BOARD OF COUNTY COMMISSIONERS' MEETING

June 2-3, 1976

Wednesday, June 2, 1976

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

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

READING AND APPROVAL OF MINUTES

The minutes of May 26-27, 1976 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

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 the bills as submitted, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

Commissioner Parlett made a motion to approve Vouchers No. 07812 and 00655, which were withheld last week for further clarification, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

PATUXENT RIVER BASIN WATER QUALITY MANAGEMENT PLAN

The County Administrator presented the letter submitted at last week's meeting by the Director of Land Use and Development addressed to the Water Resources Administration to be presented at the public hearing this evening on the Plan and conducted by the Water Resources Administration. Mr. Cox recommended that the Commissioners approve said letter and in addition authorize Walter Raum to represent St. Mary's County at the hearing. Commissioner Jarboe made a motion to accept these recommendations, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

INTRA-ACCOUNT TRANSFER

The Budget Officer submitted a memorandum recommending the following transfer within the Sheriff's Department:

Increase Account No. 51-51441 by $400 - Uniforms and Equipment
Increase Account No. 51-51451 by $100 - Crime Lab

Decrease Account No. 51-51371 by $500 - Auto Storage

Commissioner Jarboe made a motion to approve these transfers, seconded by Commissioner Dean. All Commissioners voted in favor.

ACCEPTANCE OF ROADS INTO THE COUNTY HIGHWAY MAINTENANCE SYSTEM

The County Engineer's Office submitted the following Deeds for acceptance of roads into the County Highway Maintenance System for approval by the Commissioners:

Melody Acres Subdivision - Deed dated May 13, 1976 by and between William S. Lawrence and Ann F. Lawrence and the County Commissioners for St. Mary's County for Bach Drive, Section 2A and Handle Drive in Sections 2A and 2B in Melody Acres Subdivision;

Golden Beach Subdivision - Nine separate Deeds dated May 3, 1976 by and between Patuxent Knolls and the County Commissioners for St. Mary's County and Robert E. Voelkel, Jr. and Edward J. Murn, Trustees for Mercantile Mortgage Corporation for the following roads in Golden Beach Subdivision:

Gunther Drive, Section 4
Jarrell Drive, Section 4
Douglas Circle, Section 5
Daniel Court, Section 5
Therese Circle, Section 5
Ann Circle, Section 5
Daniel Circle, Section 5
Richard Circle, Section 5
Dogwood Circle, Section 6

Commissioner Dean made a motion to accept the aforementioned Deeds as submitted by the County Engineer's Office, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

RELEASE OF COLLATERAL - MARYLAND BANK & TRUST COMPANY

The Director of Finance forwarded a memorandum recommending the release of collateral in the amount of $20,000 from Maryland National Bank since total county funds are $553,501.33 and collateral held to secure deposits of St. Mary's County total $2,607,000.

Commissioner Dean made a motion to accept the Director of Finance's recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor.

NEW FEDERAL REGULATIONS - REVENUE SHARING FUNDS

The Director of Finance forwarded a memorandum stating that as of July 1976 the new Federal Regulations require that the Federal Revenue Sharing Funds will be made by "Direct Deposit." Since the County has a special account for Revenue Sharing Funds with the Maryland Bank and Trust, Mr. Sterling recommended continue using this account for the Direct Deposit. The form "Authorization for Deposit of Federal Recurring Payments" accompanied Mr. Sterling's memorandum.

Commissioner Jarboe made a motion to approve the Direct Deposit Account with Maryland Bank & Trust and to authorize Commissioner President McKay to sign the appropriate form, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

ROAD RESOLUTION 76-16
CLAYTON MARINA ROAD

The County Engineer's Office submitted the above-referenced Road Resolution posting Clayton Marina Road at 30 miles per hour. Commissioner Jarboe made a motion to approve said Resolution, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PLANNING COMMISSION MEMBERS - MACO SUMMER CONFERENCE

A request was received from the Planning Commission for two members to attend the Maryland Association of Counties Summer Conference and that the County pay the registration fee for these two individuals; however, they would bear all other expenses.

Commissioner Jarboe made a motion to authorize the attendance at the Conference of the two Planning Commission members and to pay the registration fee, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

COUNTRY LAKES SUBDIVISION

County Administrator presented a three part packet of documents pertaining to the above referenced subdivision which had been prepared and approved by the County Attorney and the County Engineer, consisting of explanatory correspondence to Mr. Burroughs, Developer of Country Lakes, the Bond Agreement, and Public Works Agreement after proper review by the Commissioners authorized the President of the Board to sign the documents as presented.

LETTER TO VISITORS TO ST. MARY'S COUNTY

The County Administrator presented a letter for the Commissioners' signatures welcoming visitors to St. Mary's County, which the "Wings of the Morning" officials have requested to be put in front of their program. The Commissioners agreed to sign and forward said letter.

PURCHASE OF RECREATIONAL TRUCK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett appeared before the Commissioners to request the purchase of a used panel truck for recreational use for the skating program and taking recreational activities into poverty areas. After discussion, Commissioner Parlett made a motion to check out the condition of the old Civil Defense Truck to determine if its suitable for use by Recreation and Parks for the skating program and other uses and if not, transfer necessary funds for the purchase of a used truck by decreasing Account No. 67-70191 (Salaries, General) and increasing Account No. 67-68751 (vehicles) by the appropriate amount as recommended by the Budget Officer in order for the truck to be purchased before the summer program starts, seconded by Commissioner Jarboe. All Commissioners voted in favor of the motion.

PUBLIC BEACH AT ELMS PROPERTY

Present: John Baggett, Director, Recreation and Parks

Commissioner Jarboe requested Mr. Baggett to renew the pursuit of the possibility of a public beach at the Elms property by contacting the Health Department regarding an alternate method of sewage disposal at the Elms property site.

OLD HOUSE AT LAUREL GROVE

Commissioner Dean advised Mr. Baggett of the hazardous situation with the old house at Laurel Grove and requested that Mr. Baggett ensure that the property is made safe. He is to recommend to the board the tearing down of the structure and to state by whom this will be done.

DISPOSAL OF TRASH AT ENTRANCE OF BRIDGE TO ST. GEORGE'S ISLAND

With regard to last week's discussion regarding the above-referenced subject, Mr. Baggett stated he would have signs posted at the area stating that the trash cans are for the use of boaters and not for the dumping of personal trash and that violators would be prosecuted.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, "
Rick Boyd, "
Patty Muchow, Guardian
Dave Chaffee, "
Dick Myers, WKIK
Debbie Prager, Beacon

The regular semi-monthly Press Conference was conducted at this time. A tape of the Conference is on file in the Commissioners' Office.

CHARLOTTE HALL SCHOOL - TAXPAYERS' ASSOCIATION

Present: Claude Jarboe, President, Taxpayer's Assoc.

Mr. Jarboe appeared before the Commissioners on behalf of the Taxpayer's Association to request the County Commissioners to conduct a public hearing on the Charlotte Hall issue. Commissioner McKay advised that it was his opinion that there was no development or conclusion at this time to justify a public hearing, and if there is anything that would develop input from the general public, including the Taxpayers' Association, would be solicited.

LETTER TO ENVIRONMENTAL COMMITTEE

Commissioner Jarboe distributed a letter for the Commissioners' signatures addressed to the Environmental Committee thanking them for their work on the Newtown Neck Project. The Commissioners agreed to sign and forward same.

LETTER TO SENATE COMMITTEE ON BUDGET AND TAXATION

Commissioner Jarboe presented a letter for the Commissioners' signatures to the Senate Committee on Budget and Taxation regarding Senate Bill 1062 concerning the consolidation of several programs for the elderly under the administration of the Maryland Office on Aging. The Commissioners agreed to sign and forward same.

PROPOSED RESOLUTION AND ORDINANCE - ANTI-PUBLIC DRINKING

Commissioner Jarboe presented drafts of a proposed Resolution and Ordinance regarding Anti-Public Drinking for the Commissioners' review. The County Administrator was directed to have the County Attorney review these documents before taking action.

INVENTORY OF HISTORIC PLACES

The Commissioners directed the County Administrator to contact Mr. Beitzell to request that he send letters to the Commissioners of Charles and Calvert advising them of the errors in the Inventory of Historic places and request their participation in the cost of the reprinting of the Inventory.

COUNTY PLANNER - DUTIES AND RESPONSIBILITIES

Present: Kenneth Kipp, County Planner

As a continuation of last week's meeting regarding the role and responsibilities of the County Planner, Mr. Kipp appeared before the Commissioners to solidify what his duties would be.

Commissioner Dean recommended that the Planner's initial duties with regard to the Comprehensive Land Use Plan should be the following:

1. Assemble and refine the basic data;

2. Analyze the present Plan with respect to what the data indicates;

3. Ultimately make recommendations as to the appropriateness of the Plan and the means of implementing the Plan to a greater degree than it is being implemented.

4. Should assist Planning Commission and other County departments in reviewing any major development which is proposed.

As ongoing projects, Commissioner Jarboe suggested that the Planner do the following:

1. Review major subdivisions before concept approval with regard to Comprehensive Plan;

2. Review rezoning applications;

3. Review PUD's.

Mr. Kipp discussed with the Commissioners the need for assistance in his office. Three possibilities were suggested, Summer Youth Employment Program participants, College Intern, and the Commissioners' Office would provide secretarial assistance on an as-needed basis.

It was noted that there should not be an overlapping of duties of the Planner's Office and the Office of Land Use and Developement. Ultimately the Planner would have the responsibility of coordinating all of the various Plans of the County (Water and Sewer, Recreation and Parks, etc.).

Commissioner Dean stated he would develop a draft of a job description based on the conversations of the past two weeks for review by the County Commissioners at next week's meeting.

SITE PLAN 76-7 - ROBERT DEAN

Present: Richard Platt, Director, Land Use and Development

Mr. Platt submitted the Industrial Site Plan for Robert Dean, which has been reviewed by the Planning Commission and Technical Evaluation Committee with favorable comments and therefore the Planning Commission recommends approval by the Commissioners of this Site Plan.

Commissioner Jarboe made a motion to approve Site Plan 76-7 for Robert Dean, seconded by Commissioner Parlett. Four Commissioners voted in favor with Commissioner Dean abstaining.

CONDITIONAL USE - 76-2
SANDS AND GRAVEL MINING OPERATION FOR WOODROW SHRIVER AND JAMES BEAN

Present: Richard Platt, Director, Land Use and Development

Mr. Platt stated that the Board of Appeals approved the above-referenced Conditional Use Application and Restoration Plan to permit extraction of gravel from property known as the Latham Farm located at the end of Moll Dyer Road near Red Gate. The Soil Conservation Service has reviewed and approved the Sedimentation Control Plan and the application for issuance of a grading permit is in order according to the County Engineer, and that said permit would be released upon approval of the Restoration Plan by the Commissioners.

Commissioner Millison made a motion to approve the Restoration Plan for the Conditional Use 76-2 and to authorize the issuance of the grading permit and zoning permit in connection with the gravel operation, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

AREAS OF CRITICAL STATE CONCERN AND LAND USE BOARD

Present: Richard Platt, Director, Land Use and Development

Mr. Platt brought the Commissioners up to date with regard to the Land Use Board and its members. The Commissioners directed Mr. Platt to submit in writing to the Commissioners apprising them of any members who are not currently participating in attendance of meetings.

Regarding the designation of areas of critical state concern, the Commissioners discussed with Mr. Platt the inclusion of the Historical Society in the request for comments and also the need for an additional 30 days to submit the designated areas to the State to allow ample time for advertisement of public hearing, and obtaining input.

CAMPER PARKS AND TRAILERS

Present: Richard Platt, Director, Land Use and Development

Mr. Platt brought the Commissioners up to date with regard to actions taken by his office as to violations of the requirements of the Zoning Ordinance concerning camper parks and trailers. Mr. Platt suggested that a meeting be held with the violators in order to reach a satisfactory conclusion.

AGRICULTURAL LAND - SUBDIVISION REGULATIONS

Present: Richard Platt, Director, Land Use and Development

Mr. Platt stated that he wanted to apprise the Commissioners that the Planning Commission in reviewing the proposed Subdivision Regulations wanted to exempt agricultural land which is not intended for development from the provisions of the Subdivision Regulations. Mr. Platt stated that he was not in agreement with this.

PUBLIC HEARING
COMPREHENSIVE WATER AND SEWER PLAN UPDATE

Present: Richard Platt, Director, Land Use and Development
Mike Marlay, Director, Metropolitan Commission
Walter Raum, Health Department
Harry Knight, Metropolitan Commission
Al Gough, Leonardtown Commissioners

At this time the Commissioners conducted the Public Hearing on the Update of the Comprehensive Water and Sewer Plan.

The secretary read the Notice of Public Hearing.

Mr. Platt presented Resolutions by the Planning Commission and Metropolitan Commission recommending adoption of the Plan and stated that the Office of Land Use and Development and the Committee on the 1976 Update recommended adoption of the Plan by the Commissioners. Mr. Platt displayed the new maps which has been prepared and stated that the Plan has been shortened considerably.

Walter Raum stated that the Health Department endorses the document and recommends its adoption.

Several minor changes were recommended by Harry Knight, Al Gough and Commissioner Parlett which are to be submitted in writing to County Commissioners prior to the Commissioners taking action on the adoption of the Plan.

Commissioner McKay inquired if anyone present wished to speak for or against the 1976 Update of the Comprehensive Water and Sewer Plan; hearing none the Public Hearing was closed.

The meeting recessed at 5:00 p.m.

Thursday, June 3, 1976

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

The meeting reconvened at 9:10 a.m.

SURFACING OF TOWN CREEK ROADS

Present: John Norris, County Engineer

Mr. Norris stated that bids were received on the Surfacing of Town Creek Roads (Spruce Drive, Maple Road, Elm Court, Hickory Land and Ash Court). Bids were as follows:

B. F. Asher	$84,775.00
Dean Construction	$94,530.50
Bates Paving Company	$98,140.00

Mr. Norris recommended awarding the project to B. F. Asher, the lowest bidder, and authorizing Commissioner President McKay to sign the necessary contract documents. Commissioner Dean made a motion to accept the County Engineer's recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

HIGHWAY SAFETY PROJECT - SIGN INVENTORY

Present: John Norris, County Engineer

The County Engineer presented an Agreement between St. Mary's County and the State Highway Administration concerning the inventory and replacement of non-standard or non-existing highway signs. The Agreement formalizes the method of reimbursement and the procedures the County must utilize to assure Federal Highway funding.

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

In addition, the County Engineer stated that Dr. Hall and Dr. Mulinozzi of the University of Maryland submitted

a proposal to conduct the inventory and identify same on a highway index map. The Commissioners accepted this proposal contingent upon acceptance by the State Highway Administration.

LOT 905 - GOLDEN BEACH

Present: John Norris, County Engineer

The County Engineer stated he has contacted the developer of the above-referenced lot, J. Whitson Rogers, on several occasions regarding the sedimentation problem at this site and stated that with the concurrence of the Commissioners, he would be forwarding a letter to Mr. Rogers stating that he must comply with the Sedimentation Control Ordinance or this matter would be turned over to the County Attorney. The Commissioners concurred.

GOLDEN BEACH DRAINAGE PROBLEM

Present: John Norris, County Engineer

Since the County did not receive a grant from Title I HUD funds for the study of the correction of the drainage problem at Golden Beach, the Commissioners requested Mr. Norris to meet with the property owners to discuss a solution.

PATUXENT RIVER BRIDGE ACCESS ROAD

Present: John Norris, County Engineer

Mr. Norris displayed the aerial photograph received from State Highway Administration showing the three alternate routes for the Patuxent River Bridge Access Road.

CAMP BROWN ROAD TO MD RT. 235

Present: John Norris, County Engineer

Mr. Norris displayed the State Highway Administration's Preliminary Plans for Md. Rt. 5 from Camp Brown Road to Md. Rt. 235, and review same with the Commissioners as had been requested by the Commissioners at an earlier meeting.

PAYMENT OF OVERTIME - WALTER WISE - ENGINEER'S OFFICE

Present: John Norris, County Engineer

The County Engineer requested the Commissioners' approval of payment of overtime for Mr. Walter Wise, Highway Inspector, Engineer's Office, for time and a half for hours worked in excess of 40 hours per week for various duties performed in his job. Due to the heavy work in the Engineer's Office, Compensatory Time would not be recommended in this case.

Commissioner Millison made a motion to approve payment of overtime to Mr. Wise, subject to the Director of Finance verifying the amount, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

EXECUTIVE SESSION

Present: John Norris, County Engineer

The Commissioners agreed to meet in Executive Session with the County Engineer to discuss personnel. The Commissioners met in Executive Session from 10:15 a.m. to 10:35 a.m.

REVISED TITLE VII GRANT

Present: Mrs. Agnes C. McGaharn, Executive Secretary
Commission on Aging

Mrs. McGaharn presented and reviewed the revised Title VII Nutrition Program Grant for the project period May 1, 1975 through April 30, 1976.

Commissioner Jarboe made a motion to authorize the President of the Board to sign said Grant, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

TITLE VII GRANT APPLICATION

Present: Mrs. Agnes C. McGaharn, Executive Secretary
Commission on Aging

Mrs. McGaharn presented and reviewed the new Title VII Nutrition Program Grant Application for the grant period May 1, 1976 through February 30, 1977.

Commissioner Dean made a motion to approve the new Title VII Grant Application for the Nutrition Program, contingent upon review and approval by the Budget Officer and County Administrator, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

BUS FOR COMMISSION ON AGING

Present: Mrs. McGaharn, Executive Secretary
Commission on Aging

Mrs. McGaharn referred to a memorandum with attachments dated June 2, 1976 in which she requested the purchase of an additional bus for the Commission on Aging Program from Title III funds which will be unexpended otherwise prior to June 30, 1976. Associated with this request is the request for the County to commit funds for maintenance and driver costs. The Commissioners took this matter under advisement.

EXECUTIVE SESSION

Present: Joseph Ernest Bell, II, County Attorney
Board of Trustees, Charlotte Hall

At this time the Commissioners met with the County Attorney and Board of Trustees of Charlotte Hall School in Executive Session from 11:15 a.m. to 12:30 p.m. to discuss Charlotte Hall School.

CHARLOTTE HALL SCHOOL

Present: F. Elliott Burch, Sr.) Board of Trustees
Judge Mitchell) Charlotte Hall School
General Hogaboom)
Joseph Ernest Bell, II, County Attorney

Judge Mitchell read a letter dated June 2, 1976, from J. Dudley Digges, Chairman of the Board of Trustees of Charlotte Hall School, which states that the school will not be reopening in September because of financial difficulties and that the Board is exploring possibilities for future use of the School property.

The County Attorney stated that the Commissioners have designated him to act on behalf of the County in exploring the possibility of the County obtaining an option on the Charlotte Hall property. In that capacity he will in the future meet with the Board of Trustees to determine, based on rather broad guidelines by the County Commissioners, whether or not an option can be obtained.

(Commissioner Millison left meeting - 12:35)

PUBLIC WORKS AGREEMENT - PARAGON BUILDERS

Present: Joseph Ernest Bell, II, County Attorney

Mr. Bell presented the Public Works Agreement by and between Paragon Builders Inc. for Wildewood Subdivision, and St. Mary's County, which has the approval of the County Attorney and County Engineer. Commissioner Dean made a motion that the County accept the above-referenced Public Works Agreement, seconded by Commissioner Jarboe. All Commissioners persent voted in favor of this motion.

REZONING DECISION CASE NO. 74-14A
MAYJACK, INC.

The Commissioners conducted a second public hearing on April 7, 1976 on the application of Mayjack, Inc. to have parcels of land (No. 6 and No. 202) containing approximately 4.1 acres located on the west corner of the intersection of Rt. 235 and Chancellors Run Road, Eighth Election District, rezoned from C-1, neighborhood commercial to C-2, Highway Commercial.

Commissioner Dean made a motion that the Commissioners, after hearing additional testimony and again reviewing the facts in this case, grant this rezoning request from C-1 to C-2, because the findings of fact and testimony given indicate that:

1. Population Change - There has been no significant population change;

2. Adequacy of public facilities - There is currently available at the site public sewerage and the site is in a W-4 water category. The site is additionally served by dualized Route 235 and Chancellor's Run Road.

3. Present and future transportation patterns - Changing the property from C-1 to C-2 would not significantly alter any present or future transportation patterns, as evidenced by the statements of the State Highway Administration and County Engineer's Office that the development would not disturb to any significant degree the traffic pattern of Maryland Route 235;

4. Compatibility of Existing and Proposed Development of the Area - The existing development and proposed development is a mix of residential with substantial commercial development and commercially zoned property. A motel, for which the property is being rezoned, would be compatible with such an area;

5. Recommendations of Planning Commission - The Planning Commission recommends to approve rezoning case 74-14A because the Planning Commissione recognizes a demonstrated need for change; specifically, the property in question is located in the urban area where commercial development is occurring in the adjacent vicinity, where public water and sewer are available and where development of the type envisioned should take place, and based on the findings of fact which indicate that there would be no detrimental impact to the area if this property were rezoned to C-2;

6. Relation to Comprehensive Land Use Plan - The subject property falls within the urban district of the Plan and therefore construction of a motel would not conflict with the Plan;

7. Fiscal Impact upon County Government - Commercial development would not provide any significant impact upon County Government, except to generate increased taxes;

8. Suitability of the Property in Question to the Uses Permitted under the Existing and Proposed Zoning Classifications - The property is presently zoned C-1; therefore, it is already commercial in nature. Under the proposed zoning classification, it would become C-2 which is necessitated by the desire to construct a motel, which is not permitted in the C-1 category.

Changing the classification from C-1 to C-2 does not establish the commercial nature of the property, but rather increases the number of permitted commercial uses.

In addition to the fact that it is already commercial property, the property is adjacent to and in the immediate vicinity of other commercially zoned property which also gives strength to the suitability of this property to be used for the proposed commercial use.

The appropriateness of the property having a C-1 commercial classification is somewhat questionable because the residential neighborhood for which C-1 is designed to serve is on the other side of the dual lane highway which as stated in testimony given, acts as a barrier to that neighborhood.

C-1 is a neighborhood commercial designation intended for daily short shopping trips from residential neighborhoods. The major residential subdivisions in the area are separated from the area of concern by Rt. 235, a dual highway. This makes it dangerous for use as a neighborhood shopping area. C-2 is a highway commercial designation, for other than neighborhood day to day short trips. Testimony during the hearings gave credence to the fact that the parcel in question is a commercial neighborhood onto itself, segregated as it is from the major residential subdivisions by a dual highway.

Commissioner Jarboe seconded the motion. All Commissioners present voted in favor of this motion.

The meeting adjourned at 12:45 p.m.

Approved by,

James M. McKay
President