

BOARD OF COUNTY COMMISSIONERS' MEETINGJanuary 19-20, 1977Wednesday, January 19, 1977

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 8:50 a.m.

READING AND APPROVAL OF MINUTES

The minutes of January 12-13, 1977 were read. Commissioner Jarboe made a motion to approve the minutes as read, seconded by Commissioner Dean. 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 Jarboe made a motion to approve payment of the bills as submitted, seconded by Commissioner Parlett. All Commissioners voted in favor.

1977 LEGISLATIVE PACKAGE

The County Administrator presented a list summarizing actions on the County's 1977 Legislative Package submitted to the legislative delegation in Annapolis.

CLEARINGHOUSE PROJECT
VA HOUSING FEASIBILITY - LAND O' LAKES

The County Administrator presented the above-referenced Clearinghouse Project which will be forwarded to the State stating that this project is not inconsistent with this County's programs or objectives with attached comments by the Office of Land Use and Development clarifying the status of Land O' Lake.

RECLASSIFICATION
CLERK-STENOGRAPHER - COUNTY ENGINEER'S OFFICE

The Personnel Officer submitted a memorandum to the Commissioners stating that on December 10, 1976 the County Commissioners approved the reclassification of Clerk-Typist in the County Engineer's Office to Clerk Steno. The new position was advertised as a promotional opportunity. The County Engineer selected from the list of eligibles, Cynthia Pilkerton, the incumbent of the reclassified position.

Commissioner Millison made a motion to accept the County Engineer's recommendation and place Cynthia Pilkerton in the reclassified position from Grade 5, Step 2 to Grade 6, Step 2, effective January 24, 1977, seconded by Commissioner Jarboe. Four Commissioners voted in favor with Commissioner Parlett abstaining.

PERMANENT STATUS - JOAN COMBS

The Personnel Officer submitted a memorandum to the Commissioners stating that the supervisor of Joan Combs, Clerk-Stenographer, Office of Employment Security, has recommended that she be placed on permanent status in that she has satisfactorily completed her probationary period.

Commissioner Millison made a motion that Joan Combs be placed on permanent status, effective February 2, 1977, seconded by Commissioner Jarboe. All Commissioners voted in favor.

COMPLETION OF PROBATIONARY PERIOD
WARD MILLER - ECONOMIC DEVELOPMENT COORDINATOR

The County Administrator stated that Ward Miller, Economic Development Coordinator has satisfactorily completed his six-month probationary period and therefore recommended that the County continue his contract for six more months.

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

ROAD RESOLUTION NO. 77-21
GUENTHER DRIVE - WILLOW BROOK ESTATES SUBDIVISION

On behalf of the County Engineer, the County Administrator presented the above-referenced Road Resolution designating Guenther Drive, Willow Brooks Estates Subdivision, as a Stop Street at the points where it intersects with County Route 3283, Flat Iron Road.

Commissioner Millison made a motion to adopt Resolution No. 77-21, seconded by Commissioner Jarboe. All Commissioners voted in favor.

DUKEHART'S CREEK PROJECT

The County Administrator explained the difficulty in arranging a meeting on the Dukehart's Creek project because the legislators in Annapolis are currently in session. Commissioner Parlett recommended that Nick Downs, resident of the area of Dukehart's Creek be contacted by letter advising him that there may be a delay in this meeting until after the legislative session.

PERSONNEL MANUAL - CLASSIFICATION SYSTEM

The County Administrator presented to the Commissioners a copy of the Personnel Classification and Pay Plan for review by the Commissioners. Mr. Cox stated that the plan will be reviewed by the department heads for their comments, which will be presented to the Commissioners by mid-February. He further stated that sometime in March is the goal for adoption.

WATERSHED PROJECT
EXECUTIVE SESSION

Present: John Hall, Soil Conservation Service
Dick Nagel, Soil Conservation Service
Lee Watson, Soil Conservation Service
George Johnson, General Services
Herb Belknap, General Services
John Norris, County Engineer
Ernie Bell, County Attorney

The Commissioners unanimously agreed to meet in Executive Session in order to discuss possible land acquisition and/or possible litigation. The Session was held from 10:05 a.m. to 10:45 a.m.

OVERALL ECONOMIC DEVELOPMENT PLAN

Present: Ward Miller, Economic Development Coordinator
Jim Marsh, Chairman Economic Development Commission
Walter Raum, Health Department

Mr. Miller presented a report and a slide presentation on the Economic Development Program for St. Mary's County for 1976-77, which included such areas as; Framework for a Development Program, Goals and Objectives, and Programs. An Action Plan was included in this Report which set forth the various projects for the Economic Development Commission and Economic Development Coordinator with assistance by other county agencies or groups.

The Commissioners agreed to review this Report and make a decision at next week's meeting as to its distribution.

PROCLAMATION NO. 77-1
FEBRUARY - AMERICAN HEART CAMPAIGN MONTH

Present: Dr. Shah, Chairman
 Jim Shook
 Barbara Allgood
 Diane Shook
 Mildred Macvica

The Commissioners presented Proclamation No. 77-1 to the above-referenced individuals proclaiming the month of February as American Heart Month and urging all citizens to support the Heart Campaign.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
 Sunny Schust, Enterprise
 Rick Boyd, Enterprise
 Leslie Walker, Guardian
 Dick Myers, WKIK
 Mike Klienbeck, Beacon

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

The meeting recessed at 12:30 p.m.

Thursday, January 20, 1977

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

The meeting reconvened at 8:40 a.m.

COASTAL ZONE MANAGEMENT PLAN

Present: Richard Platt, Director, Land Use and Development
 Frank Gerred, County Planner
 Walter Raum, Health Department
 Vivian Marsh, Coastal Zone Management Planner
 Michael Rubala, Coastal Zone Management Planner
 Jack Witten
 Oran Wilkerson

Mr. Platt presented a draft letter to Mr. Kenneth Perkins, Energy and Coastal Zone Administration, pertaining to the pre-draft of the Maryland Coastal Zone Management Program and setting forth certain recommendations.

COASTAL ZONE MANAGEMENT PLAN cont.

Mr. Witten stated he has reviewed the Plan and recommended that an ad hoc committee be established to address certain areas which should be included in this letter:

- (1) Comparison of the draft to the law;
- (2) St. Mary's County particular concerns;
- (3) Significant voids in the Plan;
- (4) Goals and objectives of the Plan;

The Commissioners agreed to the formation of this committee and that the planners should work with Citizen Advisory groups, environmental committee, and Mr. Platt to correlate ideas for a more comprehensive letter to Mr. Perkins.

BLACKISTONE SUBDIVISION

Present: Mr. Thomas Garner, Developer
Mr. John Norris, County Engineer

Mr. Norris stated that he has been working with Mr. Garner on the road problems in the referenced subdivision for several years and recommended that the County do the surfacing of the roads in Blackistone Subdivision and Mr. Garner would provide funds in the amount of approximately \$1500 for this work.

The Commissioners concurred with this recommendation and requested Mr. Norris to prepare the necessary paperwork and return to the Commissioners for approval.

SECOND QUARTER PROJECT STATUS REPORT

Present: John Norris, County Engineer

Mr. Norris reviewed with the Commissioners the status of various projects in his office as of December 30, 1976 relative to engineering, highways, marine, and solid waste.

The Commissioners requested that the County Engineer and County Attorney appear before them on a regular basis to discuss the various road bonding problems and how they may be resolved.

EXTRA WORK AUTHORIZATION
GOLDEN BEACH ROAD

Present: John Norris, County Engineer

Mr. Norris presented an Extra Work Authorization to do Class 1 Excavation and removal of existing pipe culverts on Golden Beach Road which would increase the contract amount by \$189.75 (Contract No. SM-75-1-7).

Commissioner Parlett made a motion to accept this Extra Work Authorization in the amount of \$189.75, seconded by Commissioner Jarboe. All Commissioners voted in favor.

NUCLEAR DENSITY TESTER

Present: John Norris, County Engineer

Mr. Norris presented an application for radioactive materials license, which is necessary because of the purchase of a Nuclear Density Tester for the County Engineer's Office, for the Commissioners' approval.

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

INDIAN CREEK ESTATES
DEED ACCEPTING ROADS INTO COUNTY HIGHWAY MAINTENANCE SYSTEM

Present: John Norris, County Engineer

Mr. Norris presented the Deed dated October 18, 1976 conveying certain roads in Indian Creek Estates to the County.

Commissioner Dean made a motion to accept and authorize Commissioner President McKay to sign the deed dated October 18, 1976 by and between Jeremy Gillam and the Board of County Commissioners, St. Mary's County, said Deed conveying to the County Indian Creek Drive, Seminole Lane, Apache Road, Comanche Lane, Iriquois Lane, Seneca Court, and Cheyenne Court, in Indian Creek Subdivision seconded by Commissioner Parlett. All Commissioners voted in favor.

INDIAN CREEK ESTATES
PUBLIC WORKS AGREEMENT

Present: John Norris, County Engineer

Mr. Norris presented the Public Works Agreement for Indian Creek Estates by and between Oliver Guyther and St. Mary's County for the Commissioners' review and approval; said Agreement including a stipulation that a certified check in the amount of \$5,000 was accepted by the Board of County Commissioners to insure that minor drainage would be completed by the Spring of 1977.

INDIAN CREEK ESTATES
PUBLIC WORKS AGREEMENT cont.

Commissioner Dean made a motion to approve and authorize Commissioner President McKay to sign the Public Works Agreement for Indian Creek Estates, seconded by Commissioner Parlett. All Commissioners voted in favor.

AMENDMENT NO. 1 TO MAINTENANCE AND OPERATION AGREEMENT
RC & D PROJECT - ST. ANDREWS CHURCH ROAD LANDFILL

Present: John Norris, County Engineer

Mr. Norris presented Amendment No. 1 of the Operation and Maintenance Agreement by and between Soil Conservation Service and St. Mary's County for the St. Andrews Church Landfill RC & D Project for the Commissioners' review and signature.

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

PATUXENT RIVER BRIDGE

Present: John Norris, County Engineer

Mr. Norris discussed with the Commissioners correspondence from Patuxent Beach Community Association expressing concern over the use of Patuxent Beach Road as an interim access road to the Patuxent River Bridge.

The Commissioners requested the County Administrator to forward to the Patuxent Beach Community Association a copy of our letter dated December 8, 1976 to the State Highway Administration along with a copy of their acknowledgement of this letter.

COUNTRY LAKES BONDING

Present: F. Elliott Burch, Jr.

Relative to the question raised by the Commissioners in their letter of June 1, 1976 to Mr. Ben Burroughs concerning the financial stability of the sureties of Country Lakes Subdivision, Mr. Burch presented his financial statement to the Commissioners, which will be reviewed by the County Attorney.

PROPOSED DEEPWATER PORT

Present: Oliver Guyther
other interested citizens

Commissioner Dean presented to the Commissioners a proposed letter to be forwarded to Mr. Guyther, Attorney for the applicant for the proposed deepwater port which addresses the matter of procedure for the processing of the application for rezoning.

After discussion and several recommended changes to the letter, the Commissioners directed that the letter be retyped in draft form and a copy given to whoever requests it. Final decision on this matter will be made at next week's meeting.

ECONOMIC IMPACT FEE
SOUTHGATE TOWNHOUSE PROJECT

Present: Jim Kenney, Attorney
Mark Burroughs
Joseph Ernest Bell, II, County Attorney

The Commissioners reopened the discussion regarding the economic impact fee in light of research of available records which indicate that the Commissioners on January 7, 1975 waived the economic impact fee requirement for Southgate Park because of certain inabilities by county staff which prevented the recording of Southgate Park and therefore prohibited Southgate Park from meeting the requirements of Resolution No. 74-42.

Before making a final determination, the Commissioners directed that the following questions be resolved:

1. In the minutes of January 7, 1975, reference is made to Section I of Southgate Park. How was Section I defined at that time?
2. If the Economic Impact Fee is waived for Southgate Park, what part of the recorded subdivision is covered by said waiver?
3. What effect will said waiver have on the remainder of the Southgate development?

Mr. Joseph Garner, Zoning Technician, was directed to work with other staff members as required to develop the answers to the above questions. If the answers can be developed, the Commissioners will make a final determination at next week's meeting.

COUNTRY LAKES

The Commissioners discussed the request to renew the surety bond for 37,816.32 feet of road at \$25 per foot for Country Lakes Subdivision.

Questions were raised concerning the possibility of requiring a corporate surety bond to replace the proposed surety bond and whether a renewal of the proposed surety bond would be a breach of the county's present policy requirement for corporate surety bonds.

After some discussion the Commissioners agreed to consider the alternatives and to be prepared to make a decision on this matter at next week's meeting.

REZONING DECISION
CASE NO. 76-4
WILLIAM E. RITTER

The Board of County Commissioners conducted a public hearing on October 27, 1976 on the application by William E. Ritter to have a parcel of land containing approximately 3.42 acres located on Maryland Route 246 approximately .3 miles from Chancellor's Run Road, Eighth Election District rezoned from R-2, residential, to C-2, highway commercial.

Commissioner Dean made a motion, seconded by Commissioner Jarboe to grant this rezoning request based on the following:

"In conducting the finding of fact in this rezoning case, the Board of County Commissioners finds that the requested rezoning from R-2, residential to C-2 highway commercial, should be allowed. In making this determination, the Board has taken into account the favorable recommendation of the Planning Commission, though it questions the legal basis, as recommended by the Commission, to strictly limit the use of the property to automotive sales and related accessory uses; but even more pertinent to the Board's decision in the subject case are the following facts:

1. Evidence submitted by the applicant, and included as part of the record in this case, shows that the property was being used commercially at the time the present comprehensive zoning of the area was adopted.

2. A review of the existing zoning classifications along Great Mills Road between State Route 5 and Lexington Park reveals the full range of zoning classifications, including: C-1, C-2, MH, GA, I-1, and R-2 intermingled along the entire length of the road.

REZONING DECISIONCASE NO. 76-4WILLIAM E. RITTER cont.

3. Scattered at various locations along the length of Great Mills Road are some eleven commercial uses which were in existence at the time of the adoption of the comprehensive zoning and which are presently classified as "non-conforming", one of which is the subject property.

4. Next to the subject property, separated only by one narrow parcel which is zoned R-2, is property zoned I-1; while immediately across the road from the subject property, that land is zoned C-1.

5. Totalling together the existing commercial uses of property along Great Mills Road, including both those zoned commercial and those classified as non-conforming, the commercial nature of the area is fairly well established.

Considering the above factors, the Board is led to the conclusion that there is some reasonable basis for alleging that a mistake was in fact made in the original zoning. Though perhaps not technically a part of the consideration of the subject rezoning, the Board does recognize the fact that Great Mills Road is an important transportation corridor in this portion of the County, already bearing substantial traffic loads. Considering also the potential for development in the area, the maintenance of the vitality of the road takes on even greater proportions. Due attention must therefore be given at the time of site plan review at the time of development of the subject property to provide for the proper channelization of traffic and the potential future widening and improvement of the road."

All Commissioners voted in favor of this motion.

COASTAL ZONE MANAGEMENT PLAN

The Commissioners assigned the overall Coastal Zone Management Plan for St. Mary's County to the County Planner and requested that the Coastal Zone Management Planners coordinate their activities with the County Planner.

CHARLOTTE HALL APPRAISAL

Commissioner Parlett stated that the firm of John Fincham who is doing the appraisal of the Charlotte Hall property has requested the Fifth District Elementary School figures that the Commissioners received from the Board of Education. The Commissioners agreed that the figures not be released unless the Board of Education was agreeable to releasing them.

JOHNSONGRASS CONTROL PROGRAM

The County Administrator presented an invoice to the State Department of Agriculture in the amount of \$2,657.33 for the State's share of the Johnsongrass Control Program in St. Mary's County for July 1, 1976 through December 31, 1976.

Commissioner Millison made a motion to submit this voucher to the State, seconded by Commissioner Dean. All Commissioners voted in favor.

VOUCHER NO. 11123
JURORS' FEE

Commissioner Dean made a motion to approve Voucher No. 11123, payable to the Treasurer for Jurors' Fee, seconded by Commissioner Jarboe. All Commissioners voted in favor.

RELEASE OF COLLATERAL

On behalf of the Director of Finance, the County Administrator presented a request for release of collateral from Maryland Bank and Trust Company in the amount of \$335,000. Since collateral held to secure deposits of St. Mary's County (\$2,203,000) far exceeds total County funds (\$7,845.53), Mr. Sterling recommended approval of this release.

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

FUTURE NATO DEFENSE COLLEGE VISITS

Commissioner Dean made a motion to request Ward Miller, Economic Development Coordinator, to pursue future NATO Defense College visits to St. Mary's County, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LEONARD HALL RENOVATIONS

After discussing the recommendations of the Building Committee regarding the Leonard Hall renovations as presented at last week's meeting, Commissioner Jarboe made a motion to accept the recommendation of the Building Committee as to cost reductions and to authorize the Committee to negotiate with the lowest bidder, The Davis Corporation, and return to the Commissioners with the results, and further to request the Budget Officer to investigate the source of financing, seconded by Commissioner Parlett. Three Commissioners voted in favor, with Commissioner Millison voting against, stating it was his opinion that the renovations could be done for \$300,000; Commissioner McKay abstained.

The meeting adjourned at 1:45 p.m.

APPROVED BY,


James M. McKay, President
County Commissioners