

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, December 6, 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 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of November 29, 1978 were read and corrected. Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve the minutes as corrected.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve payment of the bills, as submitted. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 79-11-594  
WEST ST. MARY'S MANOR

The County Administrator presented the referenced clearinghouse project for the Maryland Historical Trust, and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

APPOINTMENT

HUMAN RELATIONS COMMISSION

Commissioner Jarboe moved, seconded by Commissioner Parlett, to appoint Father Francis Walsh to the Human Relations Commission, for a term to expire June 30, 1982. All Commissioners voted in favor.

ST. MARY'S COUNTY AIRPORT

The County Administrator presented a letter for Commissioner McKay's signature addressed to the Federal Aviation Administration enclosing the Certification of Consultation with the Fixed Base Operator, a letter stating the county has its share of the project costs, and the Relocation Assurances. Commissioner Dean moved, seconded by Commissioner Parlett, to authorize Commissioner President McKay to sign said letter. All Commissioners voted in favor.

EMPLOYEES ASSOCIATION

Present: Nancy Hutson, Steering Committee  
Judy Bowles, Steering Committee  
Ruby Beaman, Steering Committee

The above members of the Steering Committee introduced the newly elected officers of the Employees Association to the Commissioners:

President	Joe Anderson
1st Vice President	Gene Pellillo
2nd Vice President	Tom Oliver
Recording Secretary	Cecelia Adams
Corresponding Secretary	Barbara Dotson
Treasurer	Mary Lou Norris

ZONING DECISION RESOLUTION NO. Z-78-6A (CORRECTION)  
WILDEWOOD PUD - CASE NO. 78-166

Present: Frank Gerred, Director, Land Use and Development

Mr. Gerred presented the referenced Rezoning Resolution which corrected Resolution No. Z-78-6A which read on Page 3, Paragraph 1, Line 3 "approximately 250 acres of land from I-1" and should read "approximately 25 acres of land from I-1." The Commissioners agreed to sign said correcting Resolution. (Commissioner Parlett did not sign said Resolution in that he did not participate in the hearing.)

MEMORANDUM OF UNDERSTANDING  
BRETON BAY PUD ZONING DECISION - NO Z-78-7A  
CASE NO. 78-126

Present: Frank Gerred, Director, Land Use and Development

(Commissioners McKay and Millison did not participate.)

Mr. Gerred reviewed with the Commissioners the Memorandum of Understanding between the County and the developer for the Breton Bay PUD Rezoning Case No. 78-126, which has been reviewed by the Technical Evaluation Committee, and stated that the Metropolitan Commission Chairman needs to sign it.

After discussion, Commissioner Dean moved, seconded by Commissioner Jarboe, to adopt the Memorandum of Understanding in the Breton Bay PUD Zoning Decision No. Z-78-7A to the extent that the Metropolitan Commission finds it acceptable. Commissioners Dean, Jarboe and Parlett voted in favor.

SIMPLIFIED SITE PLAN NO. 78-252  
DEAN CONSTRUCTION COMPANY

Present: Robert Trautman, applicant  
Frank Gerred, Director, Land Use and Development

(Commissioner Dean was not present for discussion and decision.)

Mr. Gerred presented the referenced site plan for the installation of 210 ton capacity bituminous concrete storage bin on the north side of Route 235, 0.7 miles northwest of St. Andrews Church Road, Eighth Election District. Mr. Gerred advised that it was the recommendation of the Planning Commission to approve this site plan. Therefore, Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve Simplified Site Plan No. 78-252. All Commissioners present voted in favor.

ZONING DECISION RESOLUTION NO. Z-78-15  
FDF, INC. (SOUTHGATE PARK) - CASE NO. 78-168

Present: Frank Gerred, Director, Land Use and Development

Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve and sign Zoning Decision Resolution No. Z-78-15 approving the reclassification of approximately 68.3 acres of land from a Planned Unit Development PDR 3.5 to PDR 4.2 in accordance with the submitted Development Plan. All Commissioners voted in favor.

SOUTHGATE PARK ZONING AMENDMENT NO. Z-78-16  
AMENDMENT TO DEVELOPMENT AGREEMENT FOR SOUTHGATE PARK  
CASE NO. 78-168

Present: Frank Gerred, Director, Land Use and Development

Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve Zoning Resolution No. Z-78-16, Amendment to Development Agreement for Southgate Park, subject to certain covenant and agreements set forth in said Amendment to the Development Agreement. All Commissioners voted in favor.

ZONING DECISION RESOLUTION NO. Z-78-13  
TEXT AMENDMENTS TO THE ST. MARY'S COUNTY ZONING ORDINANCE

Commissioner Dean moved, seconded by Commissioner Jarboe to approve the referenced zoning resolution making certain housekeeping changes to provide clearer understanding and clarification to the St. Mary's County Zoning Ordinance. All Commissioners voted in favor.

ZONING DECISION RESOLUTION NO. Z-78-12  
HAROLD AND MARGARET DUFFY  
CASE NO. 77-127

Present: Frank Gerred, Director, Land Use and Development

Commissioner Jarboe moved, seconded by Commissioner Dean, to approve and sign the referenced zoning application of Harold and Margaret Duffy granting a change in classification from R-1, Rural-Residential to CM, Commercial Marine for land indentified as Parcel 60 on Tax Map, 73, located on Md. Rt. 415, known as the Scotland Beach Hotel, Scotland Beach, Md., First Election District, on the grounds that there was a mistake in the original zoning and there has been a significant change in the character of the neighborhood, but with the additional restriction, condition or limitation that there be no commercial use on the portion of the subject property adjacent to Tanners Creek, or will any commercial use be allowed in Tanners Creek. Four Commissioners voted in favor, with Commissioner Parlett abstaining in that he did not participate in the hearing.

ZONING DECISION RESOLUTION NO. Z-78-14  
GUY AND GUY - CASE NO. 78-184

Present: Frank Gerred, Director, Land Use and Development

Having conducted a public hearing on the application of John C. and William Andrew Guy to have approximately 4.98 acres of land, located at the corner of Old Baptist Church Road and Old and New Md. Rt. 5, Fifth Election District, rezoned from AR-2, Agricultural-Residential, to I-1, General Industrial, Mr. Gerred presented a proposed Zoning Decision Resolution for the Commissioners' review.

Commissioner Millison moved, seconded by Commissioner Parlett, to approve and sign Zoning Decision Resolution No. Z-78-14, for John C. and William Andrew Guy, Case No. 78-184. All Commissioners voted in favor.

Prior to voting on this decision, Commissioner Dean stated for the record that although he was not in attendance at the County Commissioners' public hearing and in addition has read the complete case record, and further it was the County Attorney's opinion that because of the foregoing facts and interpretation of Md. law, he could participate.

In conclusion, the Commissioners directed Mr. Gerred to urge the Planning Commission that upon review and approval of the site plan of the development of this property to require the entrance off of Old Baptist Church Road for the purpose of public traffic safety unless it should prove to be non-feasible.

ZONING DECISION RESOLUTION NO. 78-17  
TEXT AMENDMENTS TO THE ST. MARY'S COUNTY  
ZONING ORDINANCE AND COMPREHENSIVE PLAN  
CASE NO. 78-219 (RURAL SERVICE CENTERS)

Present: Frank Gerred, Director, Land Use and Development

Mr. Gerred presented the referenced Zoning Decision Resolution for the Commissioners' review and signatures.

Having conducted a public hearing on October 4, 1978 to provide for the establishment of a new zoning district know as RSC, Rural Service Center, and in accordance with the Commissioners' decision of November 8, 1978 to include a Rural Service Center zoning district, Commissioner Jarboe moved, seconded by Commissioner Dean, to approve and sign Zoning Decision Resolution No. 78-17. All Commissioners voted in favor.

REZONING DECISION RESOLUTION NO. Z-78-11  
COMPREHENSIVE REZONING OF CALLAWAY NEIGHBORHOOD  
CASE NO. 78-220

Present: Frank Gerred, Director, Land Use and Development

Having conducted a public hearing on October 4, 1978 on the referenced matter and after consideration of Zoning Application No. 78-131 by Mary O. Callaway, and Zoning Application No. 78-132 by Elizabeth E. Phillips and upon recognition of the new zoning district called the Rural Service Center, that Parcels 187, 44, 21, 22, 231, 62 and portions of Parcels 13, 234, 169, 171, 18, 19, and 179, as shown on Tax Map 50, be and the same are hereby comprehensive rezoned from AR-2, Agricultural-Residential, to RSC, Rural Service Center, as a part of the comprehensive rezoning of all rural service centers, Commissioner Dean moved, seconded by Commissioner Jarboe to approve and sign Rezoning Decision Resolution No. Z-78-11. All Commissioners voted in favor.

ZONING DECISION RESOLUTION NO. Z-78-10  
J.F. THEATRES - CASE NO. 75-5

Present: Frank Gerred, Director, Land Use and Development

(Commissioner Millison did not participate.)

Having conducted public hearings on August 18, 1976 and November 2, 1977 on the referenced rezoning application and after review of the proposed Zoning Decision Resolution as prepared by the County Attorney and reviewed and submitted by the Director of Land Use and Development, Commissioner Jarboe moved, seconded by Commissioner Dean, to approve and sign Zoning Decision Resolution No. Z-78-10 approving the application of J.F. Theatres, Inc., survivor of Southern Maryland Theatres, Inc., to have approximately 8.58 acres of land rezoned from R-1 to C-1, Commercial, in accordance with the submitted exhibits describing said property. Four Commissioners present voted in favor.

CEDAR COVE SUPPLEMENTAL DEVELOPMENT AGREEMENT

Present: Frank Gerred, Director, Land Use and Development

Mr. Gerred reviewed with the Commissioners the Supplemental Agreement for Cedar Cove development. During discussion, the Commissioners expressed concerns about various items contained in the Agreement, and the fact that the Agreement should be reviewed by the Navy. Therefore, the Commissioners directed Mr. Gerred to have the Navy review the document and return to the Commissioners at their meeting on Monday evening at 7:30 p.m.

SOUTHGATE SUBDIVISION, SECTION I

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County has not received an Addendum to the Public Works Agreement and rebonding for the referenced subdivision and therefore requested authorization that if the addendum and rebonding are not received by December 22, 1978 the date of expiration of the current Agreement and bond, a "Stop Work Order" be issued.

Commissioner Dean moved, seconded by Commissioner Parlett, that if the County has not received the Addendum to the Public Works Agreement and rebonding for Southgate, Section I, by December 22, 1978, the County should issue a "Stop Work Order"; however, if the Addendum is received prior to December 22, 1978, this action will be null and void. All Commissioners voted in favor.

LARREDORE ROAD RECONSTRUCTION

Present: John Norris, County Engineer

Mr. Norris requested approval from the Commissioners for the paving of the driveway entrances on property on Larredore and payment for the relocation of driveway posts to entrance on certain property at a cost of \$389. The Commissioners gave their concurrence.

ORDINANCE NO. 78-66

SPRING VALLEY TAXING DISTRICT FOR ROAD IMPROVEMENTS

Present: John Norris, County Engineer

Having conducted a public hearing on November 22, 1978, on the proposed Ordinance Establishing a Special Taxing District for the Construction of Roads and Drainage in the Spring Valley Subdivision, Eighth Election District, Commissioner Jarboe moved, seconded by Commissioner Millison, to adopt Ordinance No. 78-66, Spring Valley Taxing District, and further to amend the second page where it states that the lot owners are responsible for the \$217,000, to read that this sum represents the amount required to bring said streets into the conditions required by the approved set of plans at the time the subdivision was approved. All Commissioners voted in favor.

MOBILE HOME HARDSHIP CASES NO. 78-11 and 78-17

The County Administrator presented memoranda from the Zoning Administrator setting forth the recommendations of the Mobile Home Hardship Evaluation Committee on the referenced cases. It was the Committee's recommendation to approve Case No. 78-11 and denial of Case No. 78-17.

Commissioner Dean moved, seconded by Commissioner Millison to accept the recommendations of the Mobile Home Hardship Evaluation Committee and approved Case No. 78-11 and deny Case 78-17. All Commissioners voted in favor.

EXECUTIVE SESSION - PERSONNEL

Present: Harris Sterling, Director of Finance

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 3:45 p.m. to 4:00 p.m.

RECLASSIFICATION REQUEST - FINANCE OFFICE  
FISCAL CLERK III TO FISCAL ASSOCIATE

As recommended by the State, Commissioner Millison moved, seconded by Commissioner McKay, that the position of Fiscal Clerk III in the Finance Office be reclassified to Fiscal Associate and that the position be advertised as a promotional opportunity throughout County Government. Commissioners Millison and Parlett voted in favor with Commissioners McKay, Dean and Jarboe voting against, with Commissioner Jarboe stating for the record that there is an existing county policy whereby all reclassifications are considered at budget time. Commissioner Millison stating for the record that there have been exceptions to that policy.


Later in the meeting, Commissioner Dean stated he had learned from the incumbent of the position in question that the position has been retained at the same grade level for several years and that although it had been recommended for reclassification by the supervisor of the Department last fiscal year, the reclassification request had been rejected. Therefore, Commissioner Dean moved, seconded by Commissioner Millison, to rescind the previous motion and further moved, to approve the reclassification of the Fiscal Clerk III position, Grade 8, to Fiscal Associate, Grade 10, and that the position be advertised as a promotional opportunity. All Commissioners voted in favor.

CHARLOTTE HALL SETTLEMENT

Commissioner Parlett reported that as directed at last week's meeting he represented the County Commissioners at the settlement of the Charlotte Hall School property acquisition settlement on Tuesday, December 6. All appropriate documents were signed and prepared for recordation.

The meeting adjourned at 4:30 p.m.

Approved,



James M. McKay, President

