

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, December 7, 1977

Present: Commissioner John K. Parlett, Vice President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting was called to order at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of November 30, 1977 were read. Commissioner Jarboe made a motion to approve the minutes as read, seconded by Commissioner Parlett. All Commissioners present 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, seconded by Commissioner Millison. All Commissioners present voted in favor.

ECONOMIC IMPACT FEE AGREEMENT - GREENS REST MANOR

On behalf of the Office of Land Use and Development, the County Administrator presented the Economic Impact Fee Agreement by and between Bates and Associates, Inc. setting forth the method of payment of the economic impact fee for Greens Rest Manor. Approval of this Agreement was tabled because the document contained insufficient information.

RAILROAD RIGHT-OF-WAY ORDINANCE

The County Administrator presented the proposed Railroad Right-of-Way Ordinance for the commissioners' review. After discussion, the Commissioners agreed to amend certain areas of the Ordinance relative to construction and use on the right-of-way, which will be incorporated into the document and represented for the Commissioners' approval.

MARYLAND STATE POLICE BARRACKS

The County Administrator stated that notification has been received by the Maryland State Police that the Board of Public Works has approved the transfer of the property for the proposed State Police Post from the fairgrounds property to the Leonard Hall property. The Deed is in the process of being prepared and will be taken before the Board of Public Works for approval.

PUBLIC WORKS AGREEMENT - ST. INIGOES LANDING

On behalf of the County Engineer, the County Administrator presented the Public Works Agreement dated November 7, by and between Barbara B. Graham, Toby A. Bramble and Willard C. Bramble and the Board of County Commissioners of St. Mary's County guaranteeing the construction of streets and roads at St. Inigoes Landing, Section One, First Election District, along with appropriate letter of credit. Commissioner Dean made a motion, seconded by Commissioner Jarboe to accept said Public Works Agreement and letter of credit. All Commissioners present voted in favor.

ECONOMIC IMPACT FEE AGREEMENT
PARK HALL ESTATES

On behalf of the Office of Land Use and Development, the County Administrator presented the Economic Impact Fee Agreement by and between William A. Chapman and Elizabeth M. Chapman and the Board of County Commissioners of St. Mary's County setting forth the method of payment of the economic impact fee for Park Hall Estates containing 14 lots. Commissioner Dean made a motion, seconded by Commissioner Jarboe, to accept said Economic Impact Fee Agreement. All Commissioners present voted in favor.

AGRICULTURAL PRESERVATION ADVISORY BOARD

The County Administrator presented correspondence from the Department of Agriculture relative to the enactment of legislation pertaining to preservation of farmland in Maryland, which requires the appointment of a five-member Agricultural Preservation Advisory Board in each county. The Commissioners directed the County Administrator to contact such groups as the Farm Bureau and Soil Conservation Service to obtain recommendations for this Committee.

TRI-COUNTY YOUTH SERVICES BUREAU

Commissioner Dean made a motion, seconded by Commissioner Jarboe to reappoint Dr. James McCleaf and Rev. Charles R.C. Daugherty to the Tri-County Youth Services Bureau for terms to expire December 31, 1979. All Commissioners present voted in favor.

TOURISM COUNCIL

Commissioner Dean made a motion, seconded by Commissioner Jarboe to appoint the following individuals to the Tourism Council for terms to expire December 31, 1978:

- Elizabeth Harman
- Elaine Smith
- Edward Long
- Vi Englund
- Harold Bishop
- Mike Olson

All Commissioners present voted in favor.

ENERGY CONSERVATION COORDINATING COMMITTEE

Commissioner Dean made a motion, seconded by Commissioner Jarboe to appoint the following individuals to the Energy Conservation Coordinating Committee:

- Otis Wood
- Donald Curtis
- Paul Raley
- Charles Smallwood
- Dave Morgan

All Commissioners present voted in favor.

AUTHORITY TO HIRE
ASSISTANT PLANNER
OFFICE OF LAND USE AND DEVELOPMENT

Present: Ken Freeburn, Personnel Officer

By memorandum dated December 7, Mr. Freeburn requested authority to hire Mr. Gerald Paul Smith to the position of Assistant Planner, Grade 14-Base, inasmuch as Mr. Robert Wynn, Jr. declined acceptance of this position. Commissioner Jarboe made a motion, seconded by Commissioner Dean to hire Mr. Smith. Three Commissioners voted in favor, with Commissioner Millison voting against, stating he was of the opinion that a resident of St. Mary's County should be hired.

AUTHORITY TO BEGIN RECRUITING PROCESS
COMMUNITY DEVELOPMENT COORDINATOR

Present: Ken Freeburn, Personnel Officer
Don Curtis, Housing Coordinator

By memorandum dated December 7, 1977, Mr. Freeburn requested authority to begin the recruiting process for the position of

Community Development Coordinator, Grade 12-Base (possibly Grade 13-Base), which will be funded by HUD. Commissioner Jarboe made a motion, seconded by Commissioner Dean to recruit for this position. All Commissioners present voted in favor.

UNEMPLOYMENT INSURANCE

Present: Ken Freeburn, Personnel Officer

Mr. Freeburn presented a memorandum to the Board of County Commissioners setting forth a proposal for the payment of unemployment insurance and stated that he would be attending a seminar on the new unemployment insurance laws December 16, 1977. Mr. Freeburn requested that the Commissioners make a final decision on this matter at the December 21 Commissioner meeting.

VERIFICATION OF DEPARTMENT HEADS ATTENDANCE AT WORK

Commissioner Millison suggested that procedures be established to verify attendance at work by the various department heads.

ZONING ORDINANCE - SECTION 4.9 (MINIMUM LOT SIZE)
SOUTHAMPTON SUBDIVISION

Present: Frank Gerred, Director, Land Use and Development
Jeff Poley, Zoning/Subdivision Administrator

Mr. Gerred informed the Commissioners of a problem related to minimum lot size and the accumulation of contiguous substandard lots under common ownership as explained in the Zoning Ordinance, Article 4.9(A-D). Although the particular problem under discussion relates to Southampton Subdivision, there is more general application to other subdivisions existing in the County.

After some discussion, Commissioner Dean recommended, and the other Commissioners concurred, that Mr. Gerred should consult with the Planning Commission Attorney to determine whether or not the Zoning Ordinance gives permissive authority as to the manner in which substandard lots may be conveyed.

FLOOD HAZARD MAPS (PUBLIC HEARING)

Present: Frank Gerred, Director, LUD
Jeff Poley, Zoning/Subdivision Administrator

Mr. Poley appeared before the Commissioners to request a date for a public hearing in order to display and review the Flood Hazard Boundary Maps and the proposed Resolution adopting same as part of the Zoning Ordinance by reference. January 11, 1978 was set as the date for the hearing, and the Commissioners directed Mr. Gerred to make the necessary arrangements.

JAIL SURVEY

Present: Charlene Chinn, Criminal Justice Planner
John O'Donnell, Deputy Director, Governor's Commission
Harry Byrd, Chief of Planning for Governor's Commission

The above-referenced individuals appeared before the Commissioners to discuss the jail survey which is being conducted state wide. Mr. O'Donnell stated that the state laws affecting jails, local jail needs, condition of local jails and the plans each county has in regard to the jails are the issues being looked into.

Commissioner Parlett explained what had been done in St. Mary's County to date and that the Commissioners are submitting legislation for a 50-50 grant to be used to update our facility. Commissioner Parlett further mentioned the lack of clarity of the federal regulations as to what the County is required to do.

There was discussion of pre-trial facilities, facilities for women and for juveniles and Mr. O'Donnell stated that through this survey, a list of standards and recommendations will be developed and submitted to the County giving various alternatives.

The LEAJ representatives promised technical services to the County for design capabilities to meet current standards.

The Commissioners thanked the representatives for their presentation and that they looked forward to receiving their recommendations.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, "
Dave Fox, WKIK
Ingrid Buehler, Beacon

The regular semi-monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' Office.

GROUP HOME FOR THE MENTALLY RETARDED TASK FORCE

Present: Roger Richardson
Helene Hautzenroder
Renee Dixon

Mr. Richardson, spokesman, presented the Task Force's report on the proposed regulations governing group homes for the mentally retarded, a copy of which is on file in the Commissioners' Office. The Commissioners thanked the group for its endeavors and guaranteed the members present that the Commissioners would endorse

their report and request the Mental Retardation Administration to act more swiftly in approving the application now on hand with MRA.

The members requested consideration by the Commissioners for a CETA position and office space in order to complete the group home needs assessment study and to establish an advocate program. The Commissioners directed the County Administrator to work with the group in this matter.

(The Commissioners conducted the following portions of their meeting in District Court.)

DUKEHART'S CREEK DREDGING PROJECT

Present: John Norris, County Engineer
Benjamin Linthicum, Department of Natural Resources
Delegate Dyson
Senator Simpson
Delegate Briscoe
News Media and interested citizens
(list of those present on file in the Commissioners' Office.)

A background of the problem was summarized by Commissioner Parlett. Mr. Linthicum, representing the Department of Natural Resources, stated that the State's position was unchanged from that presented in correspondence dated November 8, 1977. Several citizens of the area responded negatively to the question of forming a special taxing district stating that they had not caused the problem and that they should not be made to pay for a mistake over which they had no control. After much discussion about costs and possible solutions, Mr. Linthicum agreed that the State would do a detailed cost analysis to determine actual costs. The Commissioners stated that after the actual cost figures are provided, the Commissioners will more realistically be able to consider the available alternatives.

(A tape of the proceedings is on file in the Commissioners' Office.)

CHERRY COVE DREDGING

Present: Murray Jackson, spokesman
Benjamin Linthicum, Department of Natural Resources
John Norris, County Engineer
News Media and other interested citizens
(list of those present is on file in the Commissioners' Office.)

Mr. Jackson spoke on behalf of the Cherry Cove area residents to state that the elaborate project as proposed by the State to correct the channel problem at Cherry Cove is unnecessary and that

simplified maintenance dredging would solve the problem for years to come and at a much reduced cost. The County Engineer endorsed the position of Mr. Jackson and the Cherry Cove area residents and recommended that the Commissioners request Mr. Linthicum to physically visit the area and perhaps amend the state's position on this project. Mr. Linthicum agreed to visit the site in the very near future and render a report to the Commissioners.

(A tape of the proceedings is on file in the Commissioners' Office.)

SLUDGE TRANSPORT PROPOSAL
(BLUE PLAINS SEWAGE TREATMENT PLANT)

Present: Jim Kenney, Attorney
Paul D. Flamino, Browning-Ferris Co.
George Hall, " "
Sam Maphis, " "
Barry Strohm, C.J. Langenfelder
Walter Raum, Health Department
News Media and other interested citizens

Representatives of the C.J. Langenfelder and Browning-Ferris appeared before the Commissioners to present a proposal to use property at Medley's Neck for the disposal of liquid sludge from the Blue Plains Sewage Treatment Plant which serves the Washington, D. C. area.

Mr. Maphis gave a slide presentation entitled "Sludge Management by Subsurface Injection" which depicted such areas as equipment used, process, transportation and storage, land requirements, operational procedures and sites being used for this purpose.

After the slide presentation, there was a question and answer period whereby the Commissioners and citizens asked clarifying points on the proposal.

The representatives of the proposal stated that they were not seeking any permission or approval from the Board of County Commissioners, but only taking this opportunity to make certain information available. Approval must be obtained from the State Department of Health and Mental Hygiene by appropriate permit. Monitoring of the project, if approved, would be performed by employees of the Browning-Ferris Co. and the Health Department. Bids will be submitted by Langenfelder/Browning-Ferris on Monday, December 12, 1977 for the Blue Plains Treatment Plant discharge disposal service. If the bid is awarded to these companies, the necessary permit process must be completed prior to the effecting of any contracts.

In closing, Mr. Kenney stated that representatives of these companies will make themselves as available as possible for public meetings.

(A tape of the proceedings is on file in the Commissioners' Office.)

(Commissioner McKay entered the meeting at 4:00 p.m.)

(The Commissioners returned to their Conference Room for the remainder of the meeting.)

ADDENDUM TO CONTRACT
RAILROAD AND TRANSMISSION RIGHT-OF-WAY
(LAUREL GROVE TO HILLVILLE)

Present: John Norris, County Engineer

The County Engineer presented Addendum No. 1 to the contract with John E. Harms and Associates, Inc. for the design of the plans of the railroad right-of-way corridor and transmission line from Laurel Grove to Hillville as requested by the State Highway Administration. There is no change in the contract price.

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

RADIO EQUIPMENT BUILDING (PROJECT NO. SM 77-4-3)

Present: John Norris, County Engineer

Mr. Norris stated that the above project was rebid and therefore presented the bid tally sheet on this project and recommended awarding the bid to Elwood Joy, the lowest bidder, in the amount of \$11,322.56. Fund balance for this project is \$10,195; therefore, Mr. Norris requested authorization for the Budget Officer to make the necessary transfer.

Commissioner Jarboe made a motion, seconded by Commissioner Parlett to accept the recommendations of the County Engineer and award the bid to Elwood Joy and further to authorize the Budget Officer to make the necessary transfer. All Commissioners voted in favor.

ACCESS PERMIT - ENTRANCE TO GOVERNMENTAL CENTER

Present: John Norris, County Engineer

Mr. Norris requested authorization by the Board for Commissioner President McKay to sign Access Permit No. A-SM-7552-77 from the State Highway Administration for the entrance to the St. Mary's County Governmental Center as it intersects with St. Rt. 245.

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

ROAD SIGNING PROJECT AGREEMENT

Present: John Norris, County Engineer

Mr. Norris presented the Agreement by and between the Department of Transportation and St. Mary's County Maryland for the purpose of constructing road signs on various county roads and requested Commissioner McKay's signature. Commissioner Dean made a motion, seconded by Commissioner Parlett to authorize Commissioner McKay to sign said Agreement. All Commissioners voted in favor.

PUBLIC WORKS AGREEMENT - PARK HALL ESTATES

Present: John Norris, County Engineer

Mr. Norris presented the Public Works Agreement by and between Chapman Development Corporation, Inc. and the St. Mary's County Commissioners guaranteeing the construction of streets and roads in the Park Hall Estates Subdivision, and stated that the corporation has posted an account with First National Bank in the amount of \$32,000 made payable to the County. Commissioner Dean made a motion to approve said Public Works Agreement, seconded by Commissioner Jarboe. All Commissioners voted in favor.

COURTHOUSE RENOVATION PUBLIC WORKS AGREEMENT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that bids will be opened on Monday, December 12, 1977 for the above-referenced project and that quick approval action by the Board would be necessary because of the starting deadline of December 19, 1977. The Commissioners directed Mr. Norris to prepare a bid tally sheet subsequent to the opening of the bids on 12/12/77 and present same to them at the evening meeting scheduled in Hollywood on that date.

REZONING DECISION

CASE NO. 77-120

C. RONALD AND ANNE LUMPKINS

The Board of County Commissioners conducted a public hearing on November 23, 1977 on the application of C. Ronald and Anne Lumpkins of approximately 1.85 acres (Lots 7-22, Block 24, Lots 1-3, and Lots 19-25, Block 25, Piney Point Shores Subdivision) located on Maryland Route 249, Piney Point, Second Election District, from R-1 to C-2.

Therefore, Commissioner Jarboe made a motion that the County Commissioners approve rezoning of approximately 1.85 acres (Lots 7-22, Block 24, Lots 1-3 and Lots 19-22, Block 25, Piney Point Shores Subdivision, from R-1, Rural Residential, to C-2, Highway Commercial. This motion and proposed action is based on the following findings of fact:

1. The property is currently non-conforming commercial use, and prior to the institution of the Zoning Ordinance was in commercial use.

2. The neighborhood is defined by the applicant as an area within a one-mile radius of the subject property. This neighborhood is bounded on three sides by natural boundaries (waterways) and on the fourth side by the northern extent of the residential area of Piney Point. This is the traditional area known as Piney Point, with the subject property in the center.

3. There are three non-conforming commercial uses across the road from the subject property (two restaurants and a gasoline station), lending credence to the assertions that this is the center of the neighborhood and that there is a need for commercial development in this center.

4. The Comprehensive Plan identified this neighborhood (Piney Point) as an "urban center."

5. No provision was made in the adopted Zoning Maps for any commercial development in this neighborhood or urban center.

6. Testimony in the record demonstrates the need for further commercial development in the neighborhood (support of fishing, marine, residential and industrial development). There was no testimony contrary to this.

Item 4 and 5 indicate enough evidence for a reasonable belief that a mistake was made in the original zoning.

Items 1, 3, 4, and 6 indicate that rezoning of this property would be in the public interest and welfare and in harmony with the Comprehensive Plan.

Commissioner Parlett seconded the motion. All Commissioners voted in favor.

AICUZ LAND USE

Commissioner Jarboe submitted a draft memorandum relative to AICUZ Land Use and clarifying certain points of Article 21 of the Zoning Ordinance. Commissioner Jarboe proposed and the other Commissioners concurred that this draft be presented to the Navy at tomorrow's meeting for their comments and then perhaps make a decision at next week's meeting.

DEPUTY FOOT PATROL DURING HOLIDAY SEASON

After discussion of correspondence from the Chamber of Commerce regarding foot patrol during the holiday season, Commissioner Dean made a motion, seconded by Commissioner Parlett to authorize use of the Sheriff's Salary Account to pay for overtime for foot patrol by the deputies during the holiday season. Four Commissioners voted in favor, with Commissioner Millison voting against, stating that he was not in favor of this, because if the Sheriff's Department was undermanned, that is one thing, but they have as many men as they have requested, and further that he did not feel the need to supplement them with additional funds at this time.

ST. MARY'S COUNTY ROOM PLANNING COMMITTEE

The County Administrator presented correspondence from Rubye Beaman stating that Mr. Beitzell, County Historian, is recommending the appointment of a committee to plan and decorate the proposed St. Mary's County Room at the Leonard Hall Governmental Center.

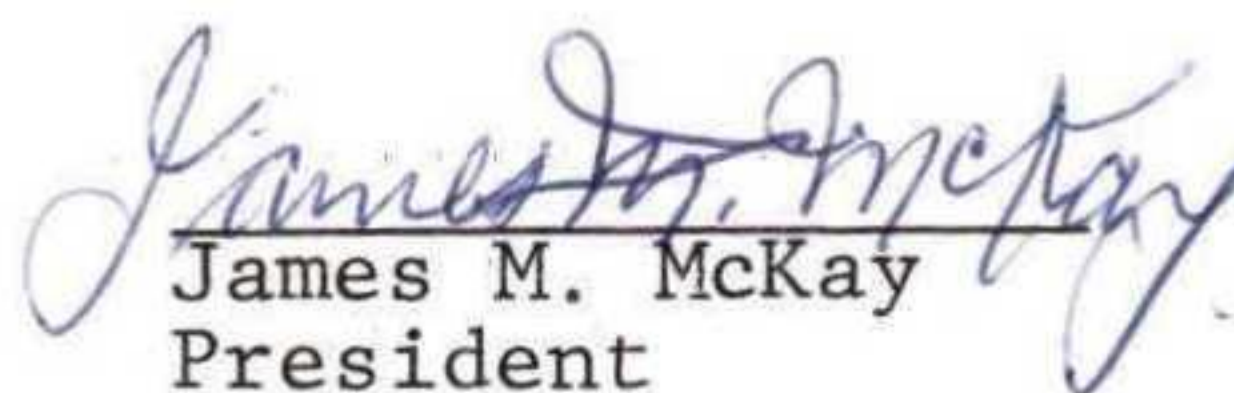
Commissioner Jarboe made a motion, seconded by Commissioner Dean to appoint the following individuals to the said Committee: Marvin C. Joy, Elliott Burch, Sr., Henry Fowler, Peter Egeli, Rubye Beaman and Edwin Beitzell as Chairman. All Commissioners voted in favor.

NAMING OF THE GOVERNMENTAL CENTER

The Commissioners unanimously agreed that the official name of the governmental center at Leonard Hall should be St. Mary's County Governmental Center."

The meeting adjourned at 5:45 p.m.

Approved,


James M. McKay
President

