

BOARD OF COUNTY COMMISSIONERS' MEETINGMarch 9-10, 1977Wednesday, March 9, 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 2-3, 1977 were read. Commissioner Jarboe made a motion to approve the minutes as read, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

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, with the exception of Vouchers No. 11513, payable to Smeallie Orrick and Janka; No. 10918, payable to C & P Telephone Company (Bicentennial Commission); No. 11701, payable to Ethel Chance; No. 11703, payable to C & P Telephone Company, (Commission on Aging), which are being held for further clarification. Commissioner Parlett seconded the motion; all Commissioners voted in favor.

"WINGS OF THE MORNING" GRANT

Present: Mike Kilpatric, Department Economic and Community Dev.

Mr. Kilpatric appeared before the Commissioners to express his concern over the fact that no attempt has been made by the Outdoor Drama Association to match the \$60,000 grant that has been made available from the Department of Economic and Community Development for the "Wings of the Morning" and will be soon forthcoming. He further stated that he was also concerned about the apparent lack of pre-production publicity and promotion of the drama.

Commissioner Jarboe stated that he requested Mr. O'Dell to prepare a letter for the Commissioners' review and signatures to the Outdoor Drama Association stating that the funds will soon be made available to them for the drama and asking four questions concerning the matching funds and accounting procedures.



HOUSE BILL 1813 and SENATE BILL 940

The County Administrator presented correspondence from Dr. Marek, Deputy Health Officer, setting forth certain amendments to the above-referenced bills and requesting the Commissioners' general endorsement of the bill with the amendments.

After discussion, Commissioner Jarboe made a motion to endorse the concept of maintaining the local input and control of environmental matters, regardless of whether environmental health administration remains with the local Department of Health or is transferred to the Department of Natural Resources, as embodied in the recommendations of Dr. William Marek, County Health Officer, and Mr. Walter Raum, Director, Environmental Hygiene, seconded by Commissioner Dean. Four Commissioners voted in favor with Commissioner Millison abstaining stating that he did not want to pass judgement one way or the other without first having the opportunity to read it.

REGION II PLANNING BOARDGOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

The County Administrator presented a letter addressed to Mr. Richard Wertz, Executive Director, Governor's Commission on Law Enforcement and the Administration of Justice, for the Commissioners' review and signatures, nominating Joseph Lee Somerville, Sr. for membership on the Region II Planning Board to fill the vacancy created by the untimely death of Sheriff George Sanger.

Commissioner Parlett made a motion to nominate Joseph Lee Somerville to the Region II Board, seconded by Commissioner Millison. All Commissioners voted in favor.

STATE CLEARINGHOUSE PROJECT NO. 77-2-901SOUTHERN MARYLAND TRI-COUNTY COMMUNITY ACTION COMMITTEE CHILD DEVELOPMENT SERVICES (SUPPLEMENTAL BUDGET)

The County Administrator presented the above-referenced Clearinghouse Project and stated that the project is not inconsistent with the County's plans, programs, or objectives and recommended that it be forwarded to the State. The Commissioners gave their concurrence.

COMMUNITY ENTERPRISE DEVELOPMENT ASSOCIATIONREQUEST FOR OFFICE SPACE

The County Administrator stated that approximately a year ago Community Enterprise Development Association made a request to the Commissioners for office space in order to facilitate the progress of the Retiree's Executive Assistance Program to provide assistance to businessmen in St. Mary's County to improve their business practices. Mr. Cox stated that CEDA is again making this request for office space. The Commissioners gave their concurrence that CEDA could use office space at the Leonard Hall governmental complex.



NOTIFICATION OF GRANT AWARD  
TOURISM GRANT - MARYLAND DAY

The County Administrator advised that the Notification of Grant Award was received in the amount of \$500 from the Department of Economic and Community Development for the Maryland Day activities and is to be 50% matched on the local level.

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

COUNTY AUDIT FOR '77  
AUDIT OF SOIL CONSERVATION SERVICE

By memorandum dated March 7, 1977, the Budget Officer recommended that the Board of County Commissioners sign the Agreement with Wooden & Benson to conduct the County audit for the period of July 1, 1976 to June 30, 1977 and further that the Commissioners give approval that Mr. Jerry Colvin conduct the audit for the Soil Conservation Services.

After discussion, Commissioner Dean made a motion to authorize Commissioner President McKay to sign the Agreement with Wooden & Benson to conduct the County audit and that we indicate by letter to the auditing firm that they will be expected to make an in-person presentation of that audit to the Commissioners, and further that the Commissioners approve Mr. Jerry Colvin to audit the Soil Conservation Service's books, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ZONING ORDINANCE UPDATE  
COMPREHENSIVE LAND USE PLAN UPDATE

Present: Richard Platt, Director, Land Use and Development

The Commissioners reviewed the retyped proposed update of the Zoning Ordinance with Mr. Platt and requested that he develop a list of all changes in the update to present to the Commissioners at tomorrow's meeting, at which time the Commissioners will give consideration to the adoption of the updated Zoning Ordinance and Comprehensive Land Use Plan by resolutions.

PROCLAMATION NO. 77-12  
"DOLLARS FOR SCHOLARS"

Present: Mrs. Jannese Marine  
 Mr. John Slade

The Commissioners presented Proclamation No. 77-12 to the above-referenced persons proclaiming February 18, 1977 as Mardi Gras Day and the beginning of the "Dollars for Scholars" drive.



PROCLAMATION NO. 77-13  
TALL CEDARS OF LEBANON

Present: Bricie Elliott

The Commissioners presented Proclamation No. 77-13 proclaiming the week of March 13-19, 1977 as Tall Cedars of Lebanon Week.

(Commissioner McKay left the meeting at 11:00 a.m. in order to attend the MACO meeting in Annapolis.)

REZONING HEARING  
CASE NO. 76-13  
URBAN SYSTEMS DEVELOPMENT CORPORATION (CEDAR COVE)

Present: Jim Kenney, Attorney for applicant  
 Dorsey Hughes, Land Planner consultant  
 George Ritter, Engineer consultant  
 J. Spence Howard, Realtor  
 Richard Platt, Director, Land Use and Development

Application was made by Urban Systems Development Corporation to have approximately 20 acres of the premises known as Cedar Cove, Eighth Election District, rezoned from PDR 3.5 to PD-IP. The property is located three miles southeast of Lexington Park on Maryland Route 712 across from the Metropolitan Commission's sewage treatment plant.

The secretary read the Notice of Public Hearing.

Mr. Kenney, Attorney for the applicant, presented several witnesses on behalf of the applicant: Dorsey Hughes, George Ritter, and J. Spence Howard, and submitted the following exhibits for the records:

- |                     |   |   |
|---------------------|---|---|
| Exhibit A (1 and 2) | : | Return Receipts for Certified Letters to property owners within 200 feet of subject property. |
| Exhibit B           | : | Letter dated February 22, 1977 from Lorenzi, Dodds & Gunnill                                  |
| Exhibit C           | : | Appraisal qualifications of J. Spence Howard  |
| Exhibit D           | : | Photograph of illustrative site plan  |
| Exhibit E (1)       | : | Map of Existing Natural Systems   |
| (2)                 | : | Mapping of Existing Physical Systems  |
| (3)                 | : | Map of Existing jurisdictional site plan  |
| (4)                 | : | Illustrative Site Plan (2)  |



REZONING HEARING - CASE NO. 76-13  
URBAN SYSTEMS DEVELOPMENT CORPORATION (CEDAR COVE) cont.

- Exhibit E (5) : Map of Development Support Systems  
 cont. (6) : Development Plan  
 (7) : Development Program/Diagram
- Exhibit F : Concept Plan revised for PD-IP designation
- Exhibit G : Vicinity Map Documentation (Zoning)
- Exhibit H : Vicinity Map Documentation (Public Facilities)
- Exhibit I : Vicinity Map Documentation (Existing Land Use)
- Exhibit J : Boundary Survey of Parcel B-1
- Exhibit K : Boundary Survey of Parcels A, B, C, and B-1
- Exhibit L : Marketability and Fiscal Impacts of Proposed Pine Hill Support Contractor's Facility.

Also submitted into the record were letters dated January 24, 1977 and March 8, 1977 from Captain C. R. Gillespie, Commanding Officer, Naval Air Station.

The secretary read the recommendation of the Planning Commission, which is on file in the Commissioners' Office.

Commissioner Parlett inquired if anyone present wished to speak for or against this rezoning application; hearing none the rezoning hearing was closed.

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

The meeting recessed at 11:45 a.m.



Thursday, March 10, 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 8:50 a.m.

PLANNING PROGRAM

Present: Frank Gerred, County Planner

The County Planner reviewed with the Commissioners by way of charts the various Plans of the County, with their proposed update schedule, methodology, responsible agencies, etc.

Mr. Gerred displayed a survey map of all land use in a portion of the Sixth Election District and stated that he has scheduled a meeting at the Hollywood Firehouse on March 17 to begin the presentation process in the Hollywood area, at which he will present data and the land use survey. Mr. Gerred stated that he intends to continue this process in the other areas of the County, the purpose of which is to effect small area plans in order to give details for zoning decisions and direction for new service areas.

The Commissioners thanked Mr. Gerred for his presentation and agreed that citizen input into this process was important.

PATUXENT RIVER BRIDGE ACCESS ROAD  
 AND WOODLAND ACRES

Present: Etzel Potter  
 Robert Jackson  
 Mr. Dexter  
 Dr. and Mrs. Patrick  
 Mr. Morgan  
 Howard Lancaster  
 John Norris, County Engineer

The above-referenced residents of the Woodland Acres Subdivision area appeared before the Commissioners to express concerns relative to the Patuxent River Bridge access road and problems related to their residential area. After some discussion, the Commissioners assured the residents that they would arrange a meeting with the State Highway officials to discuss the expressed concerns and to try to alleviate them in whatever way possible. The County Engineer was instructed to work with the residents and the State Highway Administration to establish such a meeting.



IRREVOCABLE LETTERS OF CREDIT

Present: Joe Gough, President, First National Bank of St. Mary's  
John Norris, County Engineer

In response to questions raised by the Commissioners relative to irrevocable letters of credit, Mr. Gough appeared before the Commissioners and stated that corporate bonding is becoming very difficult to obtain. He further stated that in accordance with the terms of an irrevocable letter of credit, the bank is irrevocably committed to paying drafts submitted to them by the Commissioners as long as they submit a certificate in a proscribed form.

Mr. Gough assured the Commissioners that the County was adequately protected by the irrevocable letter of credit. The only area of concern might be the fact that the letters of credit expired on the termination date with no statute of limitations, whereas, the corporate surety bond is subject to the statute of limitations.

REQUEST FOR RAILROAD RIGHT OF WAY EASEMENT  
AIRPORT INDUSTRIAL PARK

Present: Joe Mattingly, Airport Industrial Park  
Joe Garner, Airport Industrial Park  
John Norris, County Engineer

The above individuals appeared before the Commissioners to request an Easement across the railroad right-of-way at the Airport Industrial Park in order to provide a safe ingress and egress from Route 235. Mr. Garner stated that Mr. Mattingly, the developer, intends to request rezoning of the property at the entrance to the Industrial Park, and a decision to request rezoning is not advisable until a commitment is made that the easement can be acquired.

After discussion, Commissioner Jarboe made a motion to authorize the County Engineer to develop a suitable Easement Agreement relative to this request, seconded by Commissioner Dean. All Commissioners voted in favor.

MARINE GRANTS  
(TALL TIMBERS WHARF)  
(ELLIS ROAD WHARF)

On behalf of the County Engineer the County Administrator presented Grant Applications for the above-referenced marine projects in the amount of \$5,000 each.

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign the Grant Applications and approve submission of the projects to the Department of Natural Resources, seconded by Commissioner Parlett. All Commissioners voted in favor.



MENTAL HEALTH ADVISORY COMMITTEE

Rev. McDowell, Chairman of the Mental Health Advisory Committee submitted a request that the Commissioners appoint Mrs. Sylvia Briscoe to this Committee to fill the unexpired term of Mr. Dennis J. Montero who has resigned.

Commissioner Jarboe made a motion to appoint Mrs. Sylvia Briscoe for a term to expire June 30, 1979 seconded by Commissioner Dean. All Commissioners voted in favor.

In addition, Rev. McDowell requested that the Commissioners provide funds in the amount of \$46 for two members of the Committee to participate in the State Workshop.

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

CHANGE ORDER FOR CIRCUIT COURT ROOM

On behalf of the County Engineer, the County Administrator submitted Change Order B for interior improvements to the St. Mary's County Circuit Court Room in the amount of \$412.09. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said Change Order with the Southern Maryland Mechanical Contractors, Inc., with the appropriate transfer of funds to be determined by the Budget Officer, seconded by Commissioner Parlett. All Commissioners voted in favor.

SWANN PROPERTY AT PINEY POINT

The County Administrator stated that when the lease was drawn up for the County's use of the Robert Swann property at Piney Point for recreational purposes there was no mention of tax payment. The property owner has requested a tax payment on this property and the County Attorney has prepared a lease amendment which provides for the annual payment of real estate taxes by the County. However, Mr. Baggett, Director, of Recreation and Parks, was of the opinion that the County should not pay real estate taxes because of the improvements and maintenance that the county has performed on this property. The Commissioners agreed to discuss this matter at next week's meeting.

ENCUMBRANCE VOUCHER NO. 11513PAYABLE TO SMEALLIE ORRICK AND JANKA

Present: John Norris, County Engineer

With regard to Encumbrance Voucher No. 11513, which was withheld for payment at yesterday's meeting for further clarification, Mr. Norris explained the work performed and the reason for the billing.

Commissioner Jarboe made a motion to approve payment of Voucher No. 11513 payable to Smeallie, Orrick and Janka, in the amount of \$105 seconded by Commissioner Parlett. All Commissioners voted in favor.



ADOPTION OF ZONING ORDINANCE

Present: Richard Platt, Director, Land Use and Development

Commissioner Dean made a motion to adopt the revised St. Mary's County Zoning Ordinance and the provisions therein, which shall become effective March 10, 1977, seconded by Commissioner Jarboe. Four Commissioners voted in favor with Commissioner Millison voting against.

ADOPTION OF COMPREHENSIVE LAND USE PLAN

Present: Richard Platt, Director, Land Use and Development

Commissioner Jarboe made a motion to adopt the revised Comprehensive Land Use Plan, effective March 10, 1977, seconded by Commissioner Dean. Four Commissioners voted in favor, with Commissioner Millison voting against.

STATEMENT OF POLICYSPECIAL TAXING DISTRICTS - SUBSTANDARD SUBDIVISION ROADS

Commissioner Jarboe made a motion that the Commissioners sign the Statement of Policy relative to Special Taxing Districts for Substandard Subdivision Roads, seconded by Commissioner Dean. All Commissioners voted in favor. This Policy Statement is to be forwarded to the County Attorney and County Engineer.

EXECUTIVE SESSION

At this time the Commissioners adjourned their regular meeting at 11:45 a.m. and agreed to meet in Executive Session in order to discuss matters of personnel. The Session was held from 11:45 a.m. to 12:30 p.m.

APPROVED BY,

  
James M. McKay, President  
County Commissioners