

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, February 5, 1974

Present: Commissioner J. Wilmer Bowles, President  
Commissioner J. S. Guy, Jr.  
Commissioner George R. Aud  
Edward V. Cox, Chief Clerk  
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:30 a.m.

READING OF MINUTES

The minutes of January 29, 1974 were read and corrected.

The minutes of February 1, 1974 were read.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of January 2, 1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

Commissioner Aud made a motion to approve the minutes of January 8, 1974, seconded by Commissioner Guy. Commissioners Aud and Guy signed same. (Commissioner Bowles was not in attendance at the January 8 meeting.)

COMMISSION ON AGING

Present: Joseph Carter, Chairman

Mr. Carter came before the Commissioners to request a full-time coordinator for the Commission on Aging for St. Mary's County at a starting salary of approximately \$8,000. Mr. Carter stated that the State would pay for approximately \$6,000 of the salary from the nutrition program. The salary for this position could be earned through various projects of the Commission. Ed Cox is to review the list of applicants for the position of Executive Secretary to the Youth Commission to select someone eligible for the Commission on Aging Coordinator and return to the Commissioners with recommendations.

PROMOTIONS IN ASSESSMENT OFFICE

Mr. William Herbert, Supervisor of Assessments submitted the following names for promotions from Clerk Typist C to Secretary I in the Assessment Office: Ann Fowler, Margaret Yowaiski, and June Murray. Commissioner Aud made a motion to accept Mr. Herbert's recommendations subject to receipt of approval from the State Commission of Personnel, seconded by Commissioner Guy and made unanimous by Commissioner Bowles. These promotions will be effective the date of receipt of said approval.



SECRETARY FOR PUBLIC HEARINGS

Ed Cox recommended hiring a part-time secretary to take minutes at the upcoming public hearings to be held in the evenings. The Commissioners gave their approval to hire a secretary to take minutes at the public hearing for the Comprehensive Land Use Plan for St. Mary's County to be held February 22, 1974 at 7:30 in the Circuit Court.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise  
Sunny Schust, Enterprise  
Dave Fox, Guardian Review  
Dick Myers, WKIK  
Barbara Winchell, WPTX  
Patty Muchow, Beacon

At this time the regular monthly Press Conference was held. A tape of the Conference is on file in the Commissioners' Office.

BILLS APPROVED

Commissioner Guy made a motion to approve payment to Patuxent Motor Sale, Inc. for the purchase of eight automobiles for the Sheriff's Department in the amount of \$25,599.04. \$20,000 of this payment is allocated in the 1973-74 budget; the remaining \$5,559.04 is to come from the Contingency Fund. Commissioner Bowles seconded the motion. Commissioner Aud abstained.

The following bills were unanimously approved by the Commissioners:

L. Earl Griswold, Western Maryland College, dated January 28, 1974, for the purchase of ten copies of St. Mary's County film, ten plastic reels and ten plastic film cans - \$717.13;

Department of Health and Mental Hygiene dated January 28, 1974 for quarterly billing period October 1 - December 31, 1973 - \$23,325.00.



REZONING HEARING - US-A PARTNERSHIP (CEDAR COVE) FILE No. 0019

Present: E. O. Barsness, Project Manager, Cedar Cove  
 Dorsey Hughes, Urban Planners, Inc.  
 George David, Aries Corporation  
 Phyllis Barsness  
 Everett Moone, Urban Systems Development Corp.  
 Byron Koste, USDC  
 Rick Myers, USDC  
 Andrew Kinsler, Rahenkamp Sachs Wells and Assoc, Inc.  
 Bartholomew S. Spano, P E. Director of Engineering  
 Polysonics  
 David E. Belcher, Attorney (US-A Partnership)  
 Robert Halderman, Attorney (US-A Partnership)  
 Richard Gore, Reporter  
 Spence Howard, Realtor  
 Captain T.J. Kilcline, NAS  
 Robert Willard, Planning Director  
 Joseph Weiner, County Attorney

Also present were: Jack Kershaw, Enterprise; David Fox, Guardian Review; Dick Myers, WKIK; Patty Muchow, Beacon; Barbara Winchell, WPTX.

Application was made by US-A Partnership (Cedar Cove) to have property located on Hermanville Road and fronting on the Chesapeake Bay, Eighth Election District, consisting of 133.19 acres, rezoned from "Agricultural" to "C-Residential."

The secretary read the Notice of Public Hearing. As of this date the County Commissioners had not received a letter of recommendation from the Planning Commission on this application. Included in County Commissioners' File No. 0019 are the following: Exhibit 1 - Petition for Change in Zoning; Exhibit 2 - Letter of February 4, 1974 from Robert Willard, Planning Director; Exhibit 3 - Plat of the property for proposed rezoning, and Exhibit 4 - Metes and Bounds description of said property.

Mr. Belcher, Attorney for the Petitioners submitted the Petition for Rezoning - 1973, St. Mary's County, Cedar Cove Support Document as Exhibit A. Mr. Belcher stated that the purpose of the rezoning is not for additional density for the property, but to facilitate the clustering of housing units under St. Mary's County Zoning Ordinance which is only possible in C-Residential districts.

Mr. Barsness referred to the letter of intent dated February 4, 1974, from USDC (Exhibit B), with copy of Development Agreement attached, which gave the history of the project and set forth the proposed development of the area, and the various undertakings which will be implemented as the project moves forth.



Mr. Belcher stated that the Planning Commission, at a meeting yesterday, February 4, adopted a Resolution recommending approval of the Petition and that Mr. Willard, Planning Director, had prepared a staff report which was reviewed by the Planning Commission. Commissioner Bowles stated that the staff report will not be made a part of the record; however, when recommendations are received from the Planning Commission, this will be entered into the record.

Mr. Andrew Kinzler, Senior Vice President and General Manager of Rahenkamp Sach Wells and Associates, submitted Exhibit C, his resume and qualifications, and Exhibit D, Land Planning Considerations for Rezoning. Mr. Kinzler discussed his study of the Cedar Cove area and described the characteristics of the area, taking into consideration the economic and governmental aspects in developing the layout of the project.

Mr. J. Spence Howard, Jr., Realtor, submitted Exhibit E, his resume and qualifications, and Exhibit F, a Study of Zoning and Land Use in the Area of Lexington Park, Maryland, with Recommendations for Zoning of Property known as Cedar Cove, and discussed said study. Mr. Howard presented a map of zoning changes, Exhibit G, and 1952 aerial photographs of Lexington Park, Exhibit H, to illustrate what the Lexington Park area was like when zoning was instituted in 1949. Mr. Howard then presented 1972 aerial photographs, Exhibit I, illustrating changes in land use which lean toward urbanization of the area.

Mr. Bartholomew Spano, Director of Engineering, Polysonics, submitted his resume and qualifications, Exhibit J, and an Analysis of Aircraft Noise and Safety, Exhibit K, and discussed same.

At this time the Commissioners discussed the proposed dock at Cedar Cove with Mr. Barsness. Mr. Barsness explained that there will be no marina, but there will be a limited use dock, loading ramp, plus scheduled activities worked out with the operations of NAS. Mr. Barsness stated that the exact size of the dock had not yet been determined.

Mr. Belcher submitted Exhibit L, a plat designating the three parcels of land at Cedar Cove.

At this point, the Commissioners discussed the Declaration Agreement with the Petitioners of Cedar Cove.

Mr. Belcher stated an Agreement form is attached to the letter of intent and it is contemplated that this would be entered into and spelled out more specifically what is described in the letter of intent. The last paragraph of the Agreement states there would be a declaration of covenants imposed upon the property and would be recorded at some later time, subject



to the approval of the Planning Director prior to any approval of any subdivision plats. He stated that the reason it would be awkward to do now would be that as part of that declaration of covenants they would like to establish a system of homeowners' association; a system of imposing charges for internal open space maintenance, and that plan is not developed yet. This would be recorded in the land records.

Commissioner Bowles suggested that notice to the buyers that this is a noise and/or accident prone zone should be included in the covenants. Mr. Barsness said he had no objection to this.

Commissioner Guy stated that the Agreement should have the developer's signatures and not the County Commissioners. Commissioner Guy inquired if performance bonds had been considered for inclusion in the Agreement in amounts necessary to cover the various projects in the development. Mr. Belcher said this has not been discussed. Mr. Barsness stated they would not object to bonds, and they have accepted some in connection with the water tower, so long as they can be defined in segments that do not transcend an enormous amount of time or are difficult for both sides to administer. Commissioner Guy said it should be in line with the project.

Commissioner Guy asked if there is any provision in the development that perpetuates the agreement on any future corporations or developers. Mr. Belcher said this should be covered.

Mr. Belcher stated they should revise the Agreement to relate more specifically to this land and have it recorded among the land records.

Commissioner Aud inquired when the land would be dedicated for a school site.

Mr. Belcher stated that this would be up to the Board of Education. Commissioner Bowles stated that the land should be dedicated to the County and not to the Board of Education for uses which could be a school site, but not limited to.

At this time, Commissioner Bowles inquired if there were any proponents or opponents.

Captain Kilcline stated he wanted to discuss the AICUZ situation, to put it in perspective, not just for this development but for others that may come. Captain Kilcline submitted an Example of the Procedure for Determining the CNR Contour for a Particular Type of Flight Operations, and a map of the AICUZ Area, and discussed the noise and accident prone zones.

No decision was made at this time.



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

YOUTH COMMISSION

Present: Les George, Chairman, Youth Commission

Mr. George stated that at the January 31, 1974 meeting of the Youth Commission, said Commission unanimously selected Daniel H. Raley for the position of Executive Secretary, Youth Commission, for recommendation to the County Commissioners. Commissioner Aud made a motion to accept the Youth Commission's recommendation and hire Daniel H. Raley at a starting annual salary of \$9,000, effective February 7, 1974, subject to the signing of his Employment Contract, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

ALEX P. SCHUST BUILDING PERMIT

Present: John Norris, County Engineer

Mr. Norris stated that Mr. Schust had been issued a health certificate for his well. Mr. Schust had applied for his building permit in September 1973, prior to the November 1, 1973 Building Ordinance, and, therefore, he should be issued his building permit.

WILLOW BROOK ESTATES - PERSONAL ROAD BOND

Present: John Norris, County Engineer  
Daniel Guenther, Guenther Construction Co.

Mr. Norris presented a Personal Road Bond for Willow Brook Estates in the amount of \$25,000, naming Daniel and Ralph Guenther as sureties. Commissioner Aud made a motion to accept the bond, subject to Daniel and Ralph Guenther obtaining their wives' signatures on the bond, and subject to roads being constructed and approved before last house is completed. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

COMPREHENSIVE WATER AND SEWAGE PLAN  
REQUEST FOR EXTENSION OF TIME

Present: John Norris, County Engineer

The Comprehensive Water and Sewer Plan is to be updated by July 1, 1974, and John Norris requested a letter be sent requesting an extension of time. The Commissioners unanimously approved that a letter be sent to Mr. Hinman, State Department of Health, requesting a four-month extension of time to complete the update of the Comprehensive Water and Sewage Plan.



BUDDY'S DISPOSAL SERVICE

Present: John Norris, County Engineer

Mr. Norris stated he received a request from Buddy's Disposal Service to transport one load of refuse to Clement Landfill each day from the Leonardtown area on his way home to save on gasoline. Mr. Norris stated that by July 1, 1974, a new site would be opened at St. Andrew's Church Road Landfill, and the majority of refuse from the County could be handled there. The Commissioners approved that Buddy's Disposal Service be allowed to transport one load of refuse each day until July 1, 1974.

PURCHASE OF PROPERTY ADJACENT TO ST. ANDREW'S CHURCH ROAD LANDFILL

Present: John Norris, County Engineer

John Norris recommended that the County purchase 10.08 acres of land adjacent to the St. Andrew's Landfill at \$1500 per acre. Commissioner Aud made a motion to purchase the 10.08 acres of land from Herschell McLeod at \$1500 per acre, seconded by Commissioner Guy and made unanimous by Commissioner Bowles. Mr. Norris stated the Deed should include the method of access to the 10.08 acres.

IMPROVEMENT OF WALKING CONDITIONS - TOWN CREEK ELEMENTARY

Present: John Norris, County Engineer

The Commissioners unanimously gave their approval to have work done to improve the walking conditions for school children in Town Creek at a cost of \$2500 plus overhead.

WIDENING OF SARATOGA DRIVE

Present: John Norris, County Engineer

Commissioner Aud requested that Saratoga Drive at the intersection of Route 246 in Lexington Park be widened. John Norris will look into this matter.

ASPHALT PAVING CONFERENCE

Present: John Norris, County Engineer

The Commissioners gave their approval for the expenditure of \$9.75 for registration fee for John Norris to attend the 12th Annual Asphalt Paving Conference at the University of Maryland.



REQUEST FOR CHANGE IN CONSTRUCTION STANDARDS

Present: John Norris, County Engineer

Mr. Norris stated he received a request from Joseph A. Dillow that he put a gravel shoulder and gravel in center of the road, but that he be allowed to grass the gravel shoulders in Town Creek. Commissioner Guy requested Mr. Norris to obtain recommendations from the Soil Conservation District that a variance is needed.

SAFEWAY STORE DRAINAGE EASEMENT

Present: John Norris, County Engineer

Mr. Norris presented the Safeway Store Grant of Easement with recommendations from the State Highway Administration. Commissioner Aud made a motion to approve the Easement and to authorize Commissioner Bowles to sign the Easement, subject to John Norris obtaining the County Attorney's signature, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

MILEAGE EXPENSES

A study was made by Mr. Cox and Mr. Sterling, Finance Director, regarding the mileage rate for County employees. Mr. Cox had checked with the State Departments of Personnel and Budget and Fiscal Policy, and Mr. Sterling studied the price increase of gasoline. The State now pays 10¢ per mile; however, Governor Mandel will recommend 12¢ in the 1974-75 budget. The above agencies agreed that 12¢ is fair recompense.

Mr. Cox and Mr. Sterling recommended that the County begin to pay 12¢ per mile to County employees for the use of their vehicles while involved in County business, as of March 1, 1974. Commissioner Aud made a motion to accept Mr. Cox's and Mr. Sterling's recommendations, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

NATIONAL GUARD STATEMENT OF SUPPORT

A letter was received from the National Committee for Employer Support of the Guard and Reserve requesting the County's support of the National Guard and Reserve Forces of the United States. The Commissioners agreed to pledge the County's support.

MARYLAND ASSOCIATION OF COUNTIES MEETING

Commissioner Aud and Mr. McGlade, Comptroller, will attend the Maryland Association of Counties meeting concerning the James Commission's recommendations for land use control legislation to be held Friday, February 8, 1974 in Annapolis, Maryland.



JOHNSONGRASS CONTROL

A letter was received from R. Johns Dixon, Chairman, Johnsongrass Control Committee requesting the County to match State funds of \$4500 to provide a total of \$9,000 for Johnsongrass Control for 1974-75. The Commissioners unanimously gave their approval and Mr. McGlade, Comptroller, is to be advised for budget purposes.

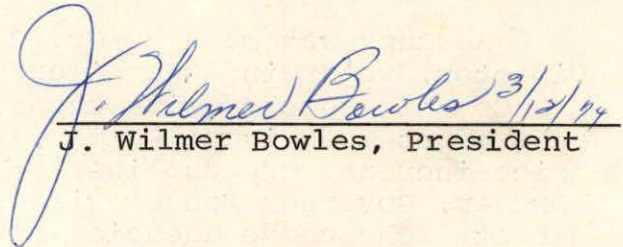
ST. MARY'S CITY DEVELOPMENT PLAN

The Commissioners unanimously approved the Maryland Department of State Planning's Project Summary Notification Review by applicant, Maryland Historical Trust, for St. Mary's City Development Plan, Project No. 74-1-782.

PROCLAMATION No. 74-4 - "DOLLARS FOR SCHOLARS" MARDI GRAS

The Commissioners signed Proclamation No. 74-4 proclaiming February 16, 1974 Mardi Gras Day and the beginning of the "Dollars for Scholars" drive.

The meeting adjourned at 6:30 p.m.

 3/2/74  
J. Wilmer Bowles, President