

BOARD OF COUNTY COMMISSIONERS' MEETING

August 25/26, 1976

Wednesday, August 25, 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 was called to order at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of August 18, 1976 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Dean made a motion to approve the bills, as submitted, seconded by Commissioner Jarboe. All Commissioners voted in favor.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Commissioner Dean made a motion to make appointments to various boards and commissions as follows:

<u>Commission for Women</u>	<u>Term</u>
Eloise Pickrell	7/1/76 to 6/30/77
Elvare Gaskin	7/1/76 to 6/30/78
Evelyn Holland	7/1/76 to 6/30/78
Dorothy Barclift	7/1/76 to 6/30/78
Sally Johnson	7/1/76 to 6/30/79
Mrs. Randall Haney	7/1/76 to 6/30/79
Shirley Sampson	7/1/76 to 6/30/79

Conference on Handicapped Individuals

Mrs. Betty Lou Norris

Nursing Home Board

Mrs. Jerry Diamond

7/1/76 to 6/30/79

Tri-County Council Advisory Committee

Hope Martin

Plumbing Board

Walter Raum

7/1/76 to 6/30/79

William R. Thompson

7/1/76 to 6/30/79

Vernon Saunders

7/1/76 to 6/30/78

James T. Tennyson

7/1/76 to 6/30/78

B. I. Mattingly

7/1/76 to 6/30/77

Commissioner Ford Dean (Commissioner representative)

Commissioner Jarboe seconded the motion. All Commissioners voted in favor.

LEWIS CREEK DREDGING - Quit-Claim Deed

A Quit-Claim Deed by A. Leola Dean was presented for acceptance by the Commissioners in order to initiate the above referenced dredging project. As requested, deed references were cited on the attached sketch which is made a part of the Deed.

Commissioner Jarboe made a motion to accept the Quit-Claim Deed, seconded by Commissioner Parlett. All Commissioners voted in favor.

POLICY FOR ACCEPTANCE OF ALL DEEDS

The County Administrator was directed to have a signature space and date for all deeds accepted by the Board of County Commissioners.

OVERTIME PAYMENT - COUNTY ENGINEER'S OFFICE

With regard to the County Engineer's request last week for overtime payment to his office's highway inspector, Michael Mattingly, for 47 hours in excess of a 40 hour week, Commissioner Jarboe made a motion to authorize payment of this overtime, seconded by Commissioner Parlett. All Commissioners voted in favor.



GOLDEN BEACH ROAD - HENDERSON PROPERTY

With regard to the Henderson property on Golden Beach Road, the County Administrator advised that the County Engineer has recommended that the County Attorney draw up the necessary Easement Agreement from B. F. Asher and also the Hold Harmless Agreement from Mrs. Henderson for the Commissioners' review and approval. The Commissioners concurred with this recommendation.

ECONOMIC IMPACT FEE AGREEMENT - BEVERLY ESTATES

The County Administrator presented the Economic Impact Fee Agreement by and between William S. Lawrence and the Board of County Commissioners, St. Mary's County for Beverly Estates, Sections Two and Three. Commissioner Parlett made a motion to enter into said Agreement, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

RELEASE OF COLLATERAL

The Director of Finance submitted a request by Maryland Bank & Trust Company for release of collateral in the amounts of \$7,000 and \$35,000. Since collateral held to secure deposits of St. Mary's County far exceeds total County Funds, Mr. Sterling recommended that the Release Agreement be signed.

Commissioner Jarboe made a motion to accept this recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor.

PROPOSED EXTENSION OF YOUTH SUMMER EMPLOYMENT PROGRAM

Present: Bob Wentworth, Executive Secretary, Youth Commission

Mr. Wentworth appeared before the Commissioners to request an extension of the Youth Employment Program from August 30 to October 10, 1976 for three organizations participating in the Program: Tourist Information Center, St. Clements Island Museum and Bicentennial "Old Mill". This would carry the Program over through the weekend of the Oyster Festival. Cost of the extending of the Program would be \$1,794, and Mr. Wentworth explained that there are sufficient funds in his budget for this.

Commissioner Dean made a motion to approve the extension of the program as presented by Mr. Wentworth, seconded by Commissioner Parlett. All Commissioners voted in favor.

MCEA CONVENTION - REQUEST FOR ADMINISTRATIVE LEAVE

The County Administrator presented a request from the president and vice-president of the MCEA for two days administrative leave each in order to attend the MCEA Convention September 29 through October 1 in Ocean City, Maryland. Commissioner Jarboe made a motion to approve this request, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

SOUTHERN MARYLAND DRUG ABUSE PROGRAM

Present: Dr. Pat Hawkins  
Ken Sola

Dr. Hawkins and Mr. Sola made a presentation to the Commissioners concerning a proposal for the leasing space located at the Charlotte Hall School for a Tri-County group home for juvenile drug abusers for one school year through the Southern Maryland Drug Abuse Program. The Program would pay up to \$800 per month in rental and utilities at the school. The Charlotte Hall location was desirable because of its close proximity to Charles and Calvert Counties.

After an explanation of the development and function of the Program, the Commissioners agreed that the following should be done:

1. The County Administrator should contact Mr. Burch, liaison for the Board of Trustees of Charlotte Hall School to determine their position in this matter since it is stated in the Option Agreement that there must be mutual agreement as to uses of the school;
2. This proposal should be submitted to the Charlotte Hall Committee to determine if this program would impact on their investigation of long-range uses;
3. Mr. Platt, Director, Land Use and Development should be contacted to address the issue whether or not this proposal meets the current zoning use of the school and whether or not a conditional use request would have to be submitted.

A meeting was scheduled for September 8 for Dr. Hawkins and Mr. Sola to appear before the Commissioners to discuss the above-mentioned items prior to the Commissioners making a decision.

(Commissioner Millison left the meeting at 11:00 a.m. because of a fire at his One-Hour Martinizing building)



REZONING HEARING  
CASE NO. 75-5 - JF THEATRES, INC.

Present: James Kenney, Attorney for applicant  
Donald A. Guenther, Executive Director, JF Theatres  
James Wannemacher, Professional Planner and Economist  
Larry Day, Surveyor  
Joe Garner, Zoning Technican, Office of Land Use  
Dan Raley, Chief Permits and Inspections, Office of LUD  
Mr. J. Spence Howard, Real Estate Broker and Appraiser  
Residents of Town Creek

Application was submitted by Southern Maryland Theatres, Inc. to have a parcel of land containing approximately 8.58 acres located at the intersection of Md. Rt. 235 and Town Creek Drive, Eighth Election District, rezoned from R-1 Residential to C-1, neighborhood commercial.

The secretary read the Notice of Public Hearing.

Mr. Kenney, attorney for the applicant, called several witnesses and presented the following exhibits:

- Exhibit A - Notice of Public Hearing
- Exhibit B (1-29) - Notices to property owners in area
- Exhibit C(1) - Metes and bounds description of property
- Exhibit C(2) - Survey of property by Larry Day Assoc.
- Exhibit D - Composite plat through 1972 of various subdivided sections throughout Town Creek and Esperanza.
- Exhibit E - Same as Ex. D with photographs showing subject property and adjacent property
- Exhibit F (1-3) - Aerial photographs of area
- Exhibit G (1/2) - List of lots in Eighth Election District as prepared by Office of Land Use and Development.
- Exhibit H - Qualifications of J. Spence Howard
- Exhibit I - Result of study of property by J. Spence Howard
- Exhibit J - Resume' of James R. Wannemacher

- Exhibit K - Copy of St. Mary's County Comprehensive Land Use Plan adopted April 23, 1974
- Exhibit L - Copy of St. Mary's County Zoning Ordinance adopted May 28, 1974
- Exhibit M - Map showing platted and unplatted lots in the area as prepared by Mr. Wannemacher
- Exhibit N - Testimony by James Parker in the Mayjack Inc. Rezoning Case (74-12) held May 26, 1976.
- Exhibit O - Planning Opinion pertaining to subject property as prepared by Mr. Wannemacher

Several residents of the Town Creek area expressed opposition to the rezoning application because of concern of increased traffic and questioned Mr. Kenney's witnesses relative to this application.

After hearing the proponents' and opponents position on this application, Commissioner McKay inquired if anyone else wished to speak for or against this rezoning request; hearing none the rezoning hearing was closed.

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

Thursday, August 26, 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

(Prior to reconvening their regular session, the Commissioners toured various asphalt overlay projects in the County.)



PUBLIC HEARING

UPDATE OF THE ZONING ORDINANCE AND LAND USE PLAN

Present: Richard Platt, Director, Land Use and Development  
Joe Garner, Zoning Technician  
Capt. Gillispie, NAS  
Oliver Guyther, Attorney  
Mr. Waldschmidt  
J. Spence Howard  
Ben Burroughs  
Tom Waring  
Ed Curley  
Mr. Haskins  
Fay Rathbone  
Marv Franzen  
Mr. Greenwell  
Penny Beasley  
Al Wolicki  
Other Interested Citizens

(Commissioner Parlett was not present due to the fact that he was making a presentation to the Charlotte Hall Committee)

Commissioner McKay called the meeting to order at 10:00 a.m.

The secretary read the Notice of Public Hearing.

The purpose of the public hearing is to review proposed changes to the St. Mary's County Zoning Ordinance and Comprehensive Land Use Plan. Some of the proposed changes to the Zoning Ordinance include: (a) New Airport District Regulations; (b) Provision for a Trailer Camps Zoning District; (c) Commercial Limit Zoning District; (d) Revised Flood Plain Regulations; (e) Public Water provisions; (f) Adequate public facilities requirements; (g) the five-acre Zoning District.

Significant changes to the Comprehensive Land Use Plan are: (a) Recognition of Charlotte Hall- New Market community center and (b) a commitment to protect and maintain prime agricultural lands.

During the review of each of these major changes, comments and questions were received from those present.

A draft Ordinance and Plan will be prepared prior to the Commissioners making a decision to adopt same, and should the County Attorney determine that another public hearing would be necessary, he would advise Commissioners of same.

The Public Hearing concluded at 12:20 p.m. A tape of the hearing is on file in the Commissioners' Office.

POLICE SERVICES STUDY - EXECUTIVE SESSION

Present: Joe Laseau, consultant (Cresap, McCormick and Padgett)  
Sheriff George Sanger  
Lt. William Muchow, Md. State Police  
Corporal John Hoff, Md. State Police  
George Sparling, State's Attorney  
Lt. Gene Pellillo, Sheriff's Dept.  
Otis Wood, Director, Civil Defense

The Commissioners unanimously agreed to meet in Executive Session in order to discuss sensitive areas of the Police Services Study. The session was conducted from 12:25 p.m. to 2:10 p.m.

(Commissioner Jarboe left the meeting at 2:00 p.m., Commissioner Millison left meeting at 2:10 p.m. because it was his impression there was no further business.)

BIDS ON INVESTMENTS

Bids were opened this date on investments as follows:

<u>AMOUNT</u>	<u>TERM</u>	<u>MD. NAT'L</u>	<u>FIRST NAT'L</u>	<u>MD. BANK &amp; TRUST</u>
\$855,000	60 days	5.20%	4.765%	4.96%


Mr. Sterling, Director of Finance, recommended awarding the bid to Maryland National Bank, the highest bidder.

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

APPROVAL OF VOUCHER

Commissioner Dean made a motion to approve Voucher No. 09399 payable to the Post Office in the amount of \$845, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

The meeting adjourned at 2:20 p.m.

Approved,  
  
James M. McKay  
President