

BOARD OF COUNTY COMMISSIONERS' MEETING

September 29-30, 1976

Wednesday, September 29, 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 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of September 22-23, 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.

EXECUTIVE SESSION

Present: Joseph Ernest Bell, II, County Attorney

At this time the Commissioners agreed to meet in Executive Session in order to discuss items of litigation and personnel. The Session was held from 9:05 a.m. to 10:00 a.m.

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 payment of the bills as submitted, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LETTER TO THOMAS E. DOWNS  
(DEVELOPER OF MT. PLEASANT SUBDIVISION)

Commissioner Dean made a motion that the Board of County Commissioners sign and forward a letter to Mr. Thomas E. Downs, developer of Mt. Pleasant Subdivision, said letter setting forth the position of the Board with regard to completion of the streets in that subdivision, seconded by Commissioner Parlett. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell requested an Executive Session as provided in Section 16 A(1) of the Open Meetings Bill.

Commissioner Jarboe made a motion to go into Executive Session, seconded by Commissioner Dean. Four Commissioners voted in favor of the motion with Commissioner Millison voting against, stating for the record that he would prefer the discussion to be in open session.

SPRING VALLEY SUBDIVISION

Present: John Norris, County Engineer  
Charles Cantrill

Mr. Norris stated that the study for the correction of road and drainage problems is underway and that a decision is needed with respect to one aspect of this study. The plans for the correction of the problem were displayed and Mr. Norris and Mr. Cantrill explained the alternatives and consequences; the alternatives being:

1. Installation of large drainage pipe in order to accommodate the Spring Valley residents and the adjacent 31 acres of commercial property;
2. On-site storm water retention for future development in the 31 acre tract.

Commissioner Millison stated that the 31 acres, owned by Mayjack, Inc., has been zoned commercial for over 30 years and that the owner has had to pay taxes based on the commercial rate. He further stated that the residents of Spring Valley should not have to pay for a condition that they do not have the benefit of, and there was no reason why the owner of the adjacent property should be penalized in any way. Commissioner Millison stated he would be opposed to any restriction being placed on the Mayjack property.

Mr. Norris explained that the alternatives remaining for the County are:

1. To install storm water drainage structures that would accommodate the runoff of the 31 acre tract as it exists today; or,
2. Increase the size of the storm water structures to accommodate the runoff of the 31 acre tract as it is currently zoned and as if it were to be fully developed.

It was the decision of the Board of County Commissioners that the alternatives be discussed in the study with their respective cost impacts and that the citizens of the Spring

Valley Subdivision would not be required to bear the cost of increasing the size of the storm water structure to accommodate the proposed development of the 31 acre tract.

ROSEWOOD DRIVE - SPRING VALLEY SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris indicated to the Commissioners that the construction of Rosewood Drive in Spring Valley Subdivision was not being completed in a timely manner and that the amount of the bond is \$10,000. He stated that the County is approaching a point where we will be exceeding the surety that the County has to guarantee adequate construction. Since the Engineer's Office had requested the completion of Rosewood Drive this past summer, it was Mr. Norris' recommendation that construction permits not be issued until there is satisfactory completion of Rosewood Drive. The Commissioners instructed Mr. Norris to work with the County Administrator in drafting a memorandum to the Office of Land Use and Development and a letter to Washington Development Corporation, current developer of the Spring Valley project.

KINGSTON CREEK AND LITTLE KINGSTON CREEK DREDGING PROJECT  
(SM 76-3-3)

Present: John Norris, County Engineer

Mr. Norris stated that only one bid was received on the above-referenced project; namely, Edwin A. and Joseph Crandall, Inc., in the amount of \$48,580. This is a Department of Natural Resources funded project.

Commissioner Dean made a motion to accept the lowest and only bid for the above-referenced project, as recommended by the County Engineer, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

FIELD INSPECTION COSTS REPORT

Present: John Norris, County Engineer

As had been requested by the Commissioners previously, Mr. Norris submitted a report on the various field inspection costs of his Department for the Commissioners' review. Commissioner McKay requested the County Engineer to return with some detailed information as to what future inspection services his office will be able to provide as opposed to contractual services.

SUBDIVISION ROAD BONDS  
Patuxent Park, Section 4  
Greenview Knolls, Section 7

Present: John Norris, County Engineer

Mr. Norris stated he would like to bring to the Commissioners' attention the status of certain road bonding requiring input by the County Commissioners. He stated that there are two subdivisions that are "paper platted", on which bonds have been placed with the County and have been expired for quite some time. Mr. Norris suggested two alternatives:

1. Either having the bonding updated; or
2. If the developer feels that the property will not be used, to have it removed from the land records of the County.

The Commissioners directed Mr. Norris to refer this matter to the County Attorney to determine the County's appropriate course of action, after which time the Commissioners will make a decision.

The Commissioners also directed that the Office of Land Use and Development, Permits Section, be requested to notify the Commissioners of any requests for construction permits prior to the issuance of same and obtain the approval of the Board of County Commissioners.

SUBDIVISION BONDS  
Holly Oaks, Knolland Subdivision  
Hermanville Estates, Land O'Lakes, Section I

Present: John Norris, County Engineer

Mr. Norris stated that the above-referenced subdivisions are in varying degrees of completion and with the Commissioners' concurrence, he would be contacting the developers in order to obtain a timetable for construction. The Commissioners concurred.

QUIT CLAIM DEED - JOHN L. AND CATHERINE D. MADEL

Present: John Norris, County Engineer

Mr. Norris presented the above-referenced Quit Claim Deed between the County and John L. and Catherine D. Madel concerning an old road bed that exists adjacent to Route 245 near Leonardtown.

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

PITCH-IN CONTAINERS

Present: John Norris, County Engineer

Mr. Norris informed the Commissioners of various complaints his office has received with regard to the abuse of the use of the Pitch-In containers and that if the complaints continue, these particular containers will be removed.

REZONING HEARING

CASE NO. 76-9

EASY WASH, INC.

Present: Benjamin Burroughs, Jr., applicant  
Robin Guyther  
Joe Garner, Zoning Technician, LUD

Application was submitted by Easy Wash, Inc., Benjamin Burroughs, Jr., President, to have parcels of land containing approximately 52 acres located on the east side of Maryland Route 5 in Charlotte Hall, Fifth Election District, rezoned from C-1 to C-2.

The secretary read the Notice of Public Hearing.

If reclassification is granted to C-2, applicant intends to develop a neighborhood shopping center on this property.

Mr. Burroughs, the applicant, submitted the following exhibits:

Exhibit 1 - Return Receipts of Certified letters to property owners within 200 feet of subject property.

Exhibit 2 - Letters from Al-Mac Real Estate & Construction Corporation and A & H Trading Company, Inc., stating they are completely in agreement with this rezoning application.

Exhibit 3 - Copy of Concept Plan for proposed project.

Mr. Robin Guyther stated that even though he and his father are proposing a shopping center in the Charlotte Hall area, he was of the opinion that there would be no conflict and therefore was not opposed to this rezoning application.

Mr. Cox, County Administrator, advised that a telephone call was received from Mr. Frank Abell, an adjacent property owner, requesting that it be introduced into the record that he was in favor of this project.

Commissioner McKay inquired if anyone else wished to speak for or against this application; hearing none, the rezoning hearing was closed.

(A tape of the hearing is on file in the Commissioners' office.)

#### POTOMAC RIVER BASIN WATER QUALITY MANAGEMENT PLAN

Present: Richard Platt, Director, Land Use and Development

Mr. Platt stated that as soon as comments are received from the Health Department, Environmental Committee and the Metropolitan Commission, he will make a report to the Commissioners.

#### ELMS PROPERTY

Present: Richard Platt, Director, Land Use and Development

Mr. Platt advised the Commissioners that he has received three or four responses from members of the Elms property committee as to their continued interest in the committee and also stated that because the Power Plant Siting Program has not appointed a State coordinator, that the County wait on any further study until this is done. Mr. Platt also stated that a couple of members of the Planning Commission were of the opinion that St. Mary's College or St. Mary's City Commission might be interested in the property for experiments or research.

#### COASTAL ZONE MANAGEMENT

Present: Mr. Platt, Director, Land Use and Development

Mr. Platt advised the Commissioners that the State is in the process of hiring a regional representative to assist the County in the Coastal Zone Management Program.

LAND USE BOARD

Present: Richard Platt, Director, Land Use and Development

Mr. Platt reported to the Commissioners the lack of attendance of certain members at the Land Use Board meetings, and that since this is a most busy and important time, there should be more active membership.

The Commissioners directed the County Administrator to contact those members that have not been attending regularly to determine if they are still interested in serving.

TYPING OF ZONING ORDINANCE AND COMPREHENSIVE LAND USE PLAN

Present: Richard Platt, Director, Land Use and Development

Mr. Platt reported that the Zoning Ordinance is in the process of being typed and recommended that this same individual be allowed to proceed with the typing of the Comprehensive Land Use Plan.

SUBDIVISION REGULATIONS

Present: Richard Platt, Director, Land Use and Development

Mr. Platt recommended that the Commissioners review and make a decision on the proposed Subdivision Regulations that have been submitted. The Commissioners scheduled a work session on October 27, at 12:30 to review these regulations.

SENATE BILL 418

COMMUNITY ADULT REHABILITATION CENTER

The County Administrator presented correspondence from the Department of Public Safety and Corrections regarding the County's determination of need for a community adult rehabilitation center. The correspondence requested the County's input regarding the local need for such a center by November 15, 1976. Also presented was a copy of Senate Bill 418 enacted in the last General Assembly.

The suggestion was made to request comments as to the need from the Judges of Circuit Court and District Court, State's Attorney, Sheriff's Department and Juvenile Master. Also it was suggested that the Commissioners review this matter from a regional point of view with the Commissioners of Charles and Calvert Counties at the October 20th meeting. The Commissioners concurred with the suggestions of the County Administrator and directed him to obtain comments from those persons referred to above and to request the Charles County Commissioners to include this item on their October 20th agenda.

APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Care for the Elderly Task Force

Commissioner Jarboe made a motion to appoint the following persons to the referenced committee:

James C. Raley  
Joseph D. Carter  
Dr. J. Roy Guyther  
Dr. William J. Marek  
Dr. Richard J. Martin  
Billye McGaharn  
Hazel Nourse  
Virginia Thomas  
Ford L. Dean (Commissioner Liaison)

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

Plumbing Board

Commissioner Jarboe made a motion to appoint Mr. George L. Hall to the Plumbing Board for a term from July 1, 1976 to June 30, 1977, seconded by Commissioner Parlett. All Commissioners voted in favor.

Recreation and Parks

Commissioner Jarboe made a motion to appoint David E. Grossman to the Recreation and Parks Board, for a term to expire December 31, 1977, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

Water Quality Management Plans - Phase II  
(Patuxent River Basin)  
(Lower Potomac River Basin)

Commissioner Jarboe made a motion to appoint the following individuals to the Governmental Policy Groups of the above-referenced committees:

Harry Knight  
John B. Norris, Jr.  
Richard L. Platt  
Walter Raum

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



1977 LEGISLATIVE PACKAGE

The County Administrator presented the following timetable for the composition and prefiling of the 1977 Legislative Package:

- October 6 and 7 - Commissioners' review of proposals
- October 13 and 14 - Commissioners' approval of items to be presented at public meeting
- October 18, 7:30 p.m. - Public meeting to present legislative proposals  
(Leonardtwn Middle School)
- October 20 and 21 - Commissioners' approval of items to be pre-filed.
- October 22 - Commissioners submit to legislative delegation items to be pre-filed.

The Commissioners gave their concurrence to this timetable.

STATE'S ATTORNEY'S OFFICE EMPLOYEES

The County Administrator explained to the Commissioners that, because of complications with the prior arrangement of the State's Attorney having the employees in his office under personal contract with himself, the Commissioners should execute contracts with those employees not sworn in by the State's Attorney. In practice, this contract procedure involves the clerical employees in that office.

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign the employment contracts for Jennifer Dakis and Rita Butler for the State's Attorney's office, seconded by Commissioner Parlett. All Commissioners voted in favor.

RESIDENTIAL DRUG TREATMENT CENTER

Commissioner Dean stated that at last week's meeting the Commissioners decided to obtain a legal opinion regarding the chances of whether the Board of Appeals decision would be upheld by the Court and pending that decision whether to proceed forward with the construction of the Residential Drug Treatment Center.

Commissioner Dean stated that he has learned that the court trial to hear this case has been scheduled for October 13, and since the case will be heard at such an early date that any decision by the Commissioners be deferred until the case is heard. The Commissioners concurred.

The meeting recessed at 1:05 p.m.

Thursday, September 28, 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 reconvened at 8:45 a.m.

SPECIFICATIONS FOR SMOKE DETECTORS AND BURGLAR ALARMS

Present: Paul Raley, Director, Purchasing and Logistics  
Charles Donaldson, County Fire Marshall

The above person appeared before the Commissioners to present the proposed specifications for smoke detection systems for Leonard Hall Building No. 4, Courthouse, Lexington Park Library and Control Center, and, in addition, specifications for burglar alarm system for Leonard Hall Building No. 4. The Commissioners authorized Mr. Raley to proceed with the advertisement of bids.

TRIP TO IRELAND REPORT

Present: Ward Miller, Economic Development Coordinator  
Walter Raum, Environmental Committee Chairman  
Bert Fenwick, Rotary Club  
Dick Myers, WKIK

Mr. Miller and Mr. Raum appeared before the Commissioners in order to make a presentation regarding their recent trip to Ireland. Mr. Miller discussed the way in which the Irish have handled the influx of industry into a rural part of their country, setting forth places visited, persons talked to, the economic comparison between County Galway in Ireland and St. Mary's County, and Mr. Miller's conclusions.

Mr. Raum presented a comparison of County Galway and St. Mary's County regarding such items as industry (chemical and light), agriculture, tourism, deep water port, and seafood industry, and setting forth the conclusions reached by Mr. Raum.

Both reports are on file in the Commissioners' Office.

In addition, Mr. Fenwick gave a report to the Commissioners regarding the Oyster Festival conducted at Galway, Ireland.

The Commissioners thanked the above persons for their very informative presentations.

MEMORANDUM REGARDING TRY-ME TAVERN APPEAL CASE

As had been voted on by the Commissioners at last week's meeting (the vote being four to one, with Commissioner Millison voting against), Commissioner Jarboe presented the Memorandum for the Commissioners' signature addressed to the Zoning Administrator, County Attorney, Attorney John Slade, Members of the Planning Commission, Planning Commission Attorney, Board of Appeals Members and Board of Appeals Attorney regarding the Try-Me Tavern Appeal case.

EMERGENCY OPERATION CENTER WATERPROOFING PROJECT

With regard to the County Engineer's request at last week's meeting regarding the installation of drain tile for the above project, Commissioner Dean made a motion that the Board of Commissioners authorize the Office of County Engineer to proceed with the installation of drain tile, at a cost of approximately \$1,500, around the Control Center as part of the waterproofing project, seconded by Commissioner Parlett. All Commissioners voted in favor.

RAMP FOR COURTHOUSE AND HEALTH DEPARTMENT BUILDING

Commissioner Parlett made a motion to request the County Engineer to draw up specifications and plans to incorporate with the curbing project, previously approved at budget time, necessary ramps for the handicapped for in front of the Courthouse and the Health Department buildings, seconded by Commissioner Jarboe. All Commissioners voted in favor.

MEMORANDUM FROM OFFICE OF LAND USE AND DEVELOPMENT  
RECORDATION OF DEEDS

With regard to the memorandum dated September 2, 1976, from the Office of Land Use and Development with attached proposed resolution pertaining to the requirement of zoning approval prior to recordation of deeds, the Commissioners agreed that said memorandum and resolution should be forwarded to the County Attorney for review and comments.

RESCUE SQUAD ALLOCATION OF FUNDS

Commissioner Dean reported that he had been contacted by a representative of the Hollywood Rescue Squad regarding the allocations that were forwarded to the rescue squads last week. All squads received same allocation as last year which was requested with Leonardtown and Hollywood receiving \$2,000 less than the other squads. Therefore, Commissioner Dean made a motion to rectify this matter by sending an additional \$2,000 to the Hollywood and Leonardtown Rescue Squads so that their base amount will be comparable to the other rescue squads, seconded by Commissioner Jarboe. All Commissioners voted in favor.

DAY CARE CENTERS STUDY

Present: Joseph Carter, Director, Social Services  
Joan Marsh  
Mary Elizabeth Hoff

The above members of the Task Force to Study Day Care Centers in St. Mary's County appeared before the Commissioners to present their report, including their recommendations, which will require certain actions by the Commissioners. After discussion of the report, which is on file in the Commissioners' Office, the Commissioners agreed to review the report and give consideration to the recommendations at a later date.

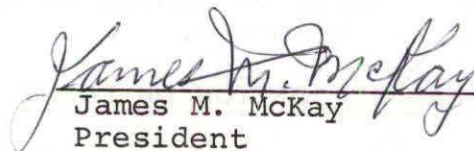
ST. CLEMENT'S ISLAND AND POTOMAC RIVER MUSEUM COMMITTEE

Present: Michael Humphries, Museum Curator  
J. S. Guy, Jr., Chairman  
John Baggett, Director, Recreation and Parks

The above-mentioned representatives from the St. Clement's Island and Potomac River Museum Committee appeared before the Commissioners in response to the Commissioners' correspondence dated September 22, 1976, in which certain issues were raised concerning the Museum. After lengthy discussion concerning the items raised in the above-referenced correspondence, the Commissioners and the committee representatives agreed that a functional statement describing the duties and responsibilities of the Museum Committee was in order and should be drafted by the Commissioners for the committee's review. After said review, a future meeting may be in order to discuss any pending details.

The meeting adjourned at 12:50 p.m.

Approved by,

  
James M. McKay  
President