

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 12, 1974

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

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

READING OF MINUTES

The minutes of March 5, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of February 5, 1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

Commissioner Aud made a motion to approve the minutes of February 20, 1974, seconded by Commissioner Guy. Commissioners Aud and Guy signed same. (Commissioner Bowles was not present at the February 20 meeting.)

BILLS APPROVED

The Commissioners approved the following bills:

John Norris, County Engineer, mileage expenses for the months of January and February 1974 - \$78.40;

Dale Cropper, Engineering Inspector, mileage expenses for the month of February 1974 - \$142.27;

Jay McGrath, Engineering Technician, mileage expenses for the month of February 1974 -- \$43.44;

Whitmyer Brothers, Inc., dated February 25, 1974, for guardrail on Patuxent Beach Road - \$1,175.40;

David M. Gruber & Co., dated February 4, 1974 for Special Audit - \$3,000.00;

University of Maryland Extension Service, dated Feb. 28, 1974, for appropriation due for period 7-1-73 to 6-30-74 - \$26,441.76;

University of Maryland Extension Service, dated Feb. 21, 1974, for special funding in support of nutrition program - \$2,500.00;

St. Mary's Soil Conservation District, dated Feb. 27, 1974, for appropriated funds in the amount of \$1,100.00;

St. Mary's Hospital, dated March 7, 1974 for Mervell M. Dean, Inc., for work completed and materials stored - \$57,127.00.

PRINTING COST FOR COMPREHENSIVE LAND USE PLAN

Mr. McGlade recommended approval of the expenditure of \$891.00 through Tri-County Council to Department of State Planning for the printing costs for the Comprehensive Land Use Plan. Commissioner Aud made a motion to accept Mr. McGlade's recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

DEPARTMENT OF SOCIAL SERVICES
FOOD STAMP ACCOUNT

A letter was received from Joseph Carter, Director, Department of Social Services, requesting permission to retain \$1,025.01 (representing balance of spent-down funds in the Food Stamp Program) for any unknown contingencies and also requesting that the regular monthly food stamp allocation be resumed effective April 1974. The Commissioners unanimously agreed to this request.

COMPREHENSIVE WATER AND SEWAGE PLAN
LETTER TO STATE HEALTH DEPARTMENT

The Commissioners unanimously agreed to forward a letter to the State Department of Health clarifying the intent of the Commissioners with regard to Section 8a, b, and c (St. Mary's City) of Resolution No. 73-26, Comprehensive Water and Sewage Plan. Said letter is on file in the Commissioners' Office.

REZONING DECISION - FILE NO. 0020
GEORGE THOMAS AND KATHERINE DAUGHERTY

The Commissioners held a public hearing on the above rezoning case March 5, 1974.

Commissioner Aud made a motion to approve the rezoning of property consisting of 80 acres, located in the Eighth Election District, fronting on Willows Road, bordering on Penbrook Run, known as part of "Flower of the Forest" from "agricultural" to "C-Residential" category, 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 George and Katherine Daugherty be and it is hereby granted. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

REZONING DECISION FILE NO. 0021
ST. MARY'S REALTY

The Commissioners held a public hearing on the above rezoning case March 5, 1974.

Commissioner Aud made a motion to approve the rezoning of property consisting of 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, and G" from "agricultural" and "commercial" to a complete "industrial" category, 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 St. Mary's Realty be and it is hereby granted. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

One of the considerations in this rezoning was that the property lies within the AICUZ zone and "industrial" as opposed to residential) is a recommended use within the AICUZ zone.

REZONING DECISION - FILE NO. 0018
KATHERINE AND GEORGE THOMAS DAUGHERTY

The Commissioners held a public hearing on the above rezoning case January 22, 1974.

Commissioner Aud made a motion to approve the rezoning of property consisting of 95 acres, located in the Eighth Election District, located on Willows Road, adjacent to Center Gardens, known as part of "Flower of the Forest" from "agricultural" to "industrial" category, 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 Katherine and George Thomas Daugherty be and it is hereby granted. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

One of the considerations in this rezoning was that the property lies within the AICUZ Zone, and industrial (as opposed to residential) is a recommended use within the AICUZ.

SUBDIVISION REGULATIONS PROPOSAL
BARTON-ASCHMAN ASSOCIATES, INC.

Commissioner Aud made a motion that the proposal received from Barton-Aschman dated February 28, 1974 for Subdivision Regulations be accepted subject to the following modifications and financial arrangements:

1. That the Scope of Services, Paragraph 1, be financed as part of our General Retainer Agreement with Barton-Aschman and that the \$9,000 estimate be reduced by like amount;
2. That a workload and staff requirement report under Scope of Services, paragraph 4, be available on or before April 10 for consideration in the review of the Fiscal Year 1975 County Budget;
3. That the final official subdivision regulations printing cost and number of copies be identified;
4. That whatever the estimate for these amounts or for the amount to accomplish this printing task should be added to the project cost;
5. That this final amount be approved for financing within the Fiscal Year 1974 budget; and
6. That the following be added to Page 1, Item a: "that a detailed work program and timetable will be drawn and mailed to the County Commissioners and Planning Commission for comments".

Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

PRESENTATION OF CERTIFICATE OF APPRECIATION

Present: Brother Farrell McCarthy

The Commissioners presented Brother Farrell with a Certificate of Appreciation for his outstanding contribution and services to St. Mary's County.

SIGNING OF DEED BETWEEN COUNTY COMMISSIONERS AND ROBERT E. CAMMACK

Present: Paul Raley, Administrative and Logistics Officer

Commissioner Aud made a motion to approve the sale of the abandoned school property located in the Third Election District, Medley's Neck area, containing one acre, in the amount of \$1400, and to sign the Deed conveying the property to Robert E. and Patricia W. Cammack, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

COMPREHENSIVE WATER AND SEWAGE PLAN
CHANGE IN CATEGORY
BURCH MANOR AND FENWICK MANOR

Present: John Norris, County Engineer

A public hearing was held February 21, 1974 for the above projects for a change in category in the Comprehensive Water and Sewage Plan. The developer has agreed to install a community water system and turn same over to the County. John Norris stated that the Metropolitan Commission recommended approval of these changes.

BURCH MANOR - Commissioner Aud made a motion to approve the change in category from W-5 to W-2, subject to having all legal documents prepared and signed, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

FENWICK MANOR - Commissioner Aud made a motion to approve the change in category from W-4 to W-2, subject to having all legal documents prepared and signed, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

ST. MARY'S COUNTY HISTORICAL SOCIETY
REQUEST FOR INCREASED FUNDS

A letter dated March 4, 1974 was received from Thurston H. Baxter, President of the Historical Society requesting \$100 per month for the remaining four months of fiscal year 1974 (a rate of \$1200 annually) because of increased operation costs for the Historical Society. This would represent the County's contribution in those operation costs. Commissioner Aud made a motion to approve this request, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

SOUTHERN MARYLAND REGIONAL LIBRARY ASSOCIATION
TRI- COUNTY DELIVERY SERVICE

A letter dated March 7, 1974 was received from the Southern Maryland Regional Library Association requesting \$2,500 to help underwrite the tri-county delivery service. Ed Cox is to ascertain whether Charles and Calvert Counties had committed themselves to fund this program, and determine whether funds were budgeted for this item and determine if continuance of this program is essential to the Library's operation.

TEMPORARY EMPLOYEE IN COUNTY COMMISSIONERS' OFFICE (CHIEF CLERK)

Ed Cox recommended hiring Nancy B. Wolcott, as a temporary employee at a Secretary B salary in the Office of the Chief Clerk for a three-month period, effective Monday, March 18. During this three-month period, the personnel structure of County government should be completed and the classification of this position will be determined and a job description and advertisement will be prepared to make this position permanent. Commissioner Aud made a motion to accept Mr. Cox's recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

TEMPORARY EMPLOYEE IN PLANNER'S OFFICE

Present: Robert Willard, Planning Director

Due to the fact that his Secretary is out on sick leave, Mr. Willard requested the Commissioners' permission to hire a girl temporarily for his office. The Commissioners approved this request.

TEMPORARY CLERICAL HELP IN COURTHOUSE

The Commissioners approved appropriating \$500 through June 30, 1974 for the hiring of temporary clerical help in the Courthouse. Ed Cox has been given authority to approve the hiring of temporary help in the event of need similar to the ability of the person they are replacing. This is to be taken from the Contingency Fund.

PROPOSED SUBDIVISION PROCEDURES

Present: Robert Willard, Planning Director
 John Norris, County Engineer

Robert Willard discussed the proposed subdivision procedures that had been presented to the Commissioners by the surveyors/engineers of St. Mary's County on February 26 and referred to Item 2 of said procedures. Mr. Willard was of the opinion that each agency should speak to its own area

of responsibility. John Norris stated he felt there are many questionable items within these procedures and the Commissioners should be cautious before adopting them.

CONTRACT FOR CONSTRUCTION OF HERMANVILLE ROAD

Present: John Norris, County Engineer

Commissioner Aud made a motion to approve the contract of McGuire and Rolfe (Contract No. SM-352-1) for the construction of Hermanville Road and to authorize Commissioner Bowles to sign same, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

AGREEMENT FOR CONSTRUCTION ENGINEERING AND INSPECTION OF HERMANVILLE ROAD

Present: John Norris, County Engineer

Commissioner Aud made a motion to approve the above Agreement between St. Mary's County and Free State Surveying and Land Planning, and to authorize Commissioner Bowles to sign same, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

PATUXENT KNOLLS CONSTRUCTION AGREEMENT

Present: John Norris, County Engineer

John Norris presented the Patuxent Knolls Construction Agreement for Golden Beach Road and the Personal Road Bond, naming Ben Burroughs, Jr. and F. Elliott Burch, Jr. as sureties, in the amount of \$20,000 for same. Mr. Norris stated that Patuxent Knolls Partnership advanced the amount of \$1,000 for inspection fee which has been deposited with the Finance Office. Commissioner Aud made a motion to approve the Personal Road Bond in the amount of \$20,000 and to execute the Construction Agreement, seconded by Commissioner Guy and made unanimous by Commissioner Bowles. The bond will be recorded in the land records of St. Mary's County.

ROLLING ACRES SECTION III

Present: John Norris, County Engineer

John Norris presented the Personal Road Bond for Rolling Acres Section III in the amount of \$60,000, naming Benjamin Burroughs, Jr. and F. Elliott Burch, Jr., as principals and Benjamin H. Burroughs, Sr., Louise B. Burroughs, F. Elliott Burch, Sr., and Elizabeth Burch as sureties. Commissioner Aud made a motion to approve the above bond, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

LAREDORE ROAD

Present: John Norris, County Engineer

John Norris requested funds in the amount of \$500 for a center line stake out of Laredore Road. Commissioner Aud made a motion to approve this expenditure, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

VALLEY LEE DUMP

Present: John Norris, County Engineer

John Norris requested authorization to employ the caretaker at Valley Lee, Frances Cutchember, on Sundays for a temporary time because of vandalism. The Commissioners approved this request.

PLANS FOR TANNER CREEK SHORE EROSION DISTRICT

Present: John Norris, County Engineer

John Norris stated that the above project is ready to go out on bids and recommended that the Commissioners approve the plans. Commissioner Aud made a motion to accept Mr. Norris' recommendation and to authorize Commissioner Bowles to sign the plans, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

BARTON ASCHMAN PROPOSALS
REVISION OF SEWER AND WATER PLAN
ST. CLEMENTS SHORE FEASIBILITY STUDY

John Norris is to meet with a representative from Barton Aschman to work out an Agreement for the above projects that will be acceptable to the County Commissioners.

REZONING FILE NO. 0008
JOHN F. IMBRES, (FDF) (SOUTHGATE PARK)

Present: Jim Kenney, Attorney

Mr. Kenney presented the retyped page three of the Development Agreement for Southgate Park eliminating the portion questioned at the March 5 meeting of the County Commissioners.

The meeting adjourned at 5:30 p.m.

J. Wilmer Bowles ²⁶ 3/25/74
 J. Wilmer Bowles
 President