

BOARD OF COUNTY COMMISSIONERS' MEETINGMay 20, 21, 24, and 25Monday, May 20, 1974

Present: Commissioner J. Wilmer Bowles, President  
 Commissioner J. S. Guy, Jr.  
 Robert Willard, Planning Director  
 John Norris, County Engineer  
 H. D. McGlade, Comptroller  
 Anthony Wiles, Consultant, Barton-Aschman  
 Judith A. Mullins, Recording Secretary

(Commissioner George R. Aud was not present.)

The meeting came to order at 10:30 a.m.

PROPOSED ZONING ORDINANCE REVIEW

Present: Dick Myers, WKIK

LEGALITY OF COUNTY COMMISSIONERS' PUBLIC HEARING ON THE PROPOSED ZONING ORDINANCE - Discussion was held concerning the letter dated May 17 from Planning Commission Attorney Joseph Ernest Bell concerning the interpretation of the term "take no action" in Article 66B, Section 3.05(d) with reference to the proposed Zoning Ordinance. Mr. Leon Etzler, State Planning, was of the opinion that "take no action" included advertisement prior to receiving the final report from the Planning Commission; however, Mr. Bell in his letter stated that he was in accord with the advertisement procedures followed by the County Commissioners and that "take no action" meant that the Commissioners are not to vote to ratify, adopt, amend or veto any part of the Zoning Ordinance until receiving the final report and after the Commissioners have held their public hearing.

Mr. Wiles said there were two ways to proceed on this matter; one, would be to go ahead and adopt or, two, have notice in the paper 15 days, hold a public hearing, and wait ten days and adopt. Mr. Wiles recommended that the Commissioners follow Ernest Bell's legal opinion and adopt the Ordinance and if any question is raised, it could be readopted.

All present agreed to proceed on this basis and Mr. Willard was requested to obtain a letter from the County Attorney, Joseph Weiner, that he concurs with Ernest Bell's letter of May 17.

CHRONOLOGY - Mr. Wiles requested Mr. Willard to develop a chronology of the history of the preparation of the Zoning Ordinance.



REVIEW OF LETTERS AND MAPS - Mr. Wiles suggested that the County Commissioners review all letters received for zoning requests and all zoning maps prior to adoption of the Ordinance. He stated that the Resolution adopting the Ordinance could have an amendment reflecting any changes that the Commissioners may wish to include after reviewing these letters. He further stated that the Zoning Ordinance maps should be stamped to make them official copies and these should be in the possession of the Zoning Administrator.

SUBDIVISIONS IN PROCESS - Those tracts of land that have received concept approval and at least preliminary approval of one section of that tract shall be allowed to continue with a minimum of one acre lots for the remaining tracts as shown on the concept plan, provided, however, they receive record approval by the Planning Commission and other appropriate agencies and record said plat prior to July 1976.

MOBILE HOME POLICY - A mobile home on any permanent foundation hooked up to an approved water/sewer system can be located anywhere as long as it is on a minimum lot size for the designated zoned area. Mobile homes other than permanent foundations are permitted only in approved mobile home parks.

CHANGES IN PROPOSED ZONING ORDINANCE - The Commissioners had a working session to review the proposed Zoning Ordinance and make suggested changes.

It was decided that the Commissioners reconvene with all those present today on Friday, May 24, at 10:00 a.m. to review letters, maps and the proposed changes to the Zoning Ordinance.

The meeting recessed at 4:00 p.m.

Tuesday, May 21, 1974

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

The meeting reconvened at 7:00 p.m.

READING OF MINUTES

The minutes of May 14, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of May 7, 1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.



LANCASTER PROPERTY (MT. PLEASANT)  
DEVELOPMENT PROPOSAL

A Development Proposal dated May 18, 1974 was received from Harry and Mary Lancaster offering the County \$1200 (six lots at \$200 per lot) for the Lancaster property known as Mt. Pleasant prior to recording of plat for said subdivision, in lieu of any requirements existing as to county roads. Commissioner Guy made a motion that the above offer of \$1200 be accepted; and that same would be in compliance with House Bill 1497 - St. Mary's County Economic Impact Fee (as of this date unsigned by the Governor). Said funds are to be deposited in the County Commissioners' General Fund. Commissioner Bowles seconded the motion. Commissioner Aud abstained.

MAINTENANCE MECHANIC - HARVEY RICHARD McELHENNY

Ed Cox stated that he and Paul Raley, Administrative and Logistic Officer, recommended that Richard McElhenny be hired as Maintenance Mechanic at Grade 8, Step 1, at an annual salary of \$8,230, employment effective Tuesday, May 28, 1974. Commissioner Aud made a motion to accept this recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

GOVERNOR'S COMMISSION ON LAW ENFORCEMENT GRANT APPLICATION  
FULL TIME SPECIAL PROSECUTOR

Ed Cox presented the above grant application for a full time Special Prosecutor - total project cost: \$11,000; federal share - \$9,900; state share - \$385; local share - \$715. Commissioner Aud made a motion to approve and authorize Commissioner Bowles to sign the grant application, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

PERSONAL ROAD BOND  
INDIAN CREEK ESTATES

John Norris, County Engineer, forwarded a Road Bond for Indian Creek Estates, naming Jeremy J. H. Gilliam, as principal, and Oliver and Betty Guyther as surety, in the amount of \$150,000, for the construction of approximately 8,110 feet of road in said subdivision. John Norris verified that \$150,000 is sufficient surety to cover the cost of the road. Commissioner Aud made a motion to accept the above Road Bond, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.



SOUTHERN MARYLAND RESOURCE CONSERVATION & DEVELOPMENT  
PROJECT APPLICATION - TANNER'S CREEK CRITICAL AREA TREATMENT  
MEASURE PLAN

John Norris forwarded the above application for seeding and other related improvements necessary to stabilize the critical areas at Tanner's Creek. Commissioner Aud made a motion to approve and authorize Commissioner Bowles to sign said project application, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

PERMANENT STATUS  
NANCY HUTSON AND TERESA SCHAFFER

Ed Cox stated that Nancy Hutson and Teresa Schaffer, employees in the County Engineer's Office, have completed their six-month probationary period and John Norris, County Engineer, recommended that they be put on permanent status. Commissioner Aud made a motion accepting Mr. Norris' recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

REFINERY STUDY COMMITTEE  
REQUEST FOR FUNDS FOR PROPOSED REFINERY VISITS

A letter dated May 16, 1974, was received from Ford L. Dean, Chairman of the Refinery Study Committee, requesting permission from the Commissioners to use part of the allocated \$5,000 for the Committee to send three groups to visit three different refineries to compile information on existing refineries, and to aid the committee in making an adequate study of the proposed Steuart Refinery. Commissioner Aud made a motion that the Commissioners authorize the necessary expenditures for these visits, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

(The Board of County Commissioners recessed as the Board of County Commissioners at 7:45 p.m. and reconvened as the Board of Estimates at 8:00 p.m. to conduct the County Budget Hearing at the St. Mary's Technical Center.) The Board of Estimates recessed at 11:15 p.m.)



Friday, May 24, 1974

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

The meeting reconvened at 10:30 a.m.

NURSING HOME PROJECT

Present: Chauncey Karstens, Nursing Home Board  
 Carl Loffler, Mervell M. Dean, Inc.

On Thursday, May 23, 1974, a telephone call was received from Bruce Dunham, State Department of Health, giving the Commissioners verbal approval to sign the contract with Mervell M. Dean for the Nursing Home project. On this date, Mr. Loffler came before the Commissioners to sign said Contract. As per authorization given at our May 14, 1974 meeting, Commissioner Bowles signed the contract on behalf of the County Commissioners.

ZONING ORDINANCE

Present: Anthony Wiles, Consultant, Barton-Aschman  
 Leon Etzler, TCC, State Planning  
 Rick Carlson, Regional Planner, TCC, State Planning  
 Robert Willard, Planning Director  
 John Norris, County Engineer  
 Kathy Kennedy, Secretary Planning Office  
 Joseph Gough, Chairman, Planning Commission

Also present were: Dick Myers, WKIK; Patty Muchow, Beacon; and Abby Ford, Guardian.

Mr. Etzler expressed concern that the Commissioners had decided not to hold another public hearing and stated that the County had been working for approximately six years on an Ordinance and he would not like to see that it would not be valid due to a technicality on procedure.

It was noted that this matter had been referred to both the Planning Commission Attorney, Ernest Bell, and the County Attorney, Joseph Weiner, for opinions on the legality of the procedures. Written opinions dated May 17, 1974 and May 28, 1974, respectively, were furnished to the County Commissioners stating that the zoning procedures which were followed were in compliance with the law. In addition to the legal opinions, Mr. Wiles and Mr. Willard pointed out that the Commissioners had been actively involved with the Planning Commission in the preparation of the current Zoning Ordinance and, in fact, had been working on the Zoning Ordinance for a period of some years.



CHANGES IN PROPOSED ZONING ORDINANCE

A working session was held to review the proposed changes and to review the zoning request letters and zoning maps.

The meeting recessed at 5:30 p.m.

Saturday, May 25, 1974

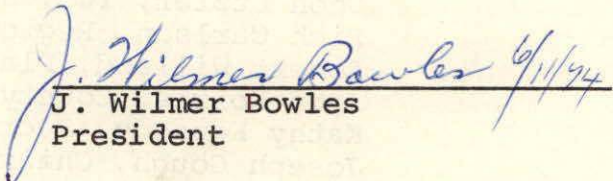
Present: Commissioner J. Wilmer Bowles, President  
Commissioner George R. Aud  
Commissioner J. S. Guy, Jr.  
Robert Willard, Planning Director  
John Norris, County Engineer  
Anthony Wiles, Consultant, Barton-Aschman  
Judith A. Mullins, Recording Secretary

The meeting reconvened at 10:00 a.m.

ZONING ORDINANCE

A working session was held to finalize the amendments to the proposed Zoning Ordinance. Letters of request for zoning and zoning maps were reviewed and all changes will be reflected in the Resolution adopting said Zoning Ordinance.

The meeting adjourned at 4:45 p.m.

  
J. Wilmer Bowles  
President