

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 5, 1974

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

The meeting came to order at 9:45 a.m.

READING OF MINUTES

The minutes of February 26, 1974 were read and corrected.

VOUCHERS APPROVED

Commissioner Guy made a motion to approve Vouchers Nos. 7188 through 7417, dated February 4, 1974 through Feb. 28, 1974, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

BILLS APPROVED

The Commissioners approved the following bills:

Edward Cox, mileage expenses for the month of February 1974 - \$30.75;

Beavin Company, dated November 9, 1973, amount due on updating County Comprehensive Water and Sewage Plan - \$2,940.00;

James T. Wood, for reimbursement for two roosters and nine hens killed by dogs - \$22.00.

PROCEDURES FOR REZONING HEARINGS

Present: Michael Davis, County Attorney

Mr. Davis advised the Commissioners that while the procedure the Commissioners presently follow for handling rezoning cases is not incorrect, there is a need for refinement of these procedures so as to meet the requirements of Article 66B, Section 4.05, which would be a Resolution by the Commissioners approving the rezoning. This will not change the procedures of rezoning cases in the past; however, this information should be included in all past and future rezoning files.

REQUEST FROM GRAND JURY

As per the request of the Grand Jury, Commissioner Bowles was instructed to ask the County Commissioners what their position was in regard to placing the Sheriff's Deputies under

the Merit System, and Commissioner Bowles was requested by said Grand Jury to reply to them in writing.

Commissioner Aud stated that until he has an opportunity to make a study of the situation, he did not wish to make a judgment at this time.

Commissioner Guy stated that he felt that this is something that has to be considered and he could not give an "off-the-cuff" quick answer. If the Grand Jury feels it is important enough to know what his opinion is, he stated that he would be happy to appear before the Grand Jury and discuss it.

BICENTENNIAL COMMISSION

Commissioner Guy made a motion to recommend Ann DeJong and Bruce Perrygo to be appointed to the Bicentennial Commission, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

NON-PUBLIC SCHOOL BUS DRIVERS GAS ALLOWANCE REQUEST

Present: Joseph Ernest Bell, II, Attorney
Paul Raley, Administrative Officer

Mr. Bell presented a letter dated March 4, 1974 setting forth the basis for an emergency increase in gasoline allowance for non-public school bus drivers.

Commissioner Aud made a motion to increase the gasoline mileage allowance .02¢ per mile for the balance of the current school year, effective March 1 through June 30, 1974. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous. If the cost of gasoline should go below 46.3 cents per gallon, Paul Raley should return to the Commissioners to discuss adjustment of this allowance.

Commissioner Aud made a motion that the funds be transferred from the Contingency Fund to the Non-Public Transportation Fund, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, Enterprise
Dave Fox, Guardian Review and Cable Vision
Patty Muchow, Beacon
Dick Myers, WKIK

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

PRESS RELEASE - OPTION TO PURCHASE LEONARD HALL

At the beginning of the Press Conference, Commissioner Bowles distributed a Press Release to the members of the Press stating that the County Commissioners have entered into an option to purchase property known as Leonard Hall School property, Leonardtown, Maryland, for the purpose of initiating plans to consolidate government services in a central location.

PRESENTATION OF PROCLAMATION NO. 74-7
GIRL SCOUT WEEK

Present: Mary Novotny, Field Representative
St. Mary's County Girl Scouts

The Commissioners presented Mrs. Novotny with Proclamation No. 74-7 proclaiming March 9 through 16, 1974 as Girl Scout Week in St. Mary's County.

LETTER TO ADMIRAL KIDD
RE: CAPTAIN T. J. KILCLINE

(See Minutes of February 26, 1974.) It was the County Commissioners' decision that any letter to Admiral Kidd requesting that Captain Kilcline complete his three-year tour of duty should be done on an individual basis if so desired and not as an official body.

REZONING HEARING (FILE NO. 0020)
GEORGE THOMAS AND KATHERINE W. DAUGHERTY
(FLOWER OF THE FOREST)

Present: Albert Focer, Lorenci, Dodds and Gunnill, Inc.

Application was received to have land consisting of 80 acres fronting on Willows Road and bordering on Penbrooke Run, Eighth Election District, property known as part of "Flower of the Forest" rezoned from "agricultural" to "C-Residential" category.

The secretary read the Notice of Public Hearing and the letter dated March 5, 1974 from Robert Willard setting forth the recommendations of the Planning Commission.

Mr. Focer described the zoning of the properties adjacent to the property requested to be rezoned and further stated that, with the present zoning, there is not a planned unit development, but with the rezoning it would be.

Commissioner Bowles requested clarification of the statement made by Joseph Gough in Mr. Willard's March 5 letter regarding the 20 foot clause. It should state that the property owner will convey an additional right-of-way of not less than 20 feet in width along the boundary lines of property being rezoned for widening Willows Road.

There were no proponents or opponents present.

The Commissioners will take the application under consideration for a decision at a later time.

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

REZONING HEARING (File No. 0021)
ST. MARY'S REALTY CO., INC.

Present: Joseph Weiner
Robert Willard, Planning Director

Application was made by St. Mary's Realty Co., Inc. to have land containing 58.517 acres, located in the Eighth Election District on the southerly right-of-way line of State Route 235 as shown on a plat entitled "Boundary Survey of Lexington Park 'New Section' Housing & Carver Heights - Parcels A, B, C, D, E, F, G" rezoned from "agricultural" and "Commercial" to a complete "industrial" category.

The secretary read the Notice of Public Hearing and the letter dated March 5, 1974, from Robert Willard setting forth the Planning Commission's recommendations. It was the Planning Commission's opinion that, since this land does lie within the AICUZ area, that "industrial" zoning would be the most appropriate and compatible use for the land. The Planning Commission approved the rezoning at their February 4, 1974 meeting.

Mr. Willard stated that Mr. George T. Daugherty, who had requested land known as "Flower of the Forest" to be rezoned from "agricultural" to "industrial" (see Minutes of January 22, 1974) and Mr. Joseph Weiner agreed to a potential road connecting the "Flower of the Forest" to this property. Mr. Willard stated that Mr. Daugherty indicated that he would not sell or develop land without going through the subdivision process, which is the proper place to align roads. The Planning Commission is trying to get zoning cases such as this to subject themselves to a subdivision process at the time of sale and, at that time, study and analyze where the roads should go.

There were no opponents or proponents present.

The Commissioners will take this application under consideration for a decision at a later time.

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

MELODY ACRES
DEVELOPMENT PROPOSAL

Present: Joseph Weiner, County Attorney

A Development Proposal dated March 5, 1974 was received from William S. and Ann F. Lawrence offering the County \$1800 (nine lots at \$200 per lot) to help meet rising costs of County government and the economic impact of subdivisions prior to recording Section 2B of Melody Acres. Commissioner Guy made a motion that the offer made by William S. and Ann F. Lawrence to contribute \$1800 to the General Fund of St. Mary's County as per Development Proposal dated March 5, 1974 be accepted; seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

JAMES DOBRY REZONING CASE NO. 0011

The matter of James Dobry's rezoning was brought before the Commissioners and Commissioner Aud made a motion to table the decision on this case until a study is made on Chancellors Run Road. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

RILEY BROTHERS (SPRING VALLEY)
RETURN OF BUILDING PERMITS

A letter dated February 14, 1974 was received from Riley Brothers returning 34 building permits and requesting a refund in the amount of \$1,062.50. Mr. Cox stated that John Norris, County Engineer, verified that this was the correct amount paid for the building permits.

Commissioner Bowles said that the responsibility for the purchase and use of building permits is the applicant's and not the responsibility of the County. Building permit fees are to cover administrative costs only; therefore, a refund would result in a loss to the County.

The Commissioners questioned if they had the legal authority to grant a refund and requested Ed Cox to obtain a legal opinion from the County Attorney. Mr. Cox is also to determine the time limit on building permits prior to the Building Permit Ordinance that became effective November 1, 1973.

SATAV ESCROW AGREEMENT

A letter dated February 12, 1974 from the SATAV Corporation was forwarded to the Commissioners' Office requesting the release of \$1800 in accordance with the Escrow Agreement between the County and SATAV dated August 14, 1973. Said letter was accompanied by a letter dated February 4, 1974 from John Norris, County Engineer, stating that Section 2.b of the Agreement has been complied with. Commissioner Guy made a motion to release the \$1800, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

REQUEST FOR COUNTY AERIAL PHOTOGRAPHS
BARTON ASCHMAN ASSOCIATES, INC.

John Norris forwarded a request to purchase four County aerial photographs for use by Barton Aschman in their railroad right-of-way study. The Commissioners granted this request. The cost for these photographs is to be charged to the railroad relocation account.

INFORMATION ON WATER AND SEWAGE

Present: Fred McCoy

Mr. McCoy came before the Commissioners to inform them of his experience in development of sewage treatment facilities while employed by the Department of Agriculture, specifically lagoon and irrigation type systems. He referred to the amended pollution control law of 1972 and the fact that no waste water can be deposited into navigatable waters.

Mr. McCoy pointed out that to the best of his knowledge, there are two aquifers serving St. Mary's County, which he referred to as St. Mary's aquifer, serving the Leonardtown area, and green sand aquifer, serving deep wells such as NATC, and that the County should be extremely concerned about use of any ground water from these aquifers that would be used for purposes other than culinary. Mr. McCoy stressed the fact that these aquifers have been dropping in pressure consistently over the last 30 years.

Commissioner Bowles thanked Mr. McCoy for his presentation and requested him to give this information to the Metropolitan Commission and the Health Department; that it would be extremely valuable to them.

RESOURCE CONSERVATION AND DEVELOPMENT BOARD

Ed Cox informed the Commissioners that James Owens, Hermanville was not able to serve on the above Board, and requested other recommendations.

The Commissioners selected Joseph E. Comer, Great Mills, as alternate to the Board and nominated John Fuchs, Mechanicsville, as member at large.

METROPOLITAN COMMISSION BOARD

Commissioner Bowles made a motion to nominate James R. Owens, Eighth Election District, to the above Board. Commissioner Aud made a motion to table Commissioner Bowles' nomination, seconded by Commissioner Guy.

INSPECTION SERVICES FOR CONSTRUCTION OF HERMANVILLE ROAD

Present: John Norris, County Engineer

John Norris stated that he solicited proposals for the above project from five engineering firms and received three. Mr. Norris recommended accepting the proposal from Free State Surveying and Land Planning Inc., subject to a contract being signed by said firm and the County Commissioners. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

PART-TIME HELP IN ENGINEER'S OFFICE

Present: John Norris, County Engineer

Because of the additional files being added to the County Engineer's Office, John Norris requested permission to hire a girl part time for one week to integrate a filing system for his office. Commissioner Aud made a motion to grant this request and approve an amount not to exceed \$100. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

RADIO FOR LANDFILL TRUCKS

Present: John Norris, County Engineer

John Norris advised the Commissioners that there was a fire at the St. Andrews Landfill yesterday and it took one hour to contact landfill personnel and get them to the site. He stated that he would like to have radios installed in the landfill trucks to be put on the County frequency, and suggested that the base station be in his office. Commissioner Bowles stated that to locate the base station in his office would not be practical and that the County is at a point where they could use a base station and operator. Commissioner Bowles requested John Norris to make a study of the matter and consult with Otis Wood, Director of Emergency Operations, and report back to the Commissioners.

FDF, INC. (SOUTHGATE) REZONING FILE NO. 0008

Present: Albert Focer, Lorenzi, Dodds & Gunnill, Inc.
 Sue Burgemeister, Lorenzi, Dodds & Gunnill, Inc.
 Jim Kenney, Attorney
 John Imbres, President, FDF, Inc.
 Howard E. Burnette, President, Burnette Development Corp.
 Robert Willard, Planning Director

The County Commissioners held their rezoning hearing on the above case August 8, 1973 in which the applicant requested to

have land located on Md. Rte 712 approximately one-half mile north of Route 235 rezoned from "agricultural to "C-residential" and "Commercial" category.

Jim Kenney stated that the current noise study and maps by the Navy showed that this property is located in the CNR 1 Zone (the least noise level zone) instead of CNR 2 as was stated at the August 8 hearing.

Mr. Kenney stated that the property is presently zoned to have a trailer court on the site and the owners are willing to continue with the townhouse concept. If trailers are placed on the property, it would contain 300 units and if townhouses are located there, it would contain 260 dwelling units.

Mr. Willard stated that the Planning Commission requested him to point out to the Commissioners that this rezoning would not relate to other rezoning cases because this application was made prior to the AICUZ question.

Jim Kenney presented the Development Agreement for Southgate Park and Commissioner Bowles questioned Item 5 on page 3 which states "following the recordation of final plats for a townhouse development and the issuance of building permits for townhouses for sale, developer agrees to abandon the use of the site for a trailer park." Commissioner Bowles stated that if the rezoning was approved, that the building permit may not be applied for and the project could go two ways - trailer park or townhouses. The Commissioners will not rezone property for two uses. Commissioner Bowles stated he felt that the Commissioners should not be tied into this because it is not the function of the Board.

After much discussion, Mr. Imbres agreed to eliminate that portion of the Agreement.

The Commissioners will review the entire Development Agreement and contact Mr. Kenney, possibly by next week regarding a decision.

CEDAR COVE AGREEMENT
REZONING DECISION (FILE NO. 0019)

Present: Jim Kenney, Attorney

As per minutes of February 26, 1974, Article 4, Page 3 of the Agreement for Cedar Cove where deletions were to be made, said Page was retyped eliminating the portion in question. The Agreement has been signed by Ross B. Obley and C. A. Sadlow, Vice President, Urban Systems Development Corporation and notarized.

It is also noted that Section 11 was added and Jim Kenney explained that because of the requirements by the Commissioners to have Agreement recorded, there had to be language added to the Agreement so it would not affect title to the property, that this would cure any possible title problems.

Commissioner Guy made a motion that the Commissioners accept the revised Agreement from Cedar Cove as signed by C. A. Sadlow and that Commissioners Aud and Guy sign said Agreement and that it be recorded in the land records of St. Mary's County. Commissioner Aud seconded the motion and Commissioner Bowles opposed.

Commissioner Aud made a motion that the application by US-A Partnership to have certain lands rezoned from "Agricultural" to "C-Residential" category (133.19 acres) located within the Cedar Cove Subdivision, off of Hermanville Road, adjacent to Pine Hill Run and bordering on the Chesapeake Bay, Eighth Election District be approved, and whereas, the Board of County Commissioners has found as a matter of fact that there has been substantial change in the character of the neighborhood in the vicinity of the property since the original zoning thereof, that the proposed rezoning is consistent with the present and future transportation pattern, that the proposed rezoning is compatible with existing and proposed residential development for the Lexington Park area, that the proposed rezoning is in accordance with the recommendation of the Planning and Zoning Commission and consistent with the comprehensive plan for St. Mary's County, with respect thereto. Now, therefore, be it resolved that the zoning reclassification requested in the aforementioned petition of US-A Partnership be and it is hereby granted. Commissioner Guy seconded the motion.

Commissioner Bowles voted against the rezoning of the property because he felt the interest and concern every citizen of this County has in the NATC make this project not in the best interest, either at present or in the future, of the NATC, which is the prime economic asset this County has; therefore, he said rezoning this property is not in the best interest of this County.

The meeting adjourned at 5:30 p.m.

J. Wilmer Bowles ^{3/26}/_{28/74}

J. Wilmer Bowles
President