they will not deliver and if Commission On Aging did not utilize service for five days, they would be charge .56¢ per meal overhead.)

Mrs. McGahran recommended awarding the bid to the lowest bidder providing transportation.

Commissioner Jarboe made a motion to accept the lowest bidder providing transportation; namely Breton Bay Golf and Country Club and that contract be prepared stating that it is good as long as federal funds are forthcoming into the Program, pending a review of the contract by the County Attorney, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

Mrs. Martin brought the Commissioners up to date with regard to the Title VII Program and problems of the elderly that have been brought to her office's attention. A published full report will be forthcoming from her office.

ENCUMBRANCE VOUCHER

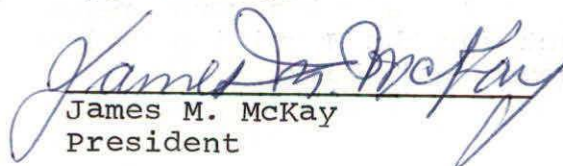
Commissioner Jarboe made a motion to approve Encumbrance Voucher No. 06903 payable to Frank A. Combs Insurance Agency, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

SIGNATURE AUTHORIZATION CARDS FOR COLLATERAL HELD

Commissioner Dean made a motion to authorize the County Administrator and Director of Finance as being representatives of the public body authorized to sign the Signature Authorization Cards for Collateral held by Federal Reserve Bank in Richmond, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The meeting adjourned at 12:15 p.m.

Approved by,


James M. McKay
President