

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, March 29, 1978

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

The meeting was called to order at 8:55 a.m.

READING AND APPROVAL OF MINUTES

The minutes of March 22, 1978 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 Voucher No. 17068 in the amount of \$31.50 payable to The Belvedere, seconded by Commissioner Parlett. Four Commissioners voted in favor, with Commissioner Millison abstaining.

Commissioner Jarboe made a motion to approve payment of the remaining bills, seconded by Commissioner Dean. All Commissioners voted in favor.

UPDATING STATEMENT OF PROPERTY VALUES FOR INSURANCE PURPOSES

Present: Harris Sterling, Director of Finance

Mr. Sterling presented a memo dated March 27, 1978 attaching the above-referenced Statement which indicates a total increase of insurance coverage on buildings and contents of \$563,781 at an additional cost of \$626 per year, and thereby recommended that this increase be accepted in order to maintain the policy of insuring County property at the replacement cost level.

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

REQUEST FOR AUTHORITY TO HIRE MOTOR EQUIPMENT OPERATOR I

Present: Ken Freeburn, Personnel Officer

Mr. Freeburn presented a memorandum requesting authority to hire Robert C. Cooper, presently a CETA employee, to the position of Motor Equipment Operator I, at Grade 6-0, effective April 3, 1978.

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

REQUEST FOR AUTHORITY TO HIRE ZONING INSPECTOR - OFFICE OF LAND USE AND DEVELOPMENT

Present: Ken Freeburn, Personnel Officer

Mr. Freeburn presented a memorandum requesting authority to hire Mr. James C. Prebble as Zoning Inspector, Grade 9-0. Mr. Prebble is presently a Zoning Inspector under the CETA Program. The Commissioners agreed to defer action on this matter until next week's meeting.

SHERIFF'S DEPARTMENT - ACCOUNT TRANSFERS

By letter dated February 10, 1978 to the Budget Officer, Sheriff Somerville requested the following budgetary transfers from the Reserve for Contingency in order to meet expenses for the current fiscal year:

Account No. 1112-28110	(Fuel, oil, auto)	- \$13,500
Account No. 1112-21110	(Travel)	- \$ 1,200
Account No. 1112-28510	(Uniforms)	- \$ 1,000
Account No. 1112-28610	(Crime Lab Supplies)	\$ 400
Account No. 1112-21910	(Radio Maintenance)	\$ 500
Account No. 1610-23410	(Jail Food)	\$ 2,000
Account No. 1610-28610	(Supplies)	\$ 700
Account No. 1610-22010	(Medical)	\$ 900

Commissioner Dean made a motion to approve the above transfers from the Reserve for Contingency totalling \$20,200, and further to accept the recommendation of the Budget Officer that a letter be forwarded to the Sheriff advising him to stay within the revised budget amount, seconded by Commissioner Jarboe. All Commissioners voted in favor.

TOURIST INFORMATION CENTER

The Commissioners briefly discussed the management and location of the Tourist Information Center for the upcoming tourist season and the County Administrator was directed to refer this matter to the Economic Development Commission for a thorough analysis which is to be brought back to the Commissioners in the form of a proposal.

RESIDENTIAL TREATMENT CENTER - PURCHASE OF FURNISHINGS

Present: Susan Gelrud, Walden Advisory Commission  
 Andy Bailey, " " "  
 Dr. Wm. Marek, " " "  
 Betsy Barley, " " "  
 Paul Raley, Director, Purchasing and Logistics

The above representatives of the Walden Advisory Commission discussed with the Commissioners certain purchasing problems related to furnishing and equipping the residential center and requested from the Commissioners the approval to act as their own purchasing agent in the acquisition of the remaining items for the residential center. The representatives committed themselves to following the purchasing policies of the county, especially seeking competitive estimates and allowing as many vendors as possible the opportunity to provide the items. The principal reason for making this request is to expedite the furnishing and equipping of the Center and to eliminate the delay caused by difference of opinion on selection of items.

After discussion, Commissioner Millison made a motion to authorize the Advisory Commission to purchase furnishings for the Center following the guidelines of the County's purchasing procedures, seconded by Commissioner Parlett. All Commissioners voted in favor.

U.S. COAST GUARD STATION PROPERTY AT PINEY POINT

Present: Oliver Guyther (representing Steuart Petroleum Co.)  
 Robert Dudley, Steuart Petroleum Company  
 John Baggett, Director, Recreation and Parks

Mr. Guyther appeared before the Commissioners to express the concerns of Steuart Petroleum Company of the county's proposed acquisition of the U.S. Coast Guard Station property at Piney Point for recreational purposes. In summary, Steuart's concerns are as follows:

1. The narrowness of the road leading to the site;
2. The narrowness of the entrance to the site;
3. Unsafe conditions off of Steuart's pier;
4. The fact that there are other facilities available for recreational purposes in the Second District with access to the Potomac River.

Mr. Guyther requested that the Commissioners re-evaluate the county's application to obtain the property based on these concerns and stated that the cost to improve the site and to maintain it would be high. Mr.

Guyther stated that if after evaluation the Commissioners found that there was a need for property in that area, that he would be willing to assist in finding better locations. In addition, Mr. Guyther stated that if Steuart obtained the property they would preserve the lighthouse as a national historic site.

After discussion of the possibility of alternatives, the Commissioners agreed to respond to Mr. Guyther's comments at next week's meeting.

(Commissioner Parlett left meeting - 11:00 a.m.)

OVERTIME FOR SHERIFF'S DEPUTIES

Present: Sheriff Somerville

Sheriff Somerville presented a list of deputies earning overtime, with reasons for overtime, number of hours, rate of pay and the total amount for the period February 3 to March 3, 1978. The Commissioners advised the Sheriff that they will review the package of information and make a decision at a later time.

GROUP HOME FOR THE MENTALLY RETARDED TASK FORCE

Present: Ed Guthrie, Chairman  
Eileen Hislop

The above representatives of the Group Home for the Mentally Retarded Task Force appeared before the Commissioners to present a preliminary report on assessment of a need for group homes in the County. Along with the assessment for group home needs, a survey was conducted for the need and desire of residential services (apartments and nursing homes). The Task Force recommended the following to the Commissioners:

1. To use their influence to expedite the construction of the two group homes allocated to the County by Department of Health and Mental Hygiene;
2. To support the establishment of a co-resident living program by making CETA and resources available to whichever non-profit organization that would organize such a program;
3. To encourage DHMH to re-evaluate their five-year plan and construct at least five more group homes in the county by January 1984;
4. To increase the number of nursing home beds in the county to take care of those individuals surveyed who needed them.

Staffing requirements were discussed which may be able to be furnished through the CETA program.

The Commissioners agreed to assist in whatever way possible and requested the Task Force to bring to the Board's attention specific instances where the County could use their influence.

PROCLAMATION NO. 78-26 BOYS' CHOIR APPRECIATION DAY

Present: Brahmachari Keith, Director  
Members of the Boys' Choir

The Commissioners presented the above-referenced Proclamation proclaiming Thursday, April 9, 1978 as St. Mary's Boys Choir Appreciation Day.

(Commissioner Parlett joined the meeting by way of telephone hookup.)

REZONING HEARING CASE NO. 77-132 WILLIAM R. EDWARDS

Present: Mr. and Mrs. William R. Edwards, applicant  
Irving Thomas )  
Edward Russell ) opponents  
Joseph Long )

Application was made by William R. Edwards to have approximately one acre of land located at the intersection of Patuxent Bridge Access Road and Patuxent Beach Road rezoned from R-1 (Rural-Residential) to C-2 (Commercial).

The complete record, tape and file of the proceedings are on file the Office of Land Use and Development.

EXECUTIVE SESSION

Present: Joseph E. Bell, County Attorney  
John Norris, County Engineer

The Commissioners agreed to meet in Executive Session in order to discuss matters of possible litigation. The Session was held from 2:00 p.m. to 2:25 p.m.

PINE HILL INDUSTRIAL SUBDIVISION, SECTION I - SITE PLAN NO. 77-144

Present: Frank Gerred, Director, Land Use and Development  
Jim Kenney, Attorney for Cedar Cove  
Dorsey Hughes, Cedar Cove

The Director of Land Use and Development presented the site plan for the Pine Hill Industrial Park Subdivision, within the Cedar Cove development, and stated that all agencies have approved the site plan; however, permits will not be issued until such time as the road bond

figures, which have been submitted to the County Engineer, have been approved.

After discussion, Commissioner Dean made a motion to approve the referenced Site Plan for Pine Hill Industrial Park, Section I, as revised January 9, 1978, seconded by Commissioner Jarboe. Four Commissioners voted in favor with Commissioner Parlett abstaining as he was unable to see the documents.

ILLEGAL DUMPING - LITTERING

Present: John Norris, County Enginee  
Dan Ichniowski, County Engineer's Office  
Gene Potts, " " "  
George E. Guy  
Sheriff Somerville  
Marvin Joy  
George Sparling, State's Attorney  
Representative from Md. State Police

The County Engineer's Office gave a presentation on illegal dumping and littering in the County, by way of slides and reports. Discussion ensued as to how to control and eradication of the problem and four main objectives were agreed upon:

1. Public awareness;
2. Posting of signs at the illegal sites;
3. Surveillance for possible offenders; and
4. Enforcement of existing laws.

Mr. Norris reported that a CETA proposal has been submitted for a nine man crew to clean up the illegal dump sites and requested concurrence by the Board to proceed in this manner and in addition requested funds in the amount of approximately \$10,000 for equipment, materials and transportation.

The Commissioners directed Gene Potts of the County Engineer's Office to coordinate this program, with the assistance of the State's Attorney's Office and the law enforcement agencies, and further directed that the County Engineer's Office should make a determination as to whether various public agencies would provide trucks for this project on a rotating basis and if not, return to the Commissioners for discussion of alternatives and possible funding.

LARREDORE ROAD

Present: John Norris, County Engineer

Mr. Norris presented a response to letter dated March 6 from certain residents of Larredore Road for Commissioner McKay's signature. Commissioner McKay sign same.

LARREDORE ROAD - RIGHT OF WAY DEED

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated March 11, 1977 by and between J. Roland McKay, Joseph Francis Browne and Phyllis J. Browne, William Francis Cole and the County Commissioners of St. Mary's County for certain property necessary for the reconstruction of Larredore Road. Commissioner Jarboe made a motion to accept said Deed, seconded by Commissioner Millison. All Commissioners voted in favor.

LARREDORE ROAD - RIGHT-OF-WAY-DEED

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated April 30, 1977 by and between Joyce Winters Keller and Grafton Travis Keller and the County Commissioners of St. Mary's County for certain property necessary for the reconstruction of Larredore Road. Commissioner Jarboe made a motion to accept said Deed, seconded by Commissioner Dean. All Commissioners voted in favor.

PROJECT NO. SM 77-1-8 INSTALLATION OF TRAFFIC CONTROL SIGNS

Present: John Norris, County Engineer

Mr. Norris stated that bid tally sheets on the above-referenced project were submitted to the Commissioners on March 15 and he had asked that no action be taken at that time until the bids had been reviewed by the Federal Highway Administration. Mr. Norris stated that the low bid was not accepted by the Federal Highway Administration because it exceeds the engineer's estimate by more than 30%. Therefore, the County Engineer recommended that the Commissioners reject all bids and authorize him to readvertise this project. Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CERTIFICATE OF SUBSTANTIAL COMPLETION ST. MARY'S COUNTY  
GOVERNMENTAL CENTER

Present: John Norris, County Engineer

Mr. Norris presented the Certificate of Substantial Completion, Project No. SM 77-6-1, St. Mary's County Governmental Center, dated March 2, 1978, along with punch list from the architectural firm of Smeallie, Orrick and Janka. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said Certificate of Substantial Completion, seconded by Commissioner Jarboe. All Commissioners voted in favor.

SARATOGA DRIVE

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the resurfacing of Saratoga Drive is included in the proposed FY '79 County Engineer's budget under the Asphalt Overlay category. He stated that the construction of a bank is proposed at the corner of Saratoga Drive and the developer has agreed to install curbing and sidewalks so that the roadway would be centered with the right-of-way (which it is not now). The County would do the resurfacing this fiscal year. Since the developer is prepared to start this work next week, the Board's concurrence was requested to proceed in this manner rather than have County relocate the curbing, to which the Commissioners agreed.

COUNTY ROADS IN NEED OF REPAIRS

Present: John Norris, County Engineer

The County Engineer discussed with the Commissioners maintenance resurfacing of various county roads that are in deteriorating condition because of the winter weather, and explained the difficulty he is having in obtaining bids for this type of work. General discussion followed and it was agreed that the County Engineer should proceed to work with the County Attorney in resolving the matter in that Mr. Norris indicated there were some legal procedures that need to be answered and advise the Board of the outcome.

RESOLUTION NO. 78-27 HEALTH REGULATIONS - SCAVANGER LICENSES

Commissioner Dean made a motion to adopt Resolution No. 78-27 entitled "Health Regulations - Scavanger Licenses", to be effective April 1, 1978, seconded by Commissioner Jarboe. All Commissioners voted in favor.



LOAN POLICY TO FIRE DEPARTMENTS AND RESCUE SQUADS

As a result of several requests for loans from various fire departments and rescue squads, Commissioner Dean presented a proposed a policy to be forwarded to the fire departments, rescue squads, Fire Board and Rescue Squad Association for their review and to be discussed at a meeting with the Commissioners scheduled for April 19 at 1:00.

REZONING DECISION CASE NO. 77-05 JOSEPH C. AND RONALD N. GUY  
(4.57 acres - Part of Hopton Park Plaza )

Having conducted a public hearing on the above referenced rezoning case on March 15, 1978 and reviewed the findings of fact, Commissioner Jarboe made a motion seconded by Commissioner Millison, that the County Commissioners approve rezoning of this parcel from AR-2 (Agricultural-Residential) to C-2 (Highway Commercial). The following findings of fact are set forth to support this motion:

A. There was a mistake in the original zoning as demonstrated by:

1. The property has been accepted as an appropriate commercial center by the community for well over thirty years, inasmuch as successful commercial endeavors have been carried on for that period of time in this area;

2. The land in question has been, de facto, accepted by government as commercially used;

a.) Commercial exit required in 1972;

b.) Taxed as commercial.

3. A land use study of the Rt. 5 corridor from Morganza to Leonardtown, after considering present land use, traffic patterns, soils and projected population, recommended this area as being appropriate for a community service center.

B. The existing uses on the property are all commercial and fall into the C-2 zoning classification.

C. Zoning this property C-2 will have a minimal impact on surrounding properties, since over time, the adjoining neighborhood has developed around the existing commercial use on this property.

Four Commissioners voted in favor of this motion, with Commissioner Parlett abstaining.

REZONING DECISION CASE NO. 77-126 CAPE ST. MARY'S MARINA

Commissioner Dean made a motion seconded by Commissioner Jarboe, that the following be the County Commissioners finding of fact in the above-referenced case:

Having conducted the required public hearing and reviewed the record in the subject case, the Board of County Commissioners makes the following finding of fact in the subject case:

1. St. Mary's County is a peninsula surrounded on three sides by tidal waters. These tidal waters are part and parcel of the County's culture, heritage, recreation and commerce. The Zoning Ordinance makes provision for the recreational and commercial public uses of these waters through the provision of commercial marine districts. By their very nature and purpose, Commercial Marine Districts must be located on the water where there is protected harbor.

2. The subject marina consists of extensive acreage and area--both land and water--and has existed as and been operated as a marina for approximately twenty years.

3. The subject marina is the only public marina of its type and size along the St. Mary's County shore line of the Patuxent River between Town Creek and Benedict in Charles County.

4. The subject marina is surrounded on the land sides by residential property but is effectively screened from the residential properties by the natural features of woodland and steep topography.

5. Activities which have occurred on the site since the establishment of the subject marina include boat and slip rental; boat launching, repair and maintenance; restaurant and motel accommodations.

6. The land access routes to the subject marina are the same streets or roads which serve the residential properties adjacent thereto. It is noted, however, that in the original layout and planning of the Cape St. Mary's Subdivision, the establishment of the subject marina was an integral part of the part of the subdivision.

7. The streets and roads which serve the subject marina are in their present condition and state marginally adequate at best. The existing entrance to the property is very poor, being on a 30+ percent grade.

8. The applicants in the subject rezoning case, in an evident desire to at least minimize the generation of additional traffic as might result through expansion; as well as to maintain harmony with the adjacent residential properties, has signed with the Planning Commission a Conditional Zoning Agreement excluding on the subject property--should it be rezoned--camper parks as a permitted use.

Reviewing the above facts, it is the conclusion of the Board of County Commissioners that from the standpoint of appropriate land use of the general area, as well as the long standing planning and historical use of the subject property, it is an appropriate waterfront location for existing and expanded commercial marine activities and that there was a mistake in the original zoning to have it zoned non-conforming. Accordingly, the application for rezoning from R-1 to CM is approved in accord with the Conditional Zoning Agreement signed and agreed to by the applicants. The area rezoned includes all of the subject area depicted on a survey plat prepared by D.H. Steffens Co. dated 10/21/77, excluding the land area north and west of the Yacht Basin from a point where the shoreline intersects the boundary identified as North 31 degrees 15 minutes East.

Though not a part of this rezoning decision, if the appropriate and necessary approvals for expansion are obtained from the appropriate State agencies, the required County's site plan review should specifically address the road entrance to the property so as to effect warranted improvements to serve expanded use. All Commissioners voted in favor.

DISCUSSION OF REZONING CASE NO. 77-127 HAROLD A. AND MARGARET DUFFY - SCOTLAND BEACH HOTEL (Approximately four (4) acres off of Rt. 415) First Election District

Commissioner Jarboe submitted the following as the proposed Commissioners' course of action on the above-referenced rezoning case which was heard by the Commissioners on March 15, 1978:

"It can be argued with some degree of assurance that a mistake was made in the original zoning, inasmuch as some similar areas were zoned CM (Commercial Marine) in May of 1974, whereas Scotland Beach was left as a non-conforming use in an R-1 (Rural-Residential District). However, it would seem inappropriate from an environmental point of view to allow a closed tidal pool of such shallowness as Tanner Creek to be commercialized. Perhaps the CM designation could be allowed, after the Duffy's contract with the Planning Commission to restrict such commercialization on the Creek. Such a contract should:

1. Ensure no use on the Creek which is normally permitted in a CM District except rental of small boats (16' or less in length), with no more than 12 boats for rental;

2. Prohibit storage and distribution of motor fuel at any pier on the Creek abutting the property, or closer than 100' to shoreline of the Creek;

We might also consider simply contracting between the Duffy's and the Planning Commission for no commercial development of Tanner Creek.

I would further suggest we refer this case back to the Planning Commission for further development and consummation of a contract."

The Commissioners gave their concurrence to the above course of action.

SUMMER ARTS FESTIVAL

After discussion of the request by the Summer Arts Festival for funding, Commissioner Jarboe made a motion that the County commit themselves in the amount of \$20,000 for the Summer Arts Festival, and inform the St. Mary's City Commission that the County anticipates that this project will in the future be a self-sustaining operation, and further that tickets be sold to the Baltimore Symphony, seconded by Commissioner Dean. All Commissioners voted in favor.

CRAFTS GUILD OF ST. MARY'S COUNTY

In response to a request by the Crafts Guild of St. Mary's County Commissioner Millison made a motion to grant to them \$2,000 plus a CETA Manager/Bookkeeper position and two part-time cashier CETA positions, if available, seconded by Commissioner Dean. All Commissioners voted in favor.

LETTER TO DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT  
ST. MARY'S SUMMER ARTS FESTIVAL

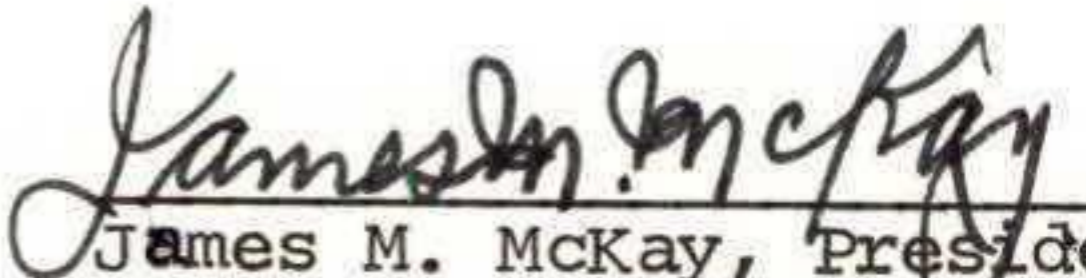
The Commissioners agreed to sign and forward a letter to the Department of Economic and Community Development requesting a matching grant in the amount of \$12,500 to underwrite this Festival.

LETTER TO DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT  
REGIONAL TOURISM PROMOTION PROGRAM

The Commissioners agreed to sign and forward a letter to the Department of Economic and Community Development requesting consideration for funding during Fiscal Year 1979 for the Tri-County Council's regional tourism promotion program.

The meeting adjourned 5:50 p.m.

Approved,

  
James M. McKay, President