

PLANNING, ZONING AND PLUMBING FEES

TIME 4:19 P.M.  
 MAR 28-77 \* 2129 \*\*\*\*\*00  
 MAR 28-77 A 21291 \*\*\*\*\*50

WHEREAS, Article 19.1 of the St. Mary's County Zoning Ordinance provides for the establishment of Planning and Zoning Fees by the Board of County Commissioners, and

WHEREAS, Section 143A of the Code of Public Local Laws of St. Mary's County, authorizes the Board of County Commissioners to set Plumbing Permit Fees, and

WHEREAS, the appropriate fees have been evaluated as to services to citizens and costs to the County of insuring the protection of the Public therefore, and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended;

THEREFORE, BE IT RESOLVED that the enclosed fee schedule is established and ordered collected for permits, plans and processes as indicated, effective March 21, 1977, and that all existing fee schedules, if any, for the same purposes are repealed.

Enclosure:  
 Fee Schedule

BOARD OF COUNTY COMMISSIONERS  
 OF ST. MARY'S COUNTY, MARYLAND



*J. Manning McPoy*  
 J. Manning McPoy, President

*Ford L. Dean*  
 Ford L. Dean, Member

*Patrick Jarboe MD*  
 Patrick Jarboe, ...D., Member

*J. Laurence Millison*  
 J. Laurence Millison, Member

*John K. Parlett*  
 John K. Parlett, Member

Date:

ATTEST:

*Edward V. Cox*  
 Edward V. Cox  
 County Administrator

APPROVED: COUNTY ATTORNEY

*Joseph Ernest Bell II*  
 Joseph Ernest Bell II

St. Mary's Co. Comm's. 4-14-77

**SCHEDULE OF FEES FOR ST. MARY'S COUNTY**

**1. Planning and Zoning Actions**

**Fees**

Zoning Permit	No Fee
Subdivision Plat Review	\$10.00 per lot, plus actual consultant review cost
Site Plans:	\$150.00
Regular	\$50.00 (However, if the estimated capital improvement does not exceed \$500.00, review fees shall be \$25.00)
Simplified	
Zoning Amendment (Rezoning)	\$100.00
Planned Unit Development - Plan Review	\$500.00

**2. Board of Appeals' Actions**

**Fees**

Conditional Use/Special Exception	\$50.00
Variance to the Zoning Ordinance	\$25.00 each item
Appeal of Zoning Administrator's Decision	\$50.00, refundable if the Board of Appeals finds in favor of the applicant
Change, Re-institution or Expansion of Non Conforming Use (if greater than 50% and has to be heard by the Board of Appeals)	\$50.00

**3. Other Actions**

**Fees**

Occupancy Permits	(See attached list)
Signs:	No Fee
Under 5 sq. ft. of sign area	\$10.00
5 to 32 sq. ft. " " "	\$10.00, plus \$ .05 per sq. ft. of sign area
Greater than 32 sq. ft. " " "	
Public Notices and Advertising	\$15.00 per case

\* For any fees for uses or processes not covered herein, the Zoning Administrator shall equate the fee to the nearest schedule.

\*\* Refunds of fees shall not be granted except in extraordinary circumstances with just cause given and upon determination by the Director, Office of Land Use and Development.

USA 5/12/03

FEES FOR OCCUPANCY PERMITS FOR ST. MARY'S COUNTY

<u>USE/STRUCTURE</u>	<u>SEE</u>
Single Family Dwelling, where required	No Fee
Duplex Structure	\$3.00 per unit
Home Occupations	\$10.00
Multi-family, Garden Apartments, and Townhouse Dwelling Structures, Rooming Houses, Tourist Houses, Boarding Houses	\$10.00 per structure plus \$3.00 per unit.
Swimming Pools (permanent type)	\$5.00
Parking Structure, commercial greenhouses, drive-in theaters, tents for commercial use, carnival, circus, festival, and similar uses.	\$10.00
Hotels, Motels, Inns, Mobile Home Parks, Private Clubs and Lodges and Camper Parks	\$10.00 plus \$2.00 per unit
Other commercial, office, marinas, food processing (per 5,000 sq. ft. gross floor area or fraction thereof).	\$10.00
Manufacturing/Industrial	\$50.00 plus \$2.00 per 1,000 sq. ft. of floor space. (Maximum fee \$500.00)
Government-owned, operated, and/or sponsored facilities and activities, and civic association, historical buildings, short-term activities of non-profit organizations, and similar uses, including signs.	No Fee (Permit required)
Uses such as: private schools, churches, day nurseries, boarding camps, day care, foster care, temporary or seasonal sales <u>not</u> operated by non-profit organizations, and similar uses.	No Fee (Permit required)
Change of use.	The fee shall be the same as per schedule.
Expansion of use	Percentage expansion, times appropriate fee schedule.

**NOTE:**  
 Minimum fee for any single Certificate of Occupancy shall not be less than \$5.00.

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1001 1002 1003 1004

SCHEDULE OF FEES (CONTINUED)

PLUMBING	FEES
New Installation - Houses	\$3.00 per fixture (\$15.00 minimum)
Mobile Home	\$15.00
Re-issue of expired permit	\$15.00
Fixtures left out of original permit application	\$5.00 each
Water Service connection to private or public central water system	\$10.00
Sewer Service connection to a private or public central sewer system	\$10.00
Additional inspections in excess of three	\$5.00 each
County Master License Fee	\$10.00 per year
County Journeyman License Fee	\$5.00 per year
County Apprentice License Fee	\$2.00 per year

REFUNDS: Refunds of fees shall not be granted except in extraordinary circumstances with just cause given and upon determination by the Director, Office of Land Use and Development or his authorized representative.

*[Signature]*

APPROVED COUNTY CLERK

St. Mary's Co. Coroner

4-14-77

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MAR 28 1977

Resolution No. 77-19

Time 4:20 P.M.

BUILDING PERMIT FEE SCHEDULE

MAR 28 1977 \* 21252 \*\*\*\*\*  
MAR 28 1977 A 21252 \*\*\*\*\*

WHEREAS, Article 25, Section 25, of the Annotated Code of Maryland, authorizes the Board of County Commissioners to set Building Permit fees in December of each year, and

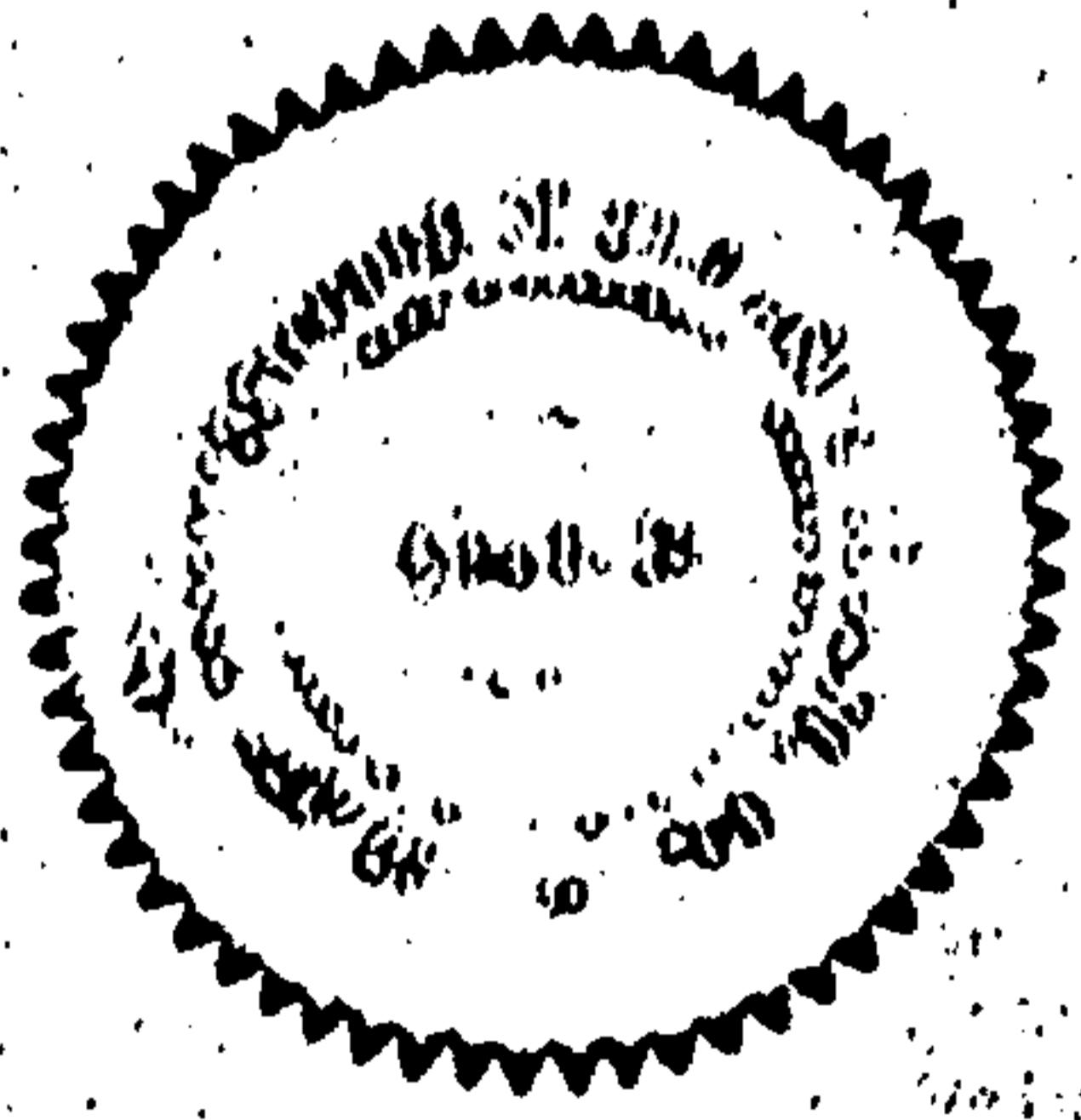
WHEREAS, the appropriate fees have been evaluated as to services to citizens and costs to the County of insuring the protection of the public therefore, and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended;

THEREFORE, BE IT RESOLVED that the enclosed Building Permit Fee Schedule is established as indicated and ordered collected for new construction, effective March 21, 1977, and that any conflicting fee schedules, if any, for the same purposes are repealed.

Enclosure:  
Fee Schedule

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



J. Manning McKay  
J. Manning McKay, President,

Ford L. Dean  
Ford L. Dean, Member

J. Patrick Jarboe  
J. Patrick Jarboe, M.D., Member

Laurence Millison  
Laurence Millison, Member

John K. Parlett  
John K. Parlett, Member

Date:

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED: COUNTY ATTORNEY

Joseph Ernest Bell II  
Joseph Ernest Bell II

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002 08

**BUILDING PERMIT FEE SCHEDULE**

**BUILDINGS, STRUCTURES AND RELATED**

**FEE**

Agricultural, forestry and fishery structures, including appurtenances based on gross sq. ft. of floor space under roof.

One (1¢) cent per square foot. Fee is charged only for structures of a size of 300 sq. ft. or greater.

Construction of all single family and two family dwelling structures, and mobile homes including basements, garages, and appurtenances thereto, based on gross floor space under roof. (Basement is anything 75% or more below grade)

Five (5¢) cents for each square foot of the basic structure. Two (2¢) cents per sq. ft. for basements, garages and appurtenances thereto.

Townhouses, garden apartments and multi-family dwelling structures, including appurtenances, basements and garages based on gross floor space under roof.

Five (5¢) cents for each square foot.

Commercial and industrial structures and enclosures and appurtenances based on gross floor area under roof.

Five (5¢) cents for each square foot.

Hardstands, open parkings lots, and similar construction based on gross square footage covered thereby.

One (1¢) cent for each square foot over 100 sq. ft.

Private permanent-type swimming pools and tennis courts.

\$10.00

Commercial or public swimming pools and tennis courts.

\$25.00

Metal or wood free-standing storage sheds and similar sheds, accessory to residential structures.

One (1¢) cent per square foot. Minimum fee of \$5.00. Fee is charged only for structures of a size greater than 144 square feet.

Observation stands, piers, trailer and camper pads and spaces, antenna structures exceeding fifteen (15) feet in height, commercial petroleum storage tanks and pumps, boat houses, bulkheads, groins, levees, breakwaters and jetties.

\$10.00 per unit.

Additions to agricultural, residential, commercial and industrial structures

Computed at same rate as for the existing structure use.

Moving of principal buildings. (Principal building shall mean a building used as a residence, or a building used for commercial or industrial purposes)

\$15.00 per building..

Demolition of principal buildings larger than 144 square feet to which is connected electrical service or water supply.

No Fee.

For any fees for use or structures not covered herein, the County shall equate the fee to the nearest schedule.

Refunds: Refunds of fees shall not be granted except in extraordinary circumstances with just cause given and upon determination by the Director, Office of Land Use and Development.

*St. Mary's Co. Comm.* 4-14-77

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WCR 002 MAR 07

TIME 3:17 P.M.

APR-4 77 # 21625 \*\*\*\*\*AC  
MAY-4 77 A 21625 \*\*\*\*\*AC

NO: 77-16

SUBJ: ADOPTION OF AMENDED 1977  
ZONING ORDINANCE FOR ST.  
MARY'S COUNTY  
(Resigned Document)

RESOLUTION

WHEREAS, by virtue of the authority conferred by Article 66B of the Annotated Code of Maryland, the Planning Commission for St. Mary's County has recommended a proposed Zoning Ordinance, revised 1976, for St. Mary's County setting forth in same the objectives, principles, policies and standards, which shall serve as a guide for the development and economic and social well being of St. Mary's County; and,

WHEREAS, a public hearing on said plan was held by the Planning Commission, as required by law, on April 19, 1976, at Leonardtown, St. Mary's County, Maryland, due notice of same having been given by publication in a St. Mary's County newspaper of general circulation fifteen days prior to said hearing; and,

WHEREAS, copies of said ordinance were referred to adjoining state and local jurisdictions more than sixty days prior to said hearing as required by law; and,

WHEREAS, the Planning Commission approved on May 10, 1976, the entire proposed Zoning Ordinance, revised 1976, including Existing Land Use and Economic Parameters and the text, zoning district maps, charts and other material, including Appendix, that comprise said ordinance; and,

WHEREAS, the Board of County Commissioners, pursuant to the authority of Article 66B of the Annotated Code of Maryland, gave due notice of and conducted a public hearing on the proposed ordinance on December 15, 1976; and,

WHEREAS, the Board of County Commissioners have had sufficient time to study this ordinance and the recommendation made by the Planning Commission and by other groups and individuals;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board

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002 08

NO: 77-16

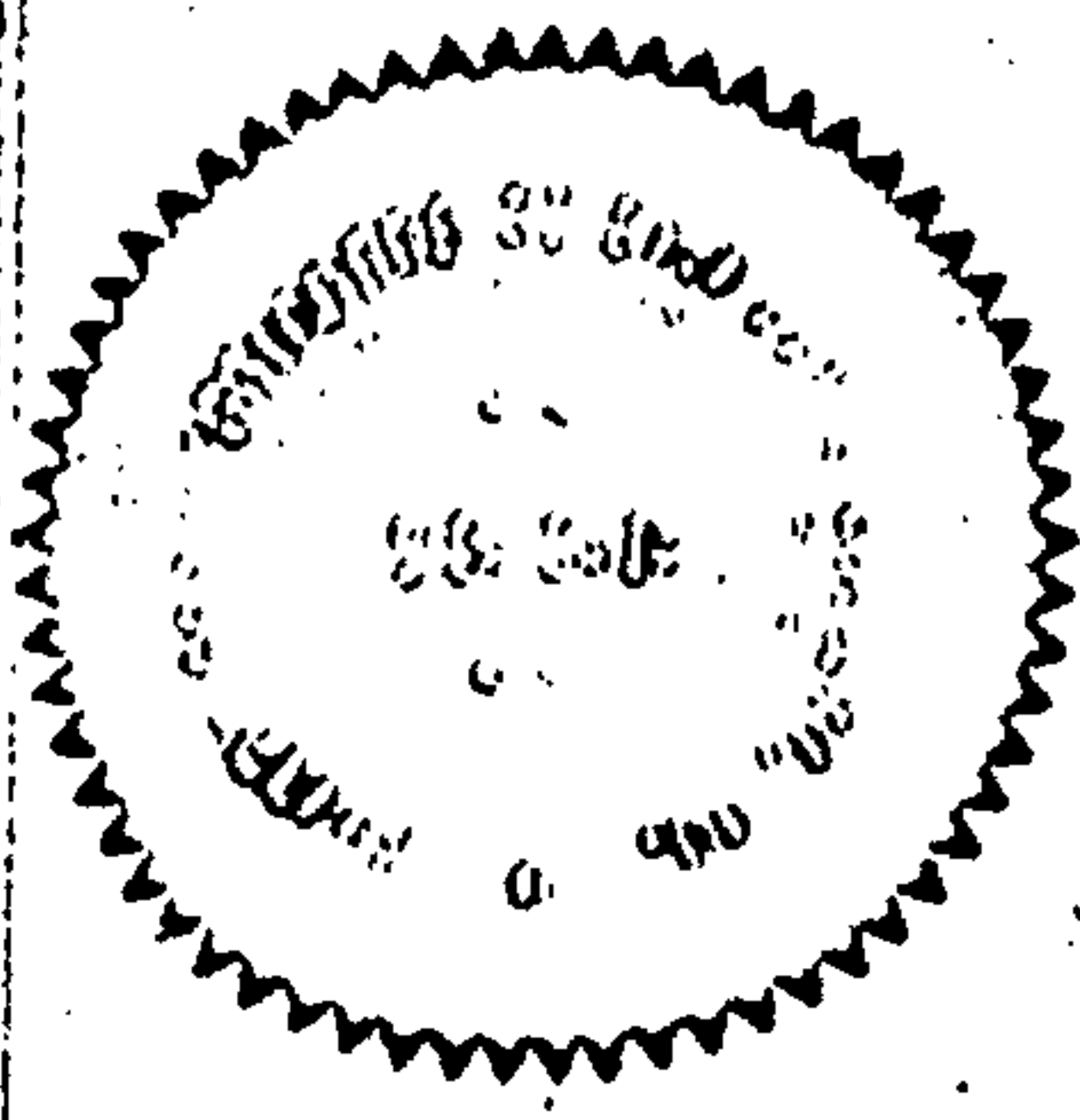
SUBJ: ADOPTION OF AMENDED 1977  
ZONING ORDINANCE FOR ST.  
MARY'S COUNTY  
(Resigned Document)

PAGE: 2 of 2

of County Commissioners, this 10th day of March  
1977, that the Zoning Ordinance for St. Mary's County,  
amended 1977, by the Planning Commission is approved and  
adopted, with the Amendments as noted above.

Effective:  
March 10, 1977

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President

*John K. Parlett*  
John K. Parlett, Vice-President

*Ford L. Dean*  
Ford L. Dean, Commissioner

*J. Patrick Jarboe*  
J. Patrick Jarboe, M.D., Commissioner

Larry Millison, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox,  
County Administrator

APPROVED AS TO LEGAL FORM:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

St. Marys Co Commrs 4-14-77



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LIBR 002 PAGE 09

TIME 9:08 p.m.  
APR -4-71 \* 21626 \*\*\*\*\*00  
APR -4-71 A 21626 \*\*\*\*\*00

NO: 77-15

SUBJ: ADOPTION OF REVISED 1977  
COMPREHENSIVE PLAN FOR ST.  
MARY'S COUNTY  
(Resigned document)

RESOLUTION

WHEREAS, by virtue of the authority conferred by Article 66B of the Annotated Code of Maryland, the Planning Commission for St. Mary's County has recommended a proposed Comprehensive Plan, revised 1976, for St. Mary's County setting forth in same the objectives, principles, policies and standards, which shall serve as a guide for the development and economic and social well being of St. Mary's County; and,

WHEREAS, a public hearing on said plan was held by the Planning Commission, as required by law, on April 19, 1976, at Leonardtown, St. Mary's County, Maryland, due notice of same having been given by publication in a St. Mary's County newspaper of general circulation fifteen days prior to said hearing; and,

WHEREAS, copies of said plan were referred to adjoining state and local jurisdictions more than sixty days prior to said hearing as required by law; and,

WHEREAS, the Planning Commission approved on May 10, 1976, the entire proposed Comprehensive Plan, revised 1976, including Existing Land Use and Economic Parameters and the text, maps, charts and other material, including Appendix, that comprise said plan; and,

WHEREAS, the Board of County Commissioners, pursuant to the authority of Article 66B of the Annotated Code of Maryland, gave due notice of and conducted a public hearing on the proposed plan on December 15, 1976; and,

WHEREAS, the Board of County Commissioners have had sufficient time to study this plan and the recommendation made by the Planning Commission and by other groups and individuals;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board

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002 MAR 10

NO: 77-15

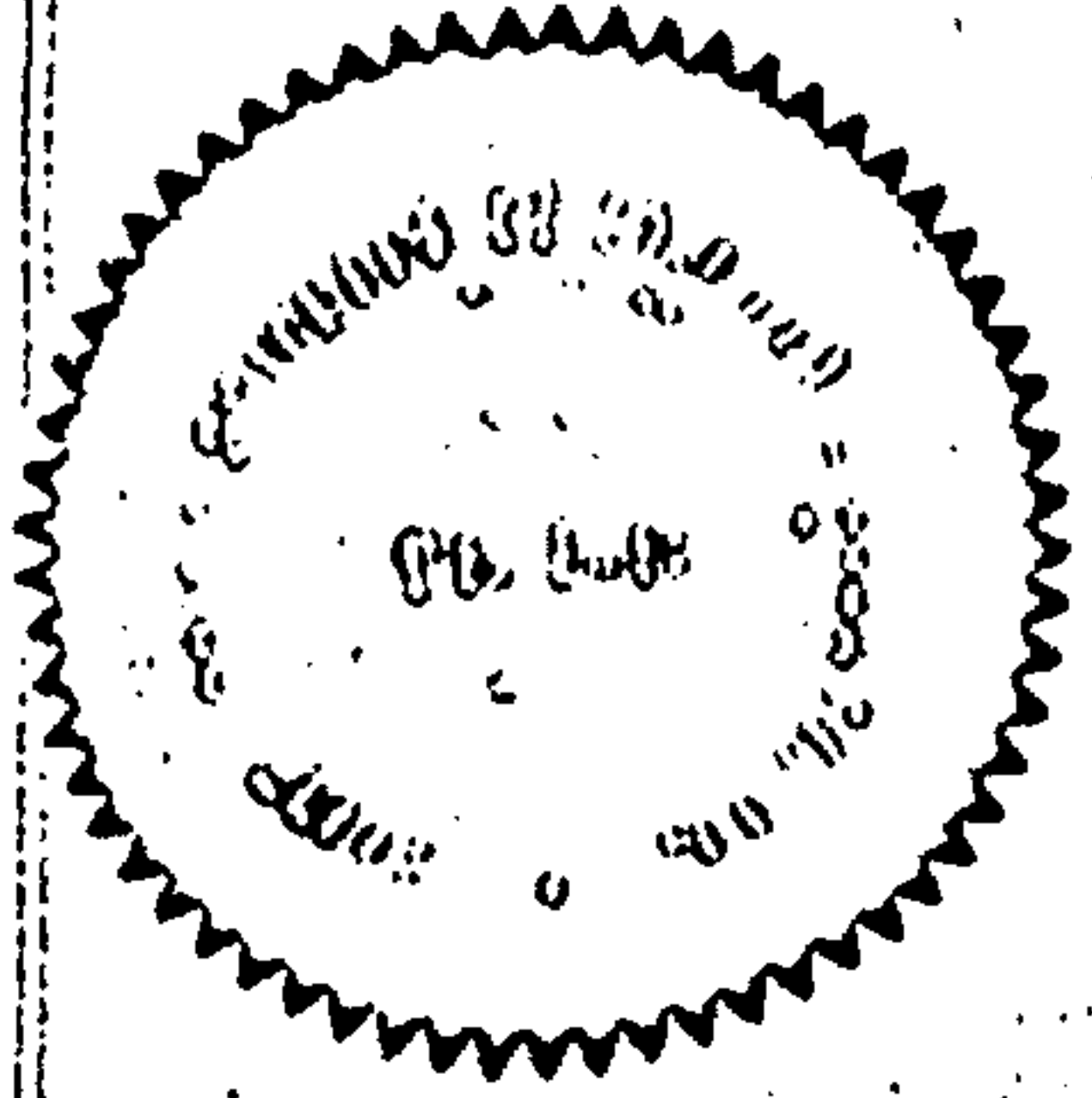
SUBJ: ADOPTION OF REVISED 1977  
COMPREHENSIVE PLAN FOR ST.  
MARY'S COUNTY  
(Resigned document)

PAGE: 2 of 2

of County Commissioners, this 10th day of March, 1977,  
that the Comprehensive Plan for St. Mary's County, revised  
1977, by the Planning Commission is approved and adopted, with  
the Amendments so noted above.

Effective this date:  
March 10, 1977

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President

*John K. Parlett*  
John K. Parlett, Vice-President

*Ford L. Bean*  
Ford L. Bean, Commissioner

*J. Patrick Jarboe, M.D.*  
J. Patrick Jarboe, M.D., Commissioner

Larry Millison, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox,  
County Administrator

APPROVED AS TO LEGAL FORM:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

St. Mary's Co. Comm. 4-17-77

1257 002 44 11

NO: 77-24

SUBJ: RECREATIONAL VEHICLE RALLIES

TIME 9:16 A. M.

HEALTH DEPT. ST. MARY'S CO.

RESOLUTION

WA 15-77 # 22082 \*\*\*\*\*00

WA 15-77 A 22082 \*\*\*\*\*00

WHEREAS, the Board of St. Mary's County Commissioners, sitting as the St. Mary's County Board of Health, has been apprised by the Director of Environmental Hygiene, St. Mary's County Health Department, that neither the State of Maryland nor the St. Mary's County Board of Health has adopted specific regulations regarding sewage disposal and other matters of public health for those camping events commonly referred to as "RECREATIONAL VEHICLE RALLIES";

WHEREAS, the St. Mary's County Board of Health deems that such camping activities commonly referred to as "RECREATIONAL VEHICLE RALLIES" are legitimate and recognized camping activities for which provision should be made; and,

WHEREAS, the St. Mary's County Board of Health recognizes the fact that by their nature "RECREATIONAL VEHICLE RALLIES" are special camping events and occur on a much less frequent basis than does individual camping; and,

WHEREAS, "RECREATIONAL VEHICLE RALLIES" involve in the main self-contained units collectively placed together for relatively short periods of time only, thus diminishing the needed capacity of the on-site sewage disposal system as generally required for camper parks in which the campers rely primarily on service building facilities provided.

NOW, THEREFORE, BE IT RESOLVED that the St. Mary's County Board of Health does define for the purpose of this Resolution that a Rally (which may also be commonly referred to as a Jamboree, Samboree, or some other registered name) is:

A specific camping event, not to exceed seven (7) days duration, in which the members of an organized camping club; as evidenced by adopted by-laws, paid membership, regularly published newsletter, or incorporation; collectively camp together in recreational vehicles in a planned and organized manner.

IT IS FURTHER RESOLVED that in St. Mary's County a Recreational Vehicle Rally may be permitted only in approved camper parks subject to the following provisions:

(1) For each Rally, the operator of the camper park intended to be the location of a Rally must obtain in advance a permit for the Rally from the Director of Environmental Hygiene of St. Mary's County Health Department.

122 122 12

NO: 77-24

SUBJ: RECREATIONAL VEHICLE RALLIES

PAGE: 2 of 2

(2) As a condition for the issuance of the required permit, the Director of Environmental Hygiene of the St. Mary's County Health Department shall approve the methods for:

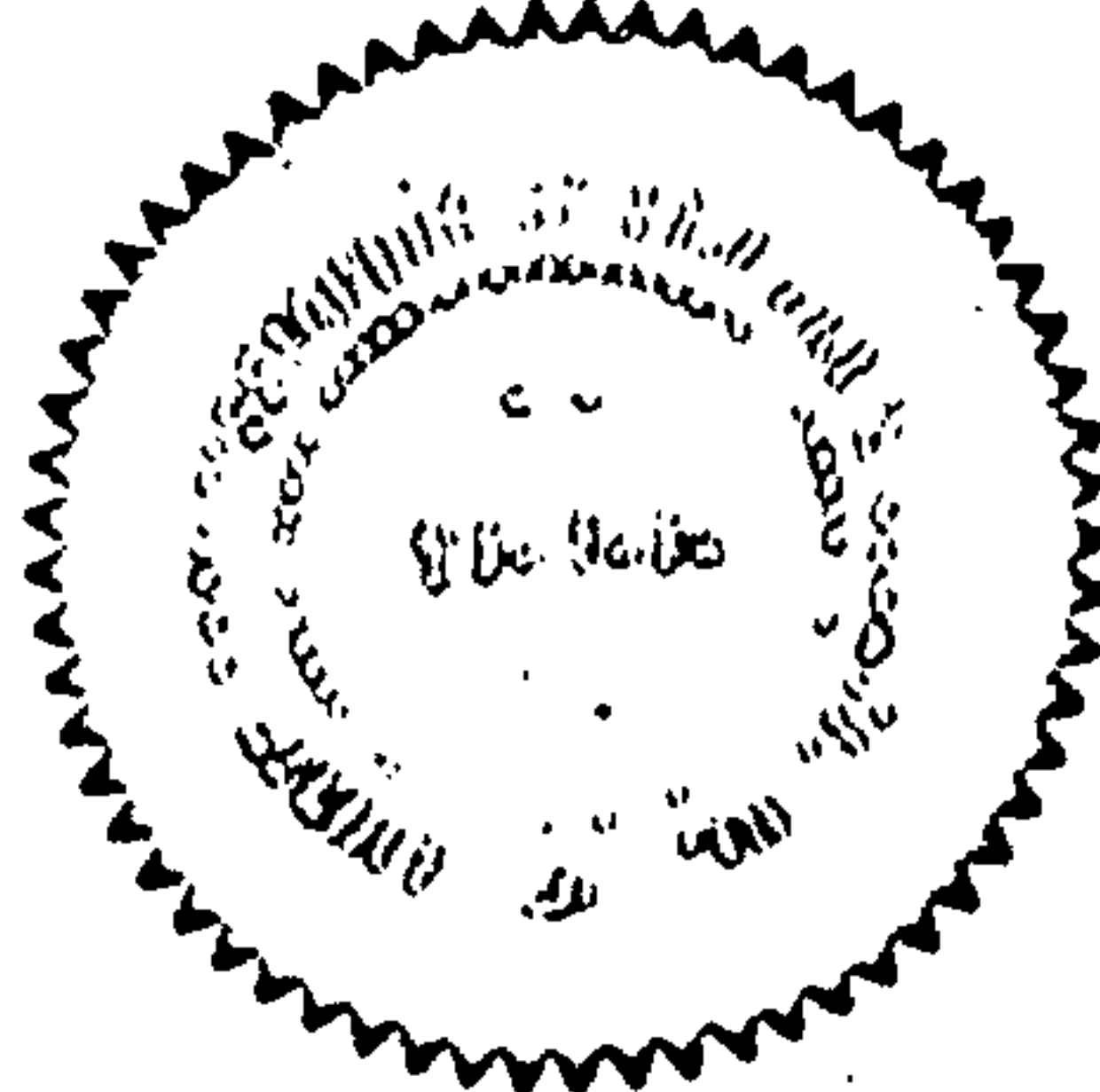
- a. Sewage disposal
- b. Providing potable water supply
- c. Garbage and refuse disposal
- d. Meeting food service regulations
- e. Providing emergency medical service

(3) All sewage disposal shall be by dumping into approved on-premises dumping stations which are connected to either a public sewage disposal system or an approved on-site sewage disposal system. On-site systems shall be designed and constructed to accommodate a capacity of thirty-five (35) gallons of sewage per recreational vehicle per day.

(4) There shall be provided on the camper park premises one (1) dumping station per each one hundred (100) recreational vehicles.

(5) Any electrical service provided for the recreational vehicle units must be inspected and approved by the County's Electrical Inspection Agency.

Effective: April 14, 1977



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND  
SITTING AS BOARD OF HEALTH

*James M. McKay*  
James M. McKay, President

*John K. Parlot*  
John K. Parlot, Vice-President

*Ford L. Dean*  
Ford L. Dean, Commissioner

*J. Patrick Jarboe*  
J. Patrick Jarboe, M.D., Commissioner

*Larry Millison*  
Larry Millison, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox,  
County Administrator

*Juanita A. Anderson for*  
William J. Marek  
Deputy State Health Officer - Executive  
Secretary of the Board of Health

APPROVED AS TO LEGAL  
SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II  
County Attorney

*St. Mary's Co. Commissioner*      *5-6-77*      *Dorothy Bailey Duchet, clerk*

002 OCT 13

NO: 77-27

SUBJ: KING AND KENNEDY ESTATES  
EXTENSION DEADLINE OF  
RECORD PLAT TIME 3:47 P.M.

RESOLUTION

APR 28 77 \* 2:18:5 \*\*\*\*\*00  
A 28 77 A 22815 \*\*\*\*\*00

WHEREAS, the SATAV Corporation (Self-Help Housing), a Maryland Corporation, is exempt from federal and state taxation as a qualified non profit corporation which operates a home ownership program for low income families who are residents of St. Mary's County; and

WHEREAS, the SATAV Corporation has secured record plat approval for the development of Section IV in its subdivision, known as King and Kennedy Estates, but has not recorded same; and

WHEREAS, the Zoning Ordinance of St. Mary's County (adopted May 28, 1974 and amended March 10, 1977) states:

**4.19 SUBDIVISIONS IN PROCESS**

" Those subdivisions with a minimum of one acre lots which were in process on the effective date of this Ordinance and which have received record plat approval by the Planning Commission as of December 31, 1976, shall have until July 1, 1977, to record said plat unless such deadline shall be extended by the Board of County Commissioners. "

WHEREAS, the above referenced subdivision was in process on the effective date of the Zoning Ordinance and has received record plat approval by the Planning Commission as of December 31, 1976, and has requested to have the recording deadline of July 1, 1977, extended by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has consistently

MD 002 14

NO: 77-27

SUBJ: KING AND KENNEDY ESTATES  
EXTENSION DEADLINE OF  
RECORD PLATT

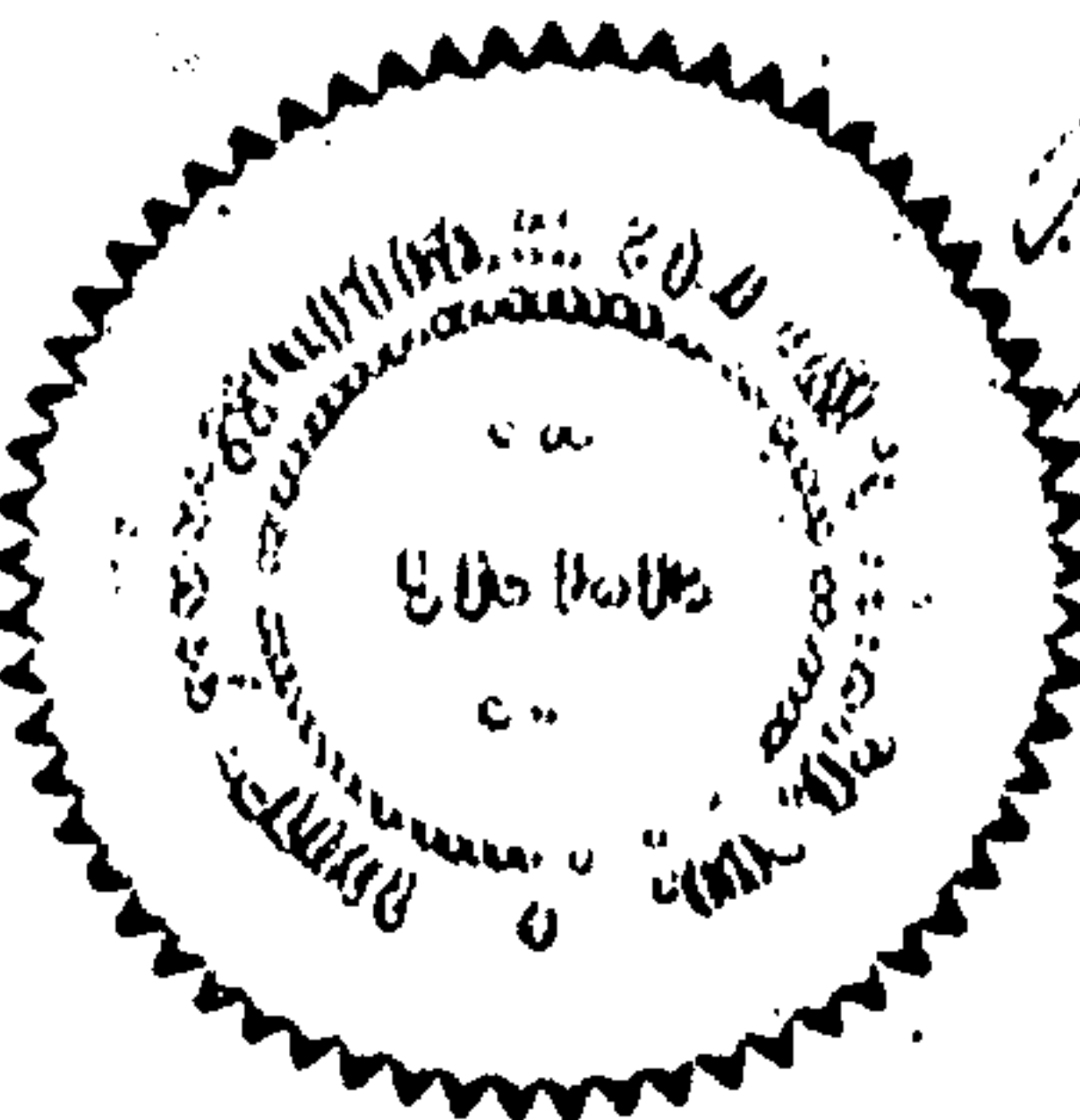
PAGE: 2 of 2

demonstrated endorsement of the SATAV corporation project;

NOW, THEREFORE, BE IT RESOLVED by the Board of County  
Commissioners that the recording deadline of July 1, 1977,  
is hereby extended for a period of five years until July 1,  
1982, for Section IV of King and Kennedy Estates.

This Date: 4/28/77

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President

*John K. Parlett*  
John K. Parlett, Vice-President

*Ford D. Dean*  
Ford D. Dean, Commissioner

*Larry Millison*  
Larry Millison

*Patrick Jarboe, M.D.*  
Patrick Jarboe, M.D., Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox,  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II,  
County Attorney

*St. Mary's Co. Commissioners*      *5-12-77*      *Done by Bailey Kucher, Clerk*  
PCB

SEWER USE ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have the authority to adopt rules and regulations pertaining to a County Sewer Use Ordinance by virtue of Section 27A of the Code of Public Local Laws of St. Mary's County; and

WHEREAS, the County Commissioners do consider it advisable that rules and regulations be promulgated concerning the use of public and private sewers and drains, and private sewage disposal; and

WHEREAS, the County Commissioners consider the action taken hereby to be in the best interest of St. Mary's County and its citizens.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the County Commissioners of St. Mary's County, Maryland, as follows:

TITLE 11.16 B . M.  
COUNTY SEWER USE, ORD

TITLE

AM-1-77 \* 24608 000000.00  
AM-1-77 A 224608 000000.00

This Ordinance shall be known, cited, and referred to as the "St. Mary's County Sewer Use Ordinance".

INTENT AND PURPOSE

An Ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems: and providing penalties for violations thereof: in the Sanitary Districts of the County of St. Mary's, State of Maryland.

Adopted May 25, 1977  
Board of County Commissioners

Full Ordinance on File in Office of County Commissioners and Metropolitan Commission.

No. 77-35

Subj: 1977-78 APPROVED BUDGET  
AND LEVY RATE

TIME 11:17 A . M.  
DATE June 1, 1977

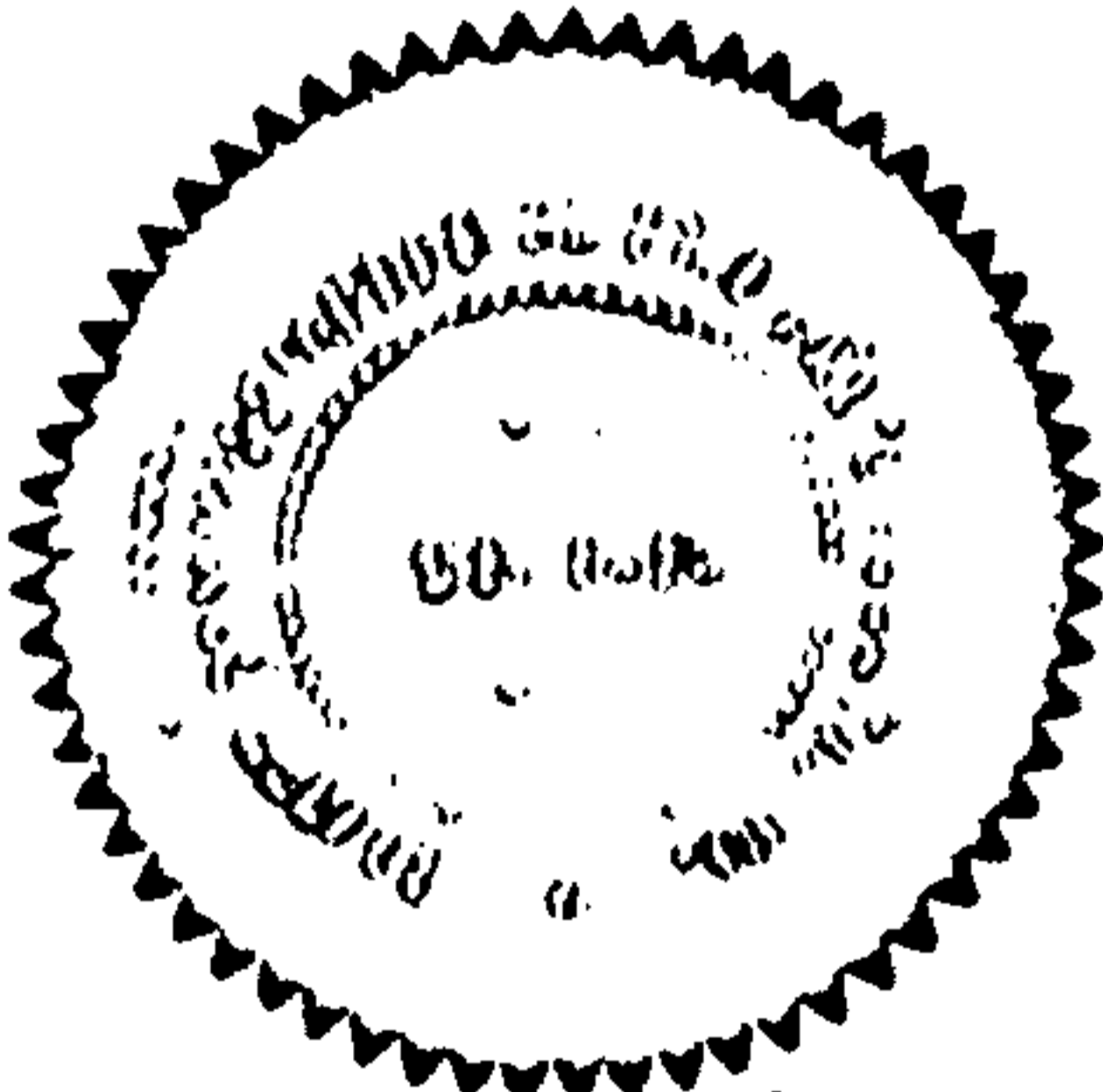
AM-1-77 \* 24639 \*\*\*\*\*00  
AM-1-77 A 24639 \*\*\*\*\*00

RESOLUTION

WHEREAS, Section 22 of the Code of Public Local Laws of St. Mary's County authorizes and empowers The Board of Estimates of said County to adopt the final budget, schedule anticipated receipts, fix general and special tax rates, and impose the levy for the ensuing fiscal year,

NOW, THEREFORE, BE IT RESOLVED by The Board of Estimates of St. Mary's County, Maryland, pursuant to the authority contained in Section 22 of the Code of Public Local Laws of St. Mary's County, that the County Budget is approved in the amount of \$17,988,616, and the County levy rate is hereby assessed at \$2.15 per \$100.00 of assessed valuation.

This date: June 1, 1977



BY ORDER OF THE BOARD OF ESTIMATES  
OF ST. MARY'S COUNTY, MARYLAND

*James N. McKay*  
JAMES N. MCKAY, President

*Ford L. Dean*  
FORD L. DEAN, Commissioner

*Patrick Jarbo*  
PATRICK JARBO, Commissioner

*Larry Millison*  
LARRY MILLISON, Commissioner

*John K. Farlett*  
JOHN K. FARLETT, Commissioner

*I respectfully decline to sign this because the tax rate is 2.54 to 2.50 and the pupil teacher ratio has not been reduced to 25-1*

Attest:  
*Joseph P. O'Dell*  
JOSEPH P. O'DELL  
Secretary to The Board of Estimates

Attest:  
*Joseph E. Bell, II*  
JOSEPH E. BELL, II  
County Attorney



182 002 oct 17

No. 77-36

Subj: LOCAL INCOME TAX

TIME 11:20 A.M.

RESOLUTION

AM-17: \* 246:0 \*\*\*\*\*  
AS-17: A 2245:0 \*\*\*\*\*

WHEREAS, Section 283 of Article 81, as enacted by Chapter 142 of the Acts of the 1967 General Assembly, as amended by Chapters 452 and 456 of the Acts of the 1968 General Assembly, authorizes the Counties and the City of Baltimore to adopt a local income tax imposed upon the residents of the County or the City as a percentage of the liability of the residents for State income tax, but not exceeding fifty percent (50%) of the State income tax liability; and

WHEREAS, The levy of this local income tax will provide funds to St. Mary's County in lieu of its previous share of the State income tax and will provide funds for payment by the County to the incorporated municipalities of their previous share of the State income tax; and

WHEREAS, Section 283 (d) of Article 81, as enacted by Chapter 452 of the Acts of the 1968 Assembly, requires that every County and the City of Baltimore levy a local income tax of not less than a rate of twenty percent (20%) of the State income tax liability or such exact multiple of five percent (5%) of the State income tax liability that equals or exceeds the amount required to pay the principal and interest owed by the County on the State school construction loan;

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of St. Mary's County, Maryland, pursuant to the power, authority and requirement contained in Section 283 of Article 81, as enacted by Chapter 142 of the Acts of the 1967 General Assembly, as amended by Chapters 452 and 456 of the Acts of the 1968 General Assembly, that an income tax of fifty percent (50%) of the State income tax liability is levied upon the residents of St. Mary's County for the calendar year beginning January 1, 1977, and this rate shall continue in effect for each succeeding calendar year until changed by the Board of County Commissioners of St. Mary's County, Maryland, on or before July 1st, in the calendar year in which the rate is established.

This date: June 1, 1977

BY ORDER OF THE BOARD OF ESTIMATORS  
OF ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
JAMES M. MCKAY, President

*Ford L. Dean*  
FORD L. DEAN, Commissioner

*Patrick Jarboe*  
PATRICK JARBOE, Commissioner

*Larry Millison*  
LARRY MILLISON, Commissioner

Attest:  
*Joseph W. O'Dell*  
JOSEPH W. O'DELL  
Secretary to The Board of Estimators

*John K. Parlett*  
JOHN K. PARLETT, Commissioner

Attest:  
*Joseph P. Bell*  
JOSEPH P. BELL, II  
County Attorney

1002 002 18

No. 77-40

Subj: TANNER CREEK SHORE  
EROSION DISTRICT TAX  
FY 1977-78

FILE 3:48 P. M.  
PROPERTY TAXES

RESOLUTION

AN-2-7; \* 24658 \*\*\*\*\*00  
AN-2-7; A 24658 \*\*\*\*\*00

WHEREAS, The County Commissioners of St. Mary's County, Maryland, acting as the District Council, by virtue of Article 25, Section 166-A of the Annotated Code of Maryland, is charged with the duty of levying against all assessable property in each erosion district a sufficient sum to take care of expenses and all necessary repairs to the erosion prevention work constructed in each district,

NOW, THEREFORE, BE IT RESOLVED, That the County Commissioners of St. Mary's County, Maryland, acting as a District Council, hereby levies the following taxes on the assessable property in the erosion district known as the Tanner's Creek Shore Erosion District:

\$4.40 per \$100 on all assessable property in the Bay Front category;

\$2.92 per \$100 on all assessable property in the Tanner Creek - Bay Front category;

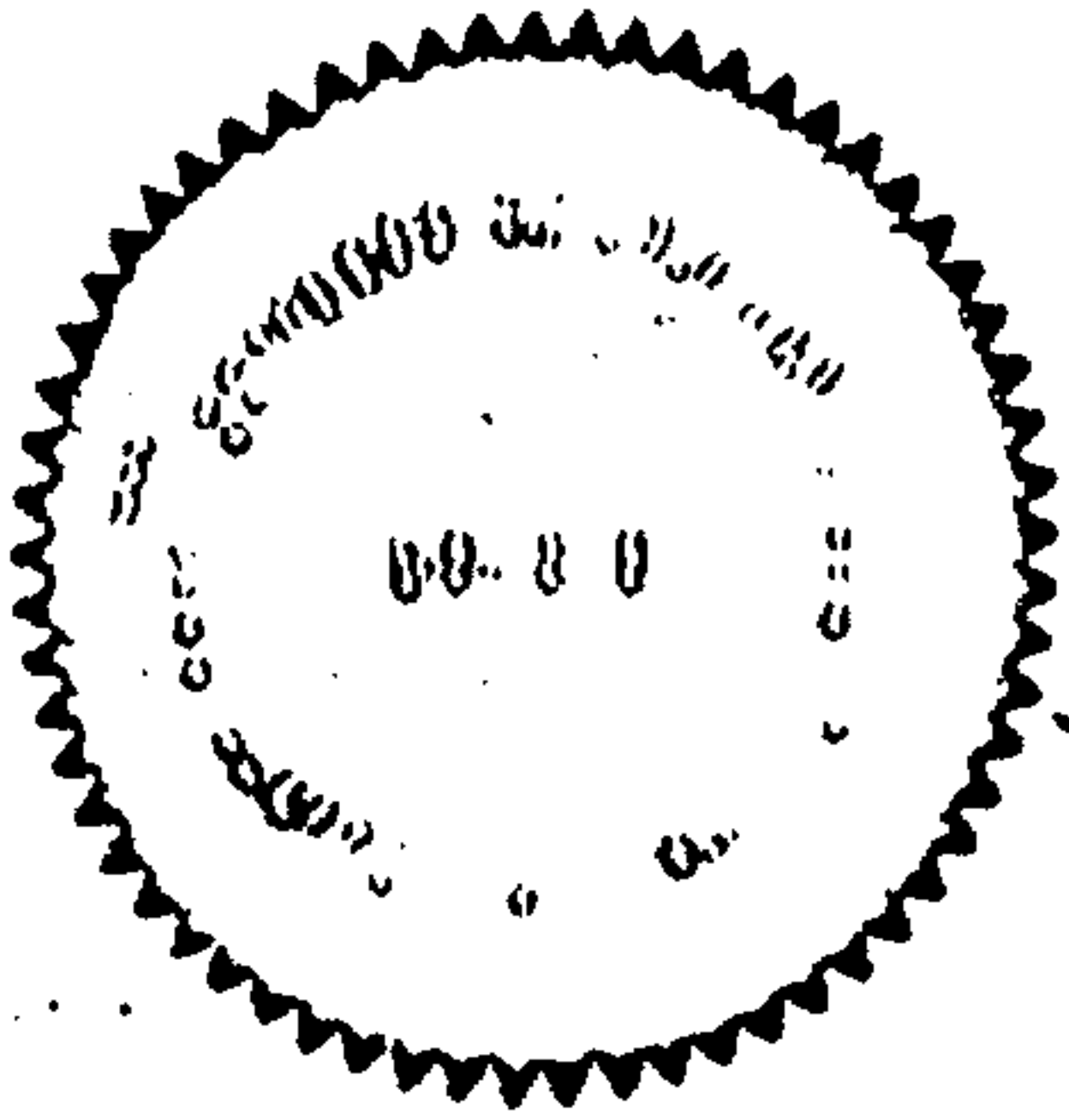
\$1.64 per \$100 on all assessable property in the Tanner Creek Waterfront category;

\$ .94 per \$100 on all assessable property in the Surrounding Owners category.

This assessment shall be effective for the taxable year of 1977 and for every year thereafter until amended or changed by action of the County Commissioners of St. Mary's County, Maryland, acting as the District Council.

This date: June 2, 1977

BY ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. MARY'S COUNTY,  
MARYLAND



*James H. McKay*  
JAMES H. MCKAY, President

*Ford L. Dean*  
FORD L. DEAN, Commissioner

*J. Patrick Jarboe*  
PATRICK JARBOE, Commissioner

*Larry Milston*  
LARRY MILESTON, Commissioner

*John K. Parlett*  
JOHN K. PARLETT, Commissioner

Attest:

*Edward V. Cox*  
EDWARD V. COX  
County Administrator

Attest:

*Joseph E. Bell, II*  
JOSEPH E. BELL, II  
County Attorney

100 002 no. 18

No. 77-37

Subj: TALL TIMBERS EROSION TAX

RESOLUTION

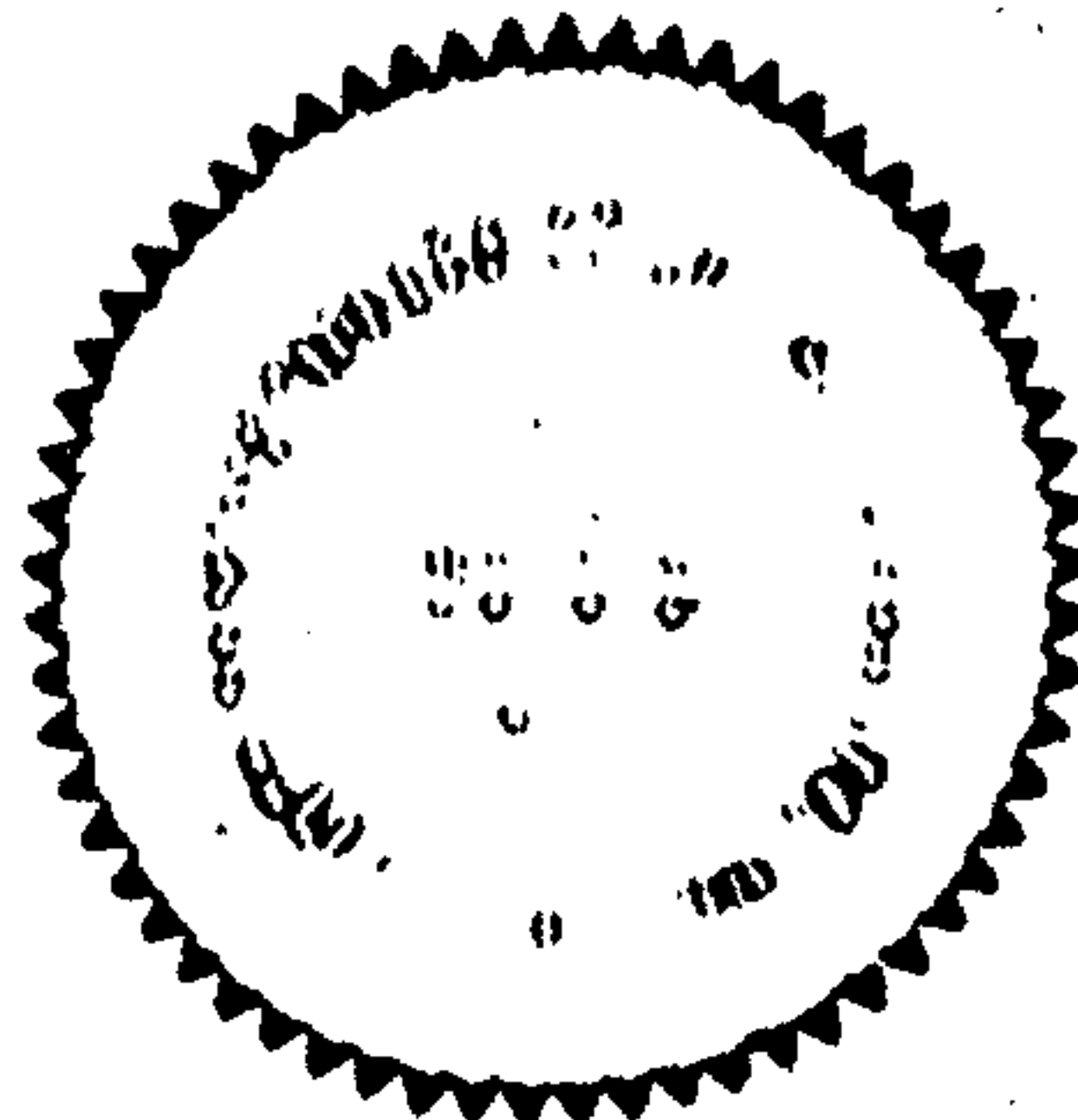
TIME 3:49 P. M.  
AM-27: \* 24689 \*\*\*\*\*00  
AM-27: A 821629 \*\*\*\*\*00

WHEREAS, The County Commissioners of St. Mary's County, Maryland, acting as the District Council, by virtue of Article 25, Section 166-A of the Annotated Code of Maryland, is charged with the duty of levying against all assessable property in each erosion district a sufficient sum to take care of expenses and all necessary repairs to the erosion prevention work constructed in each district,

NOW, THEREFORE, BE IT RESOLVED, That the County Commissioners of St. Mary's County, Maryland, acting as a District Council, hereby levies a tax of \$1.30 per \$100.00 on the assessable property in the erosion district known as the Tall Timbers Erosion District. This assessment shall be effective for the taxable year of 1977 and for every year thereafter until amended or changed by action of the County Commissioners of St. Mary's County, Maryland, acting as the District Council.

This date: June 2, 1977

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND



James H. McKay  
JAMES H. MCKAY, President

Ford L. Dean  
FORD L. DEAN, Commissioner

J. Patrick Jarbo  
J. PATRICK JARBO, Commissioner

Larry Millis  
LARRY MILLIS, Commissioner

John E. Parlett  
JOHN E. PARLETT, Commissioner

Attest:

Edward V. Cox  
EDWARD V. COX  
County Administrator

Attest:

Joseph B. Bell, II  
JOSEPH B. BELL, II  
County Attorney

No. 77-38

Subj: Jefferson Island Club, Inc.  
Shore Erosion Project District

TIME 3:50 P.M.  
BY CLERK COUNTY BOARD CASE

RESOLUTION

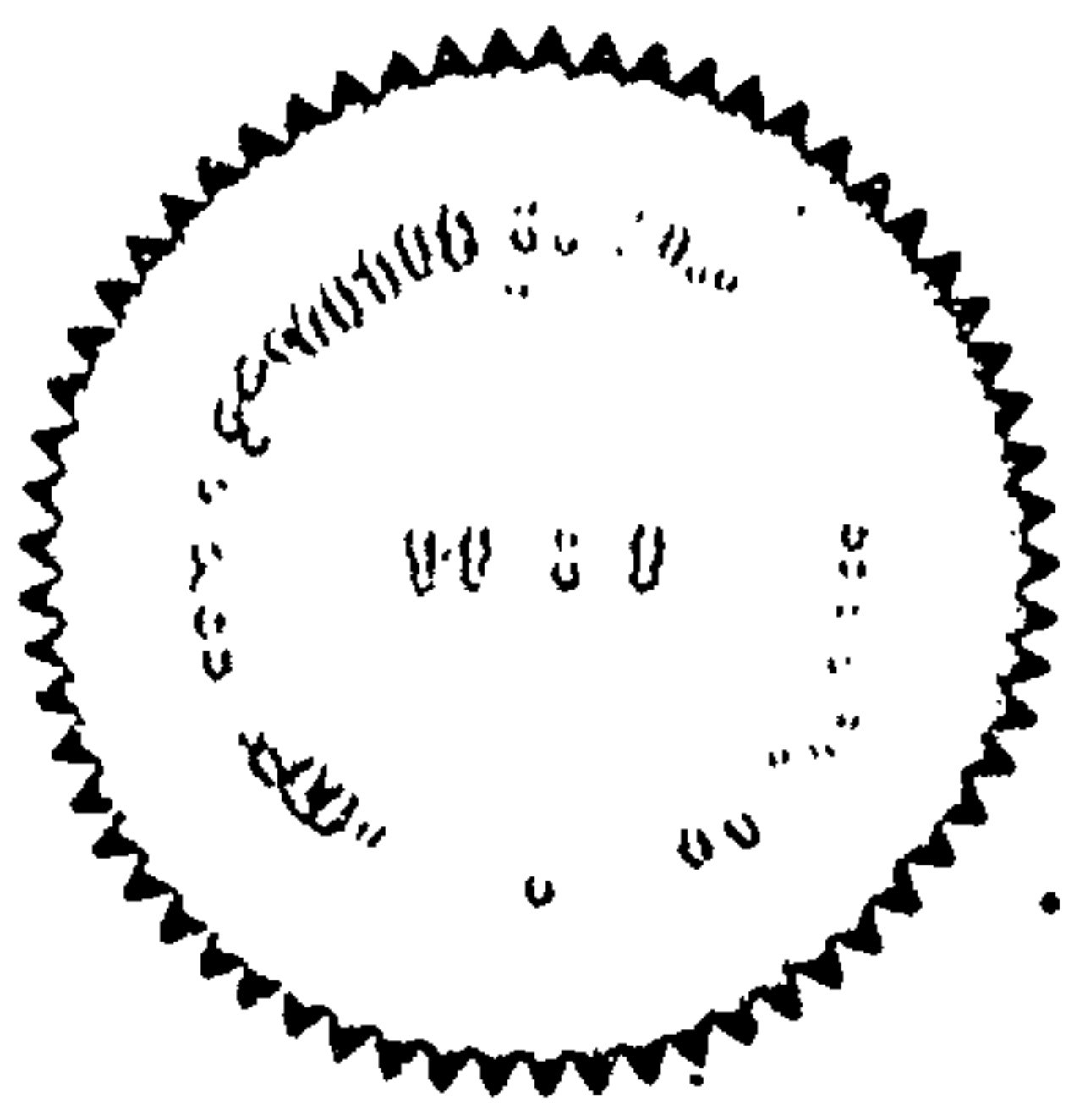
JUN-27: \* 24650 \*\*\*\*\*00  
JUN-27: A 24650 \*\*\*\*\*00

WHEREAS, the County Commissioners of St. Mary's County, Maryland, acting as the District Council, by virtue of Article 25, Section 166-A of the Annotated Code of Maryland, is charged with the duty of levying against all assessable property in each erosion district a sufficient sum to take care of expenses and all necessary repairs to the erosion prevention work constructed in each district;

NOW, THEREFORE, BE IT RESOLVED, That the County Commissioners of St. Mary's County, Maryland, acting as a District Council, hereby levies a tax of \$8.13794 per \$100.00 on the assessable property in the erosion district known as the Jefferson Island Club, Inc. Shore Erosion Project District. This assessment shall be effective for the taxable year of 1977 and for every year thereafter until amended or changed by action of the County Commissioners of St. Mary's County, Maryland, acting as the District Council.

This date: June 2, 1977

BY ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. MARY'S COUNTY,  
MARYLAND



James M. McKay  
JAMES M. MCKAY, President

Ford L. Dean  
FORD L. DEAN, Commissioner

Patrick Jarboe  
PATRICK JARBOE, Commissioner

Larry Millison  
LARRY MILLISON, Commissioner

John K. Parlett  
JOHN K. PARLETT, Commissioner

Attest:  
Edward V. Cox  
EDWARD V. COX  
County Administrator

Attest:  
Joseph E. Bell, II  
JOSEPH E. BELL, II  
County Attorney

No. 77-39

Subj: EIGHTH DISTRICT FIRE TAX  
FY 1977-78 LEVY RATE

TIME 3:51 P. M.  
JUNE 2, 1977

RESOLUTION

AG-27. # 246:1  
AL-27. A #216.1

WHEREAS, Section 78 of the Code of Public Local Laws of St. Mary's County, Maryland, authorizes and directs the Board of County Commissioners of St. Mary's County, Maryland to levy a fire tax of not more than fourteen (14) cents on every \$100 of assessed valuation of all real and personal property in the Eighth Election District;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, pursuant to the authority contained in Section 78 of the Code of Public Local Laws of St. Mary's County, Maryland, that the levy rate is hereby established at TEN CENTS (10¢) per \$100.00 of assessed valuation. This assessment shall be effective for the taxable year of 1977 and for every year thereafter until amended or changed by action of the Board of County Commissioners of St. Mary's County, Maryland.

This date: June 2, 1977

BY ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. MARY'S COUNTY,  
MARYLAND



*James H. McKay*  
JAMES H. MCKAY, President

*Ford L. Dean*  
FORD L. DEAN, Commissioner

*Patrick Jarboe*  
PATRICK JARBOE, Commissioner

*Larry Hillier*  
LARRY HILLIER, Commissioner

*John R. Parlett*  
JOHN R. PARLETT, Commissioner

Attest:

*Edward V. Cox*  
EDWARD V. COX  
County Administrator

Attest:

*Joseph P. Bell*  
JOSEPH P. BELL, II  
County Attorney

*St. Mary's Co. Commis* 7-18-77

LIBR 002 PAGE 22

JAN 27-77 \* 25970 \*\*\*\*\*00  
JAN 27-77 A 225970 \*\*\*\*\*00

TIME 10:40 A. M.  
DATE BY NAME OF OFFICE

RESOLUTION NO. 77-42

A RESOLUTION to authorize the County Commissioners of St. Mary's County: to acquire real property and the improvements situated thereon pursuant to the Maryland Industrial Development Financing Authority Act; to borrow in accordance with said Act a sum of money not to exceed One Hundred Fifty-three Thousand Dollars (\$153,000.00) the repayment of said sum to be partially insured under said Act; to use said money for the purpose of acquiring the aforesaid real property and improvements situated thereon and/or constructing and renovating improvements thereon; to lease the aforesaid improvements to McGregor and Werner Incorporated; to execute any and all documents necessary to effectuate the aforementioned borrowing, insurance of repayment, acquisition and/or construction and leasing; and to provide that the full faith and credit of the County shall not be deemed to be pledged hereby.

WHEREAS, Article 41, Sections 266J through 266CC of the Annotated Code of Maryland, as amended, create the Maryland Industrial Development Financing Authority (hereinafter sometimes referred to as MIDFA), and vest in it certain powers and duties in connection with the preservation and betterment of the economy of the State; and,

WHEREAS, the aforementioned sections of the said Article 41 of the Annotated Code of Maryland, among other things, authorize any municipality or county of this State to borrow money without pledging its full faith and credit and to execute appropriate security instruments in connection with said borrowing, and to use said money to defray the cost of acquiring, constructing or re-constructing any industrial project, including the land, buildings and equipment which are a part thereof, after the adoption of an ordinance or resolution by the legislative body of the municipality or county authorizing such action; and,

WHEREAS, McGregor and Werner Incorporated, a corporation organized and existing under the laws of the State of Virginia, has requested the assistance of the County Commissioners of St. Mary's County and of MIDFA, in accordance with the provisions of the aforesaid Article 41, in connection with the acquisition, improvement and equipping of the property hereinafter described

LEEN 002 PAGE 23

and located in St. Mary's County, which property is to be used by the aforesaid corporation; and,

WHEREAS, it has been determined that the cooperation by the County Commissioners of St. Mary's County in connection with the aforementioned undertaking will improve the economic condition of St. Mary's County; NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, PURSUANT TO AND IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF ARTICLE 41, SECTIONS 266J THROUGH 266CC OF THE ANNOTATED CODE OF MARYLAND AS AMENDED:

SECTION 1. That the County Commissioners of St. Mary's County (hereinafter sometimes referred to as County) be and they hereby are authorized to acquire by negotiation, and not by eminent domain, the real property and improvements thereon (sometimes referred to as the premises) located in the Sixth Election District of St. Mary's County, Maryland and being Lots 11 and 16 in Section One, St. Mary's Industrial Park Subdivision.

SECTION 2. That the County, simultaneously with the aforesaid acquisition, be and it hereby is fully authorized and empowered to borrow a sum of money not to exceed One Hundred Fifty-three Thousand Dollars (\$153,000.00) and to use the same for or in connection with the acquisition and/or improvement of and additions to the aforesaid premises, and to execute a mortgage or deed of trust on said premises to secure the aforesaid loan; the term of said mortgage or deed of trust not to exceed fifteen (15) years, and the rate of interest to be paid by County in connection with said loan not to exceed six and three-quarters (6-3/4) per centum per annum, or ten (10%) per centum per annum in the event that said interest income is validly determined for any reason not to be exempt to the lender from Federal or State of Maryland income tax;

SECTION 3. That the County, simultaneously with the aforesaid acquisition and borrowing, be and it hereby is authorized to execute a Mortgage Insurance Agreement whereby MIDFA will insure repayment of a portion of the aforesaid loan;

LEER 002 PAGE 24

SECTION 4. That the County, simultaneously with the aforesaid acquisition and execution of the Mortgage Insurance Agreement, be and it is hereby authorized to execute a lease to McGregor and Werner Incorporated, a Virginia corporation of the aforementioned premises on such terms and conditions as may be satisfactory to the County, the Bank and MIDFA;

SECTION 5. That the President and Clerk, for and on behalf of the County, be and they hereby are authorized and directed to do all things, execute all instruments, and otherwise take all action necessary to carry out the authority conferred by this Resolution;

SECTION 6. That, notwithstanding anything contained in this Resolution or any document authorized herein to be executed, the full faith and credit of the County shall not be deemed to be pledged hereby.

WITNESS the hand and seal of the County Commissioners of St. Mary's County, Maryland, this 23rd day of June, 1977.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Edward V. Cox  
Edward V. Cox, County Administrator

James M. McKay (SEAL)  
James M. McKay, President

John K. Parlett (SEAL)  
John K. Parlett, Vice President

Approved as to form:

Larry Millison (SEAL)  
Larry Millison, Commissioner

Joseph Ernest Bell, II  
Joseph Ernest Bell, II  
County Attorney

J. Patrick Jarboe, M.D. (SEAL)  
J. Patrick Jarboe, M.D., Commissioner  
Ford L. Daan (SEAL)  
Ford L. Daan, Commissioner

St. Mary's Co. Commis. 7-18-77



62 672 25

No. 77-43

Subject: Change No. 1 to the Manual of Personnel Policies and Procedures

AL-1-77 2001 00000000  
AL-1-77 2001 00000000  
TIME 1 12 P. M.  
COUNTY CLERK  
ST. MARY'S CO.

**RESOLUTION**

WHEREAS, The County Commissioners of St. Mary's County have adopted a Manual of Personnel Policies and Procedures under authority of the Public Local Laws of St. Mary's County; and

WHEREAS, Article 13 of the Public Local Laws authorize the amendment of the said manual; and

WHEREAS, certain amendments are now deemed to be proper and necessary for the effective administration of the policies and procedures contained in the said Manual; and

WHEREAS, the said amendments were proposed and discussed without objection at a public hearing on June 15, 1977.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, that these amendments entitled "Change Number One to the Manual of Personnel Policies and Procedures" be adopted and made effective July 1, 1977.



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

*James M. McKay*  
JAMES M. MCKAY, President  
*John K. Parlett*  
JOHN K. PARLETT, Vice-President  
*Ford L. Dean*  
FORD L. DEAN, Commissioner  
*Patrick Jarboe*  
PATRICK JARBOE, Commissioner  
*Larry Milson*  
LARRY MILSON, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox 6/30/77  
County Administrator

Approved as to  
Legal Sufficiency:

*Joseph E. Bell II*  
JOSEPH E. BELL, II  
County Attorney

St. Mary's Co. Comm.

8-1-77

*May H. Bell, Clerk*

NO: 77-46

SUBJ: ST. MARY'S NURSING HOME  
PARTICIPATION IN STATE  
RETIREMENT SYSTEM

TIME 12:50 P. M.

RESOLUTION

AG-2-77 \* 28263 \*\*\*\*\*00  
AG-2-77 A 28263 \*\*\*\*\*00

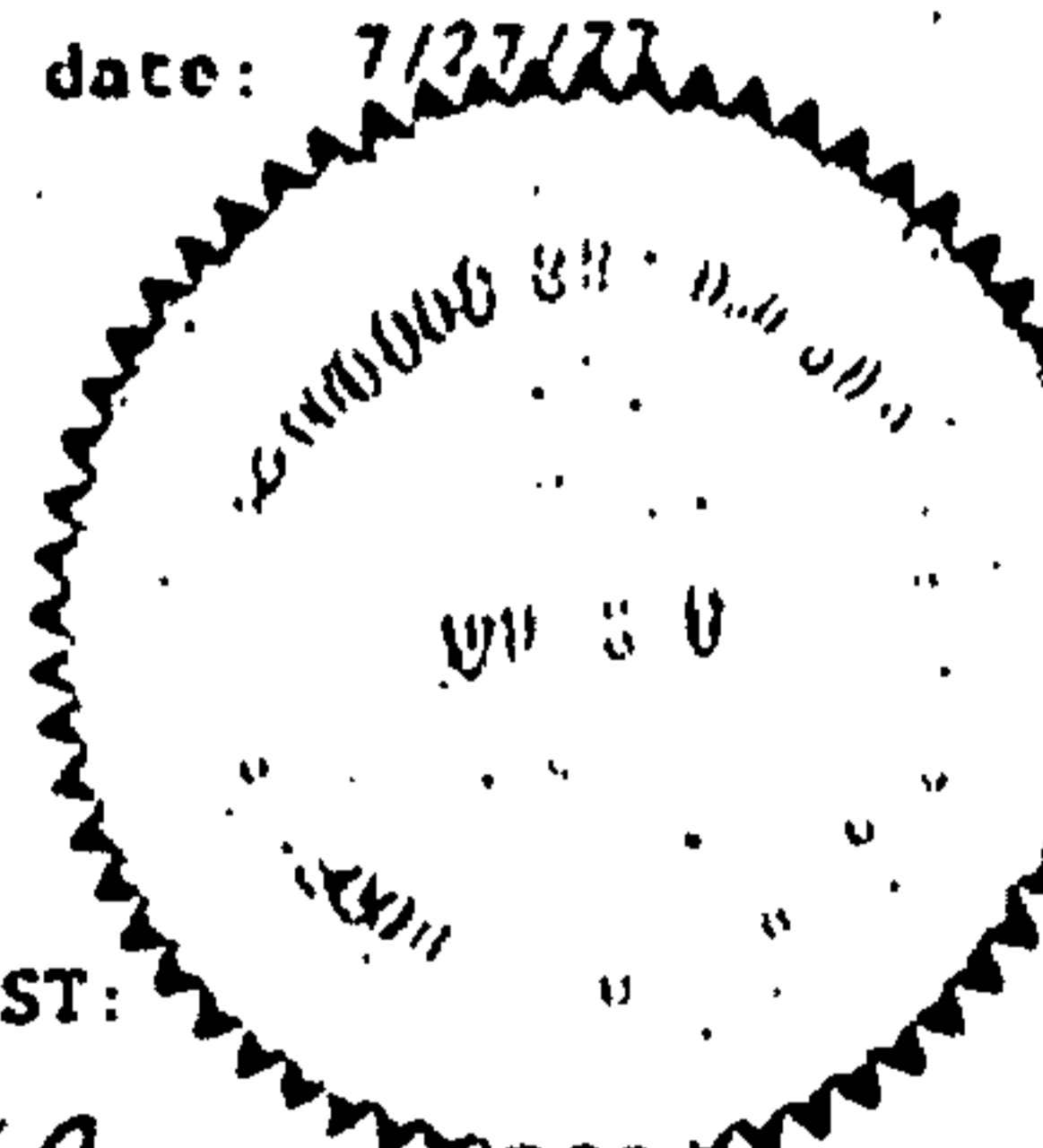
WHEREAS, the Board of County Commissioners has authorized the participation of the employees of the St. Mary's Nursing Home in the Maryland State Retirement System, and

WHEREAS, the St. Mary's Nursing Home has petitioned the Maryland State Retirement System to be included in the system.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of St. Mary's County will bear full responsibility for the required payments and employer contributions in the event of default by the St. Mary's Nursing Home.

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

This date: 7/27/77



*James M. McKay*  
James M. McKay, President

*John K. Parlett*  
John K. Parlett, Vice-President

*Ford L. Dean*  
Ford L. Dean, Commissioner

*Patrick Jarboe, M.D.*  
Patrick Jarboe, M.D., Commissioner

*Larry Millison*  
Larry Millison, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL  
SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*St. Mary's County Comm's*

*5-18-77*

*Mary R. Bell, Clerk*

NO: 77-48

1977 COMPREHENSIVE WATER AND SEWERAGE PLAN FOR ST. MARY'S COUNTY, MARYLAND

11/11/77  
OFFICE OF THE CLERK  
ST. MARY'S CO.

RESOLUTION

AUG 11-77 \* 28791 \*\*\*\*\*00  
AUG 11-77 A 28791 \*\*\*\*\*00

WHEREAS, the Board of County Commissioners of St. Mary's County is, by authority of Section 387C, Article 43, of the Annotated Code of Maryland (1976 ed.), directed to adopt and submit to the Maryland State Department of Health and Mental Hygiene a comprehensive plan for the provision of both adequate water supply systems and sewerage systems throughout the County to include all towns, municipal corporations, and sanitary districts within St. Mary's County, the said water and sewer plan to be consistent with land use master planning in St. Mary's County; and

WHEREAS, said report and Comprehensive Plan has in fact been prepared and submitted to the Board of County Commissioners of St. Mary's County, Maryland, in order that it may be adopted by said County and thereafter submitted to the Maryland State Department of Health and Mental Hygiene; and

WHEREAS, said Comprehensive Plan having been reviewed by the Board of County Commissioners of St. Mary's County, Maryland, and it appearing that all requirements under the State law, supra, have been complied with;

BE IT THEREFORE RESOLVED, this 10th day of August, 1977, that the Comprehensive Water and Sewerage Plan for St. Mary's County Maryland, is hereby adopted by the Board of County Commissioners of St. Mary's County, Maryland and it is

FURTHER RESOLVED that said County Plan be submitted to the Maryland State Department of Health and Mental Hygiene.



BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

James M. Gray  
James M. Gray, President  
John K. Parlett  
John K. Parlett, Vice-President  
John L. Dean  
John L. Dean, Commissioner  
Patrick Jaboo, M.D.  
Patrick Jaboo, M.D., Commissioner  
Larry Hollison  
Larry Hollison, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

Joseph Ernest Bell II  
Joseph Ernest Bell, II  
County Attorney  
Approval as to Legal Sufficiency

St. Mary's County Commissioners 8-25-77 - Mary R. Bell, Clerk

*Liber 2* *Serial 28*

No. 77-49

Subj: RECREATION AND PARKS .....00  
REVOLVING FUND 28963 .....00

RESOLUTION

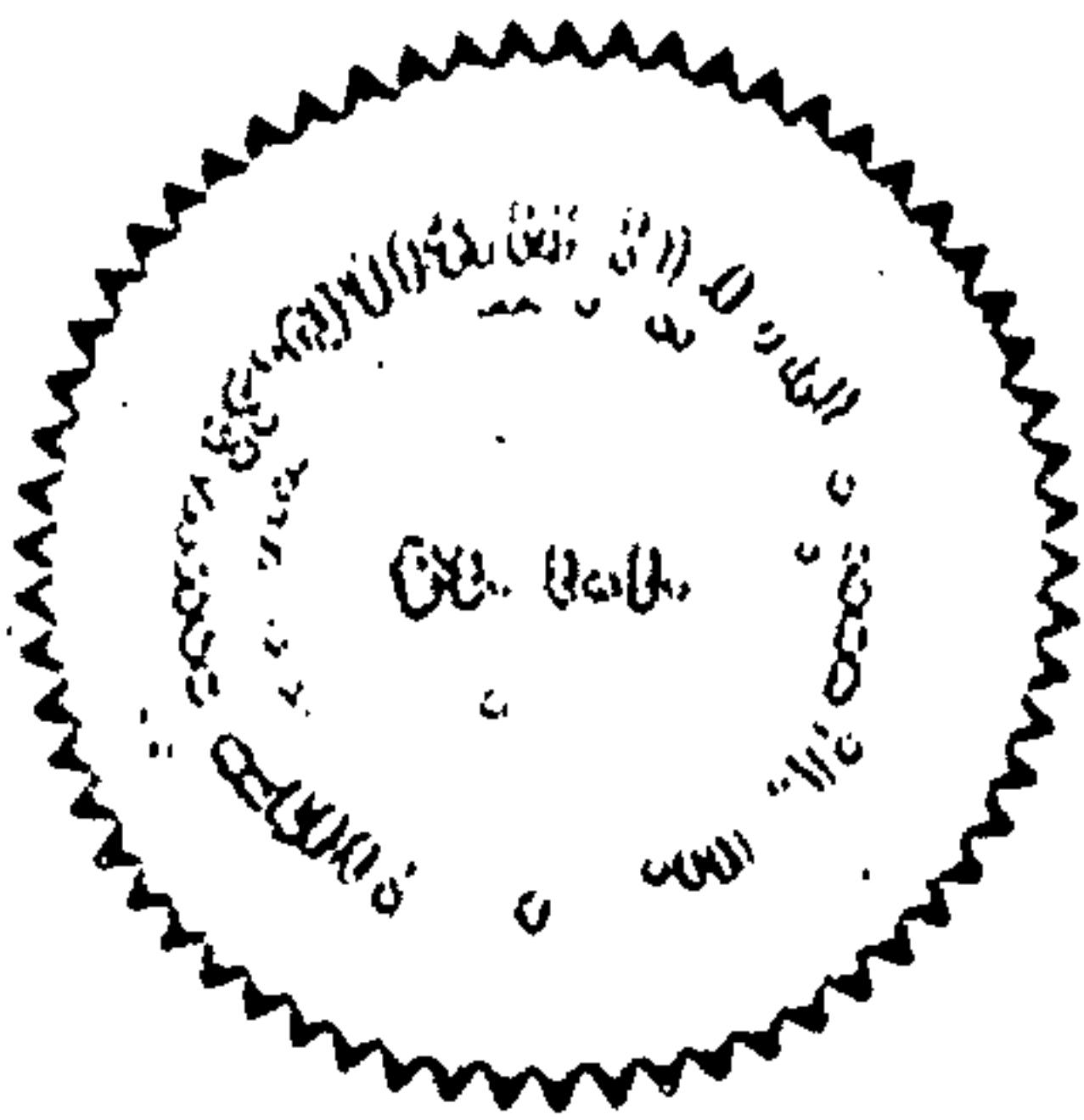
WHEREAS, The Board of Recreation and Parks of St. Mary's County, operating pursuant to Section 145, Public Local Laws of said County, has requested that the County Commissioners establish a "Recreation and Parks Revolving Fund"; and

WHEREAS, The purpose of said fund is to receive and disburse monies directly associated with the activities of the Recreation Committees, who are under the direct supervision and control of the Board of Recreation and Parks; and

WHEREAS, Both the Board of Recreation and Parks and the County Commissioners of St. Mary's County want sound accounting and budgetary policies to be followed in handling the affairs of this Revolving Fund;

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners of St. Mary's County, Maryland, pursuant to authority granted to the Board by Article 25, Annotated Code of Maryland, that a "Recreation and Parks Revolving Fund" be established, and that the rules and regulations for operating said fund follow generally accepted accounting and budgetary practices for Enterprise Fund Accounting, and said fund shall continue in effect for each succeeding fiscal year until otherwise changed or amended by the Board of County Commissioners of St. Mary's County, Maryland.

This date: August 10, 1977



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

*James M. McKay*  
JAMES M. MCKAY, President

*Ford L. Dean*  
FORD L. DEAN, Commissioner

*Patrick Jarbo*  
PATRICK JARBO, Commissioner

*Larry Milligan*  
LARRY MILLIGAN, Commissioner

*John K. Parlett*  
JOHN K. PARLETT, Commissioner

ATTEST:

*Edward V. Cox*  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
JOSEPH E. BELL, II  
County Attorney

*St. Mary's County Commissioners - 9-8-77 - Mary R. Hill - clerk*

WCH 002 AUG 29

TIME 11:14 A

AUG 26-77 \* 29607 \*\*\*\*\*00

AUG 26-77: A 229607 \*\*\*\*\*00

No. 77-51

Subj: Ordinance Prohibiting Consumption of Alcoholic Beverages on Public Ways and on Property Used by the Public in General

ORDINANCE

WHEREAS, St. Mary's County deems it in the best interest of its citizens to restrict the consumption of alcoholic beverages to appropriate settings and surroundings; and

WHEREAS, The County Commissioners of St. Mary's County are authorized by the Annotated Code of Maryland, Article 2B, Section 209, to regulate, by Ordinance, the possession or consumption of any alcoholic beverage on any public property, property used by the public in general, or on any highway;

NOW, THEREFORE, BE IT ORDAINED By the Board of County Commissioners of St. Mary's County:

Section 1: That it is hereby declared to be unlawful for any person to consume alcoholic beverages on any public street, highway, alley, sidewalk, and road located in St. Mary's County, Maryland. This does not include non-driving passengers in motor vehicles traveling on said public property.

Section 2: That it is hereby declared to be unlawful for any person to consume alcoholic beverages on the mall, adjacent parking area, private roadways, or other outside area of any combination of privately owned retail establishment, like a shopping center, or any other commercial establishment parking lot, where the general public is invited for business purposes. This section will not preclude the establishment of any outdoor cafe by a commercial establishment holding an on sale license, provided said cafe is well delineated and does not interfere with vehicular or pedestrian traffic on adjoining parking lots and sidewalks. Such outdoor cafes shall be considered as part of the commercial establishments and subject to all state laws pertaining to commercial establishments holding an on sale Liquor License.

Section 3: That any person found guilty by any competent Court of Record of violating the provisions of this Ordinance shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, or may be committed to the County Jail for not more than five (5) days, or may be subject to both such fine and imprisonment at the discretion of the trial judge.

Section 4: This Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, paragraph, sentence, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

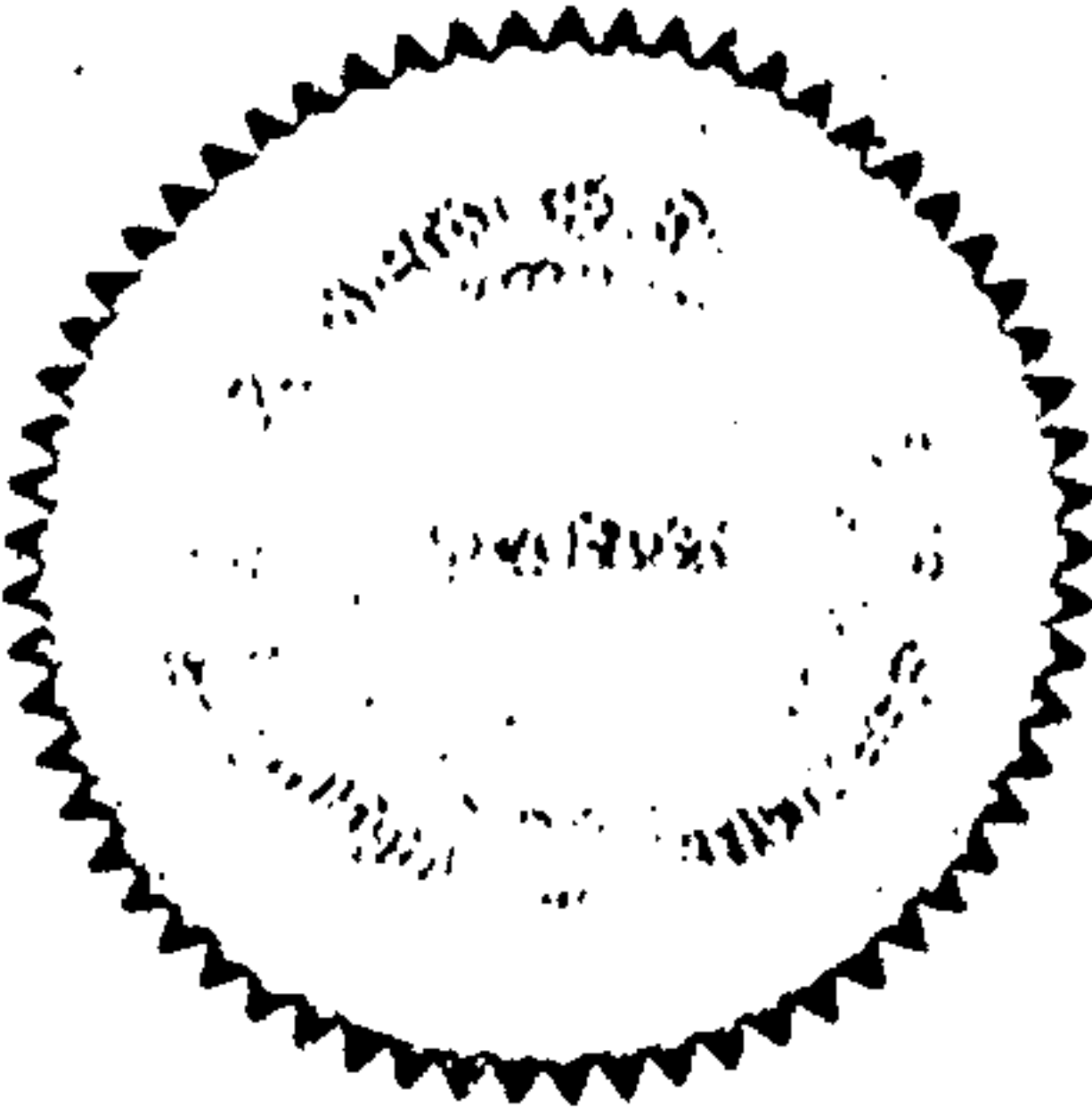
Section 5: All Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance shall be, and the same are, hereby repealed. This Ordinance shall repeal Ordinance 76-31 adopted by this Board on the 10th day of June, 1976.

No. 77-51

Page 2 of 2 pages

Section 6: This Ordinance shall become effective on the  
First day of September, 1977.

This Date: August 24, 1977 BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President

*Ford L. Dean*  
Ford L. Dean, Commissioner

*J. Patrick Jarboe*  
J. Patrick Jarboe, M.D., Commissioner

*Larry Millison*  
Larry Millison, Commissioner

*John K. Parlett*  
John K. Parlett, Commissioner

Attest:

*Edward V. Cox*  
Edward V. Cox, ASST  
County Administrator

Approved as to compliance in form and  
wording with the provisions of Article  
28, Section 209 of the Annotated Code of  
Maryland, as amended, the same being Chapter  
976, House Bill 1823 of the 1977 session  
of the General Assembly, signed into law  
on May 26, 1977.

*Joseph S. Bell II*  
Joseph S. Bell, II  
County Attorney

Del: Co Commis

9-30-77

Mary R. Bell, Clerk

*Liber #2 Folio 31*

NO: 77-63

SUBJ: CENTER GARDENS TAX  
ABATEMENT (ST. MARY'S  
GARDEN APARTMENTS)

TIME 3:36 P. M.

DATE & BILL DATE  
OF BIRTH

CTI 19-77 \* 22655 \*\*\*\*\*00  
CTI 19-77 A 22655 \*\*\*\*\*00

RESOLUTION

WHEREAS, pursuant to the authority of Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, the Secretary of Defense of the United States, by his duly designated agent, for the purpose of Section 408, has made a determination for the taxable year 1977/1978, of the sum of \$240,957.98 to be the amount equal to the sum of payments made by the United States Government with respect to Title VIII, Wherry Housing Project, known as "Center Gardens" FIA No. 000-80003-4-6; and,

WHEREAS, because of said determination Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation, have duly applied to the County Commissioners of St. Mary's County, Maryland (through Ralph M. Cestone, Secretary of Verona Housing Corporation of Verona, New Jersey) for a credit of subject corporations; 1977/1978 real estate taxes in accordance with the provisions of Article 81 of the Annotated Code of Maryland, prior to the date of finality; and,

WHEREAS, the aforesaid determination made by the Secretary of Defense is an estimate of the credit to be applied against 1977/1978 taxes; and,

WHEREAS, the actual payment under Capital Improvements and Maintenance Operation with respect to the Title VIII (Wherry) Housing expenditures made by the Federal Government exceeded the real estate taxes (of Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation) for the year 1977/1978.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, in regular meeting assembled on the 19 day of October, 1977:

1. That the real estate taxes for the year 1977/1978 are abated in the amount of \$56,191.59.

2. That said determination of the Secretary of Defense made pursuant to Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, relating to the Housing project known as "Center Gardens" in St. Mary's County, Maryland, provided that such determinations are bound to be valid, legal and accurate by the County Commissioners of St. Mary's County, Maryland.

Liber # 2 Folio 32

NO: 77-63

SUBJ: CENTER GARDENS TAX  
ABATEMENT (ST. MARY'S  
GARDEN APARTMENTS)

Page 2 of 2

and provide further that the above corporations, or their successors, strictly comply with the applicable provisions of Article 81 of the Annotated Code of Maryland, and other applicable laws.

This Date: 10/19/77

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



James M. McKay  
James M. McKay, President

John K. Parlett  
John K. Parlett, Vice-President

Ford L. Dean  
Ford L. Dean, Commissioner

Patrick Jarboe, M.D.  
Patrick Jarboe, M.D., Commissioner

Larry Millison  
Larry Millison, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox,  
County Administrator

APPROVED AS TO LEGAL  
SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Copy:

Mr. William S. Lawrence, Supervisor of Assessments, St. Mary's  
County, Maryland

Mr. Ralph M. Costone, Secretary, Verona Housing Corporation,  
Verona, New Jersey

Captain D. W. Wittschiebe, CEC, USN, Washington, D. C.

Mr. John Mastrodone, Chief, Multi-family Mortgage - FHA  
L'Enfant Plaza South West, Washington, D. C. 20620

Del to St. Mary's County Comm

10-31-77

MARY R. BELL, CLERK



NO. 77-68

SUBJ: BOARD OF EDUCATION  
CAPITAL IMPROVEMENT PROGRAM  
FY 1979

RESOLUTION

WHEREAS, the Board of Education for St. Mary's County, Maryland, has prepared its request for assistance from the State under the provisions of the School Construction Act (House Bill 861, Regular Session, 1971) and the prepared application for said assistance must be approved by the County Commissioners of St. Mary's County, Maryland;

NOW, THEREFORE, BE IT RESOLVED, that the County Commissioners of St. Mary's County, Maryland, at a regular meeting held on Wednesday, November 30, 1977, hereby formally approved the prepared application of the Board of Education for said County and petition the Board of Public Works of the State of Maryland for approval of One Million Four Hundred Seventy-two Thousand One Hundred Seventy-three Dollars (\$1,472,173) for the purpose of financing the school building projects in St. Mary's County as they appear on the attached summary for FY 1979.

This Date:  
November 30, 1977

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President  
*John A. Parlett*  
John A. Parlett, Vice-President  
*For L. Dean*  
For L. Dean, Commissioner  
*Larry Milligan*  
Larry Milligan, Commissioner  
*J. Patrick Jarboe*  
J. Patrick Jarboe, M.D., Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox,  
County Administrator

*filed: Co Commis*

DEC 28 1977

MARY E. BELL, CLERK

102 34

No. 77-70

Subj: INVESTMENTS

TIME 12:11 P. M.

MARY & BILL CLARK  
ST. MARY'S CO.

MC 30-77 \* 25038 \*\*\*\*\*00

MC 30-77 A 25038 \*\*\*\*\*00

RESOLUTION

WHEREAS it is in the public interest of the citizens of St. Mary's County, Maryland, to invest and re-invest any money of said County which is under the control of the County Commissioners in bonds or other obligations for the payment of principal and interest of which the faith and credit of the United States of America are pledged, or in obligations of the Federal National Mortgage Association, Federal land banks, Federal intermediate credit banks, or banks for cooperatives, issued pursuant to Acts of Congress or to deposit said monies in any bank or banks in the State of Maryland in interest-bearing time deposits and/or savings accounts; and

WHEREAS it is appropriate to designate one of the legal officers of said County to make such investments and reinvestments of such money; and

WHEREAS such investment and reinvestment of such money is presently authorized under the laws of Maryland, Article 95, Section 22;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland;

Section 1 - That the Director of Finance of St. Mary's County, Maryland, be, and he is hereby authorized and empowered to invest and reinvest any money which is under the control of the County Commissioners of St. Mary's County in the following

(a) Bills, certificates of indebtedness, notes, and bonds of the United States of America;

(b) The bonds or debentures issued under the authority of the Federal Farm Loan Act, as amended (U.S.C. title 12, section 851-921); the Federal Home Loan Bank Act, as amended (U.S.C. title 12, section 1421-1449); the Home Owners Loan Act, as amended (U.S.C. title 12, section 1461-1468); or

(c) Obligations issued, assumed, or guaranteed by the Federal land bank or Federal intermediate credit bank, pursuant to the provisions of the Act of Congress known as the Federal Farm Loan Act (U.S.C. title 12, section 641-1012), as amended, or by or for any bank for cooperatives pursuant to the Act of Congress known as the Farm Credit Act of 1933 (U.S.C. title 12, section 636 et seq.).

Section 2 - That the said Director of Finance be, and he is hereby authorized and empowered, in addition to any other investment rights and powers he may hold or possess, to invest and reinvest any money which is under the control of the County Commissioners of said County in Certificates of Deposit issued by banks and savings banks incorporated under the laws of Maryland and in National Bank Associations having their principal banking offices in the State of Maryland. Such investments shall be in such amounts, and for such term as the Director of Finance deems proper. The placement of such investments shall be on a competitive bid arrangement and shall include no less than two solicitation requests.

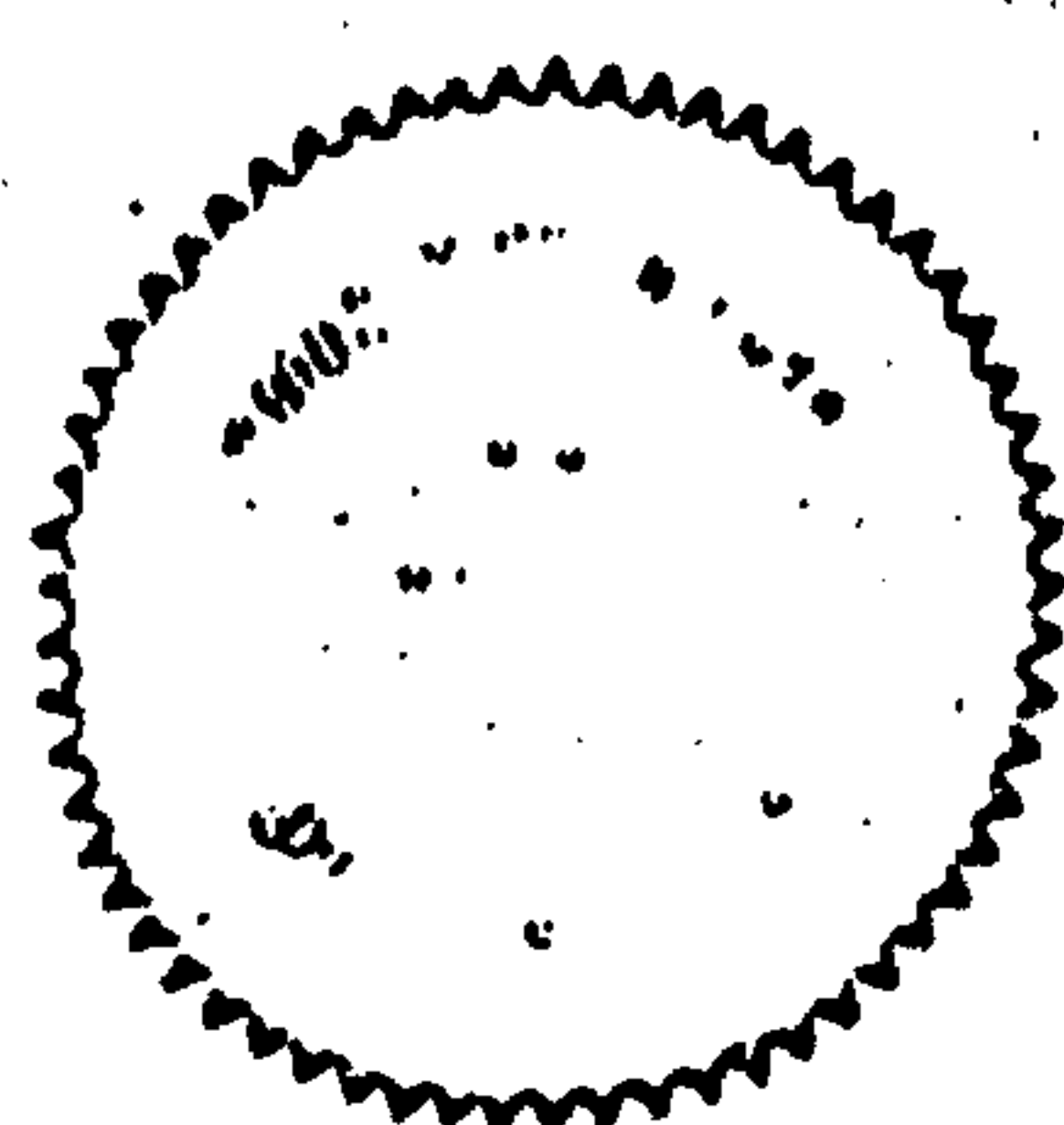
Section 3 - That the said Director of Finance be, and he is hereby authorized and empowered, in addition to any other investment rights and powers he may hold or possess, to invest and reinvest any money which is under the control of the County Commissioners of said County in interest-bearing time deposits and/or savings accounts in banks and savings banks and associations incorporated under the laws of Maryland and in national banking associations having their principal banking offices in the State of Maryland. Such interest bearing accounts shall be in such amounts for such rate and for such terms as may be agreed upon from time to time by said Director of Finance and participating banks or savings associations.

Section 4 - That the said Director of Finance do, and he is hereby authorized and empowered to sell any of the securities acquired pursuant to authority granted in Sections 1, 2 and 3 of this Resolution, and he is further authorized and empowered to protect the interests of the funds so invested, including the exercise of exchange privileges which may be granted with respect to maturing securities in cases where the new securities offered in exchange meet the requirements for initial investment.

Section 5 - All interest derived from investments under this Resolution shall become a part of the funds invested and in cases where funds have been committed to obtain the maximum return on investment, the fund is to receive a pro-rata share of the earnings based on factoring the original investment by fund and applying this factor to the total earnings received on the investment.

Section 6 - This Resolution shall be in full force and effect from and after its passage, approval, and publication according to law.

This date, December 20, 1977



BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

*James H. McKay*  
JAMES H. MCKAY, PRESIDENT  
*Ford L. Mean*  
FORD L. MEAN, COMMISSIONER  
*Patrick J. Jangle*  
PATRICK JANGLE, COMMISSIONER  
*Larry Millison*  
LARRY MILLISON, COMMISSIONER  
*John R. Parlett*  
JOHN R. PARLETT, COMMISSIONER

ATTY: *Edward V. Cox*  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph N. Hill, II*  
JOSEPH N. HILL, II  
County Attorney

*Mel. Co. Comm's*

JAN 13 1978

MARY R. BELL, CLERK

SUBJ: MOBILE HOME HARDSHIP CASES

ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, did adopt, effective May 1, 1966 Resolution No. 66-5 which sets forth, under authority granted by Article 25 of the Annotated Code of Maryland, certain regulations governing the placement or erection of individual trailers, trailer coaches, mobile homes, auto trailers, trail mobiles, or auto trailer houses on any tract or parcel of land owned by any person, firm or corporation in St. Mary's County, Maryland (excepting the placing of said trailers in licensed trailer parks), and

WHEREAS, St. Mary's County did adopt on May 28, 1974, and subsequently amend on March 10, 1977 a Zoning Ordinance of St. Mary's County, Maryland, which also sets forth additional regulations governing the placement of mobile homes on individual lots, and

WHEREAS, Resolution No. 66-5 does not make any provision to waive any of the regulations contained therein where "hardship cases" exist.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, that Resolution No. 66-5 is hereby repealed.

IT IS FURTHER ORDAINED that the following regulations are hereby adopted as the regulations governing the installation, placement, or erection of individual mobile homes as defined by the St. Mary's County Zoning Ordinance, on any tract or parcel of land owned by any person, firm or corporation in St. Mary's County, Maryland (excepting the placing of said mobile homes in licensed mobile home parks):

1. No mobile home residential units shall be placed on a lot less than the minimum square foot areas as set forth in the St. Mary's County Zoning Ordinance for the appropriate zoning district.
2. Each individual desiring to place a mobile home residential unit on an individual lot must furnish for said mobile home and its occupants, his or her own individual water supply system and individual sewage disposal system; said systems must be inspected and approved by the St. Mary's County Health Department prior to the issuance of any building permit for the installation of said mobile home residential units.
3. Prior to the issuance of any building permit, the owner must furnish the issuing authority, hereby designated as the Office of Land Use and Development, with a plot plan showing the proposed location of said residential mobile home on said lot in accord with the appropriate provisions of the St. Mary's County Zoning Ordinance.

4. The placement of any of the aforementioned residential mobile home units shall be done in accord with the appropriate provisions for the placement of mobile homes as contained in the St. Mary's County Zoning Ordinance.

5. It shall be unlawful for any individual, firm or corporation to finalize the sale of and transport or cause to be transported any residential mobile home to any individual residential lot not located in a licensed mobile home park unless a County Building Permit has been obtained which shall be affixed to the rear of said residential mobile home while being transported to the lot and left in place until such time as all placement requirements required by this Ordinance and the St. Mary's County Zoning Ordinance have been met. This provision shall not apply to any residential mobile home being purchased by a dealer and transported to a dealer's sales lot.

IT IS FURTHER ORDAINED that in individual "hardship cases," as defined herein, the Board of County Commissioners upon recommendation by the Mobile Home Hardship Case Evaluation Committee (which shall consist of the Director, St. Mary's Department of Social Services, or his designee; the Director for Environmental Health for the St. Mary's County Health Department; and the Director of the St. Mary's County Housing Authority and referred to hereafter as the Committee) may waive or modify any of the hereinabove regulations in accord with the following provisions:

1. For the purpose of this Ordinance, a "hardship case" shall be defined as one in which the occupants of the mobile home have no feasible monetary means to fully comply with the hereinabove regulations. The Board of County Commissioners shall adopt written criteria for determining eligibility for a waiver.

2. Any waiving of any of the hereinabove regulations shall be done in such a manner as to not constitute a potential threat to individual and/or public health. If the requirements for an individual water system and an individual sewage disposal system as stated hereinabove should be waived, there shall be required as a minimum:

- a. The installation of any approved privy;
- b. Any interior plumbing in the mobile home shall be rendered inoperable;
- c. No water shall be conveyed to the mobile home in pipes, either by mechanical means or by gravity.

3. In the event that the mobile home is abandoned or the household composition changes, any waivers granted apply only to the eligible household defined in the original application. No subsequent household shall occupy any mobile home in any waived status unless the subsequent household shall also be certified eligible as defined above.

4. Should a resident household become not certifiable as income eligible, the owner shall promptly comply with all of the provisions of this Ordinance.

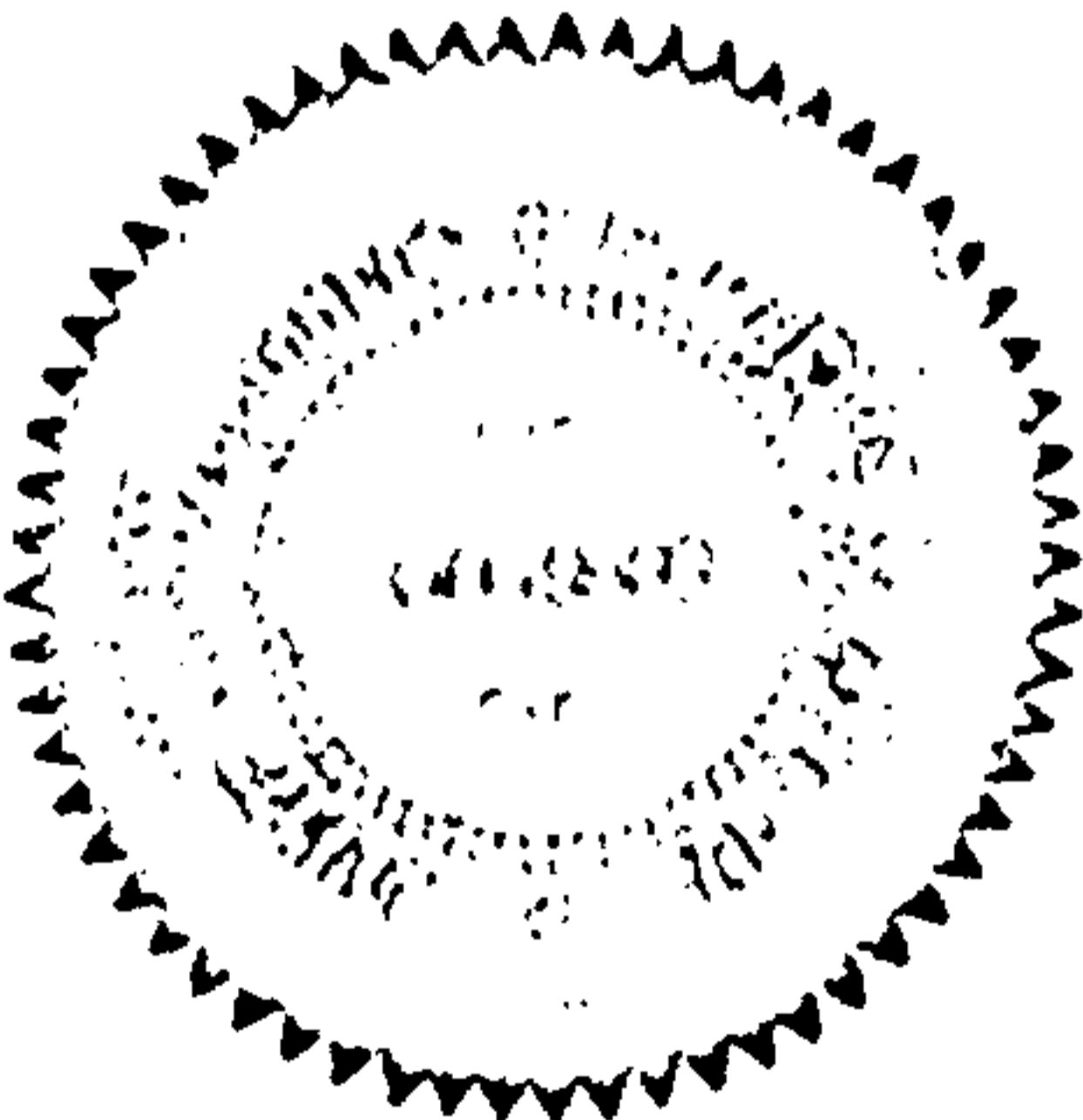
5. For any mobile home for which a waived status is requested, it shall be required of the owner of such mobile home to enter into and sign with the Board of County Commissioners a contractual agreement which shall set forth the conditions and requirements of the approved waiver. The contractual agreement shall be attached to the deed for the mobile home and recorded therewith. The agreement shall be issued for an initial period of one year and to insure compliance with the terms of the agreement shall be renewed annually at no cost to the owner, except for the payment of any recordation fees that might apply.

IT IS FURTHER ORDAINED that all mobile homes, already existing on individual lots as of November 1, 1977, shall meet the appropriate provisions of this Ordinance by November 1, 1978. Minimum lot requirements of the St. Mary's County Zoning Ordinance shall not apply for those mobile homes placed on the lot prior to May 28, 1974, nor shall the other provisions of this Resolution apply to those mobile homes which were placed on the lot prior to May 1, 1966.

IT IS FURTHER ORDAINED that any person, firm or corporation violating any of the hereinabove regulations shall be subject to a fine not to exceed \$100.00; each day's failure to comply with any such regulations shall constitute a separate violation.

AND IT BE ORDAINED that this Ordinance shall take effect January 11, 1978.

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President  
*John K. Parlett*  
John K. Parlett, Vice-President  
*Ford L. Dean*  
Ford L. Dean, Commissioner  
*Patrick Jarboe, M.D.*  
Patrick Jarboe, M.D., Commissioner  
*Larry Milbison*  
Larry Milbison, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox,  
County Administrator

Approved as to  
Legal Sufficiency:

*Joseph P. Bell*  
Joseph P. Bell, II  
County Attorney

*Del. to County Commissioners*

FEB 1 1978

MARY B. BELL, CLERK

1978 012 23

TIME 11:35 A. M.

RES 25-78 \* 27159 \*\*\*\*\*03  
RES 25-78 A 27159 \*\*\*\*\*03

Resolution No. 78-09

PLANNING, ZONING AND PLUMBING FEES

WHEREAS, Article 19.1 of the St. Mary's County Zoning Ordinance provides for the establishment of Planning and Zoning Fees by the Board of County Commissioners, and

WHEREAS, Section 143A of the Code of Public Local Laws of St. Mary's County, authorizes the Board of County Commissioners to set Plumbing Permit Fees, and

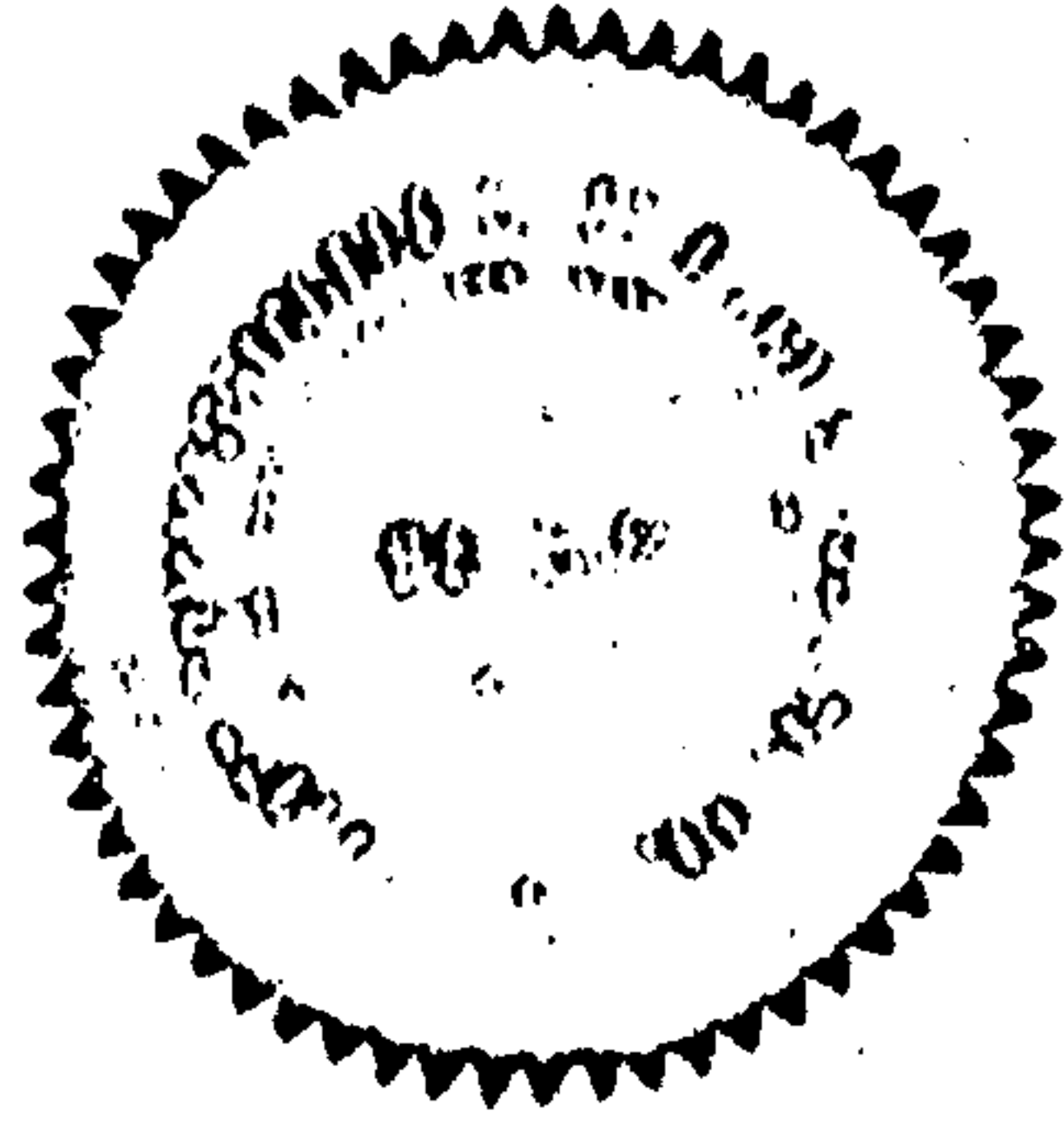
WHEREAS, the appropriate fees have been evaluated as to services to citizens and costs to the County of insuring the protection of the Public therefore, and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended;

THEREFORE, BE IT RESOLVED that the enclosed fee schedule is established and ordered collected for permits, plans and processes as indicated, effective January 23, 1978, and that all existing fee schedules, if any, for the same purposes are repealed.

Enclosure;  
Fee Schedule

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
J. Manning McKay, President

*Ford L. Dean*  
Ford L. Dean, Member

*J. Patrick Jarboe*  
J. Patrick Jarboe, M.D., Member

*Laurence Millison*  
Laurence Millison, Member

*John K. Parlett*  
John K. Parlett, Member

Date:

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED: COUNTY ATTORNEY

*Joseph Ernest Bell II*  
Joseph Ernest Bell II

102 102 40

SCHEDULE OF FEES FOR ST. MARY'S COUNTY.

<u>1. Planning and Zoning Actions.</u>	<u>Fees</u>
Zoning Permit	No fee
Subdivision Plat Review	\$10.00 per lot (plus actual consultant review cost)
Site Plans: Regular Simplified	\$150.00 \$50.00 - However, if the estimated capital improvement does not exceed \$1,000.00 review fees shall be \$25.00. <u>Note:</u> If a Simplified Site Plan is a part of a Conditional Use Application or Application for Expansion of Non-conforming Use, no fee is charged for Site Plan Review.
Zoning Amendment, Rezoning	\$100.00
Planned Unit Development - Plan Review	\$500.00
<u>2. Board of Appeal's Actions</u>	
Conditional Use/Special Exception	\$50.00
Variance to the Zoning Ordinance	\$25.00 (each item)
Appeal of Zoning Administrator's Decision	\$50.00, refundable if the Board of Appeals finds in favor of the applicant.
Change, Re-institution or Expansion of Non-Conforming Use, of greater than 50% and has to be heard by the Board of Appeals.	\$50.00
<u>3. Other Actions</u>	
Occupancy Permits	See attached list
Signs: Under 5 sq. ft. of sign area.	No fee
5 to 32 sq. ft. of sign area.	\$10.00
Greater than 32 sq. ft. of sign area	\$10.00, plus \$0.05 per sq. ft. of sign area
Public Notices and Advertising	\$15.00 per case

\*For any fees for uses or processes not covered herein, the Chief, Permits and Inspections shall equate the fee to the nearest schedule.

\*\* (Refunds of fees shall be granted in accordance with the Refund Policy approved by the Board of County Commissioners on October 13, 1977).



USE 1972 41

FEES FOR OCCUPANCY PERMITS FOR ST. MARY'S COUNTY

<u>USE/STRUCTURE</u>	<u>FEE</u>
Single Family Dwelling, where required	No fee
Duplex Structure	\$3.00 per unit
Home Occupations	\$10.00
Multi-family, Garden Apartments, and Townhouse Dwelling Structures, Rooming Houses, Tourist Houses, Boarding Houses	\$10.00 per structure plus \$3.00 per unit
Swimming Pools, permanent type	No fee
Commercial parking structure, commercial greenhouses, drive-in theaters, (tents for commercial use, carnival, circus, festival and similar uses) and similar uses	\$10.00
Hotels, Motels, (Inns), Mobile Home Parks, Private Clubs and Lodges and Camper Parks	\$10.00 plus \$2.00 per unit
Other commercial, office, marinas, food processing, per 5,000 sq. ft. gross floor area or fraction thereof	\$10.00
Manufacturing/Industrial	\$5.00 plus \$2.00 per 1,000 sq. ft. of floor space, maximum fee \$200.00
Government-owned, operated, and/or sponsored facilities and activities, and civic association, historical buildings, (short-term activities of non-profit organizations,) and similar uses, (including signs).	No fee Permit required
Uses such as: private schools, churches, day nurseries, boarding camps, day care foster care, (temporary or seasonal sales not operated by non-profit organizations, and similar uses).	No fee Permit required
Change of use	The fee shall be the same as per schedule
Expansion of use	Percentage expansion, times appropriate fee schedule

Minimum fee for any single Certificate of Occupancy shall not be less than \$5.00.

LEE 002 PG 42

SCHEDULE OF FEES  
Continued

PLUMBING

FEES

New Installation - Houses	\$3.00 per fixture \$15.00 minimum
Mobile Homes	\$15.00
Re-issue of expired permit	\$15.00
Fixtures left out of original permit application	\$5.00
Water Service connection to private or public central water system	\$10.00
Sewer Service connection to a private or public central sewer system	\$10.00
Additional inspections in excess of three	\$5.00 each
County Master License Fee	\$10.00 per year
County Journeyman License Fee	\$5.00 per year
County Apprentice License Fee	\$2.00 per year

(REFUNDS: Refunds of fees shall be granted in accordance with the Refund Policy approved by the Board of County Commissioners on October 13, 1977).

ctp

*Mil. Ci. Comm.*

FEB 14 1978

MARY R. BELL, CLERK

BUILDING PERMIT FEE SCHEDULE

WHEREAS, Article 25, Section 25, of the Annotated Code of Maryland, authorizes the Board of County Commissioners to set Building Permit Fees in December of each year, and

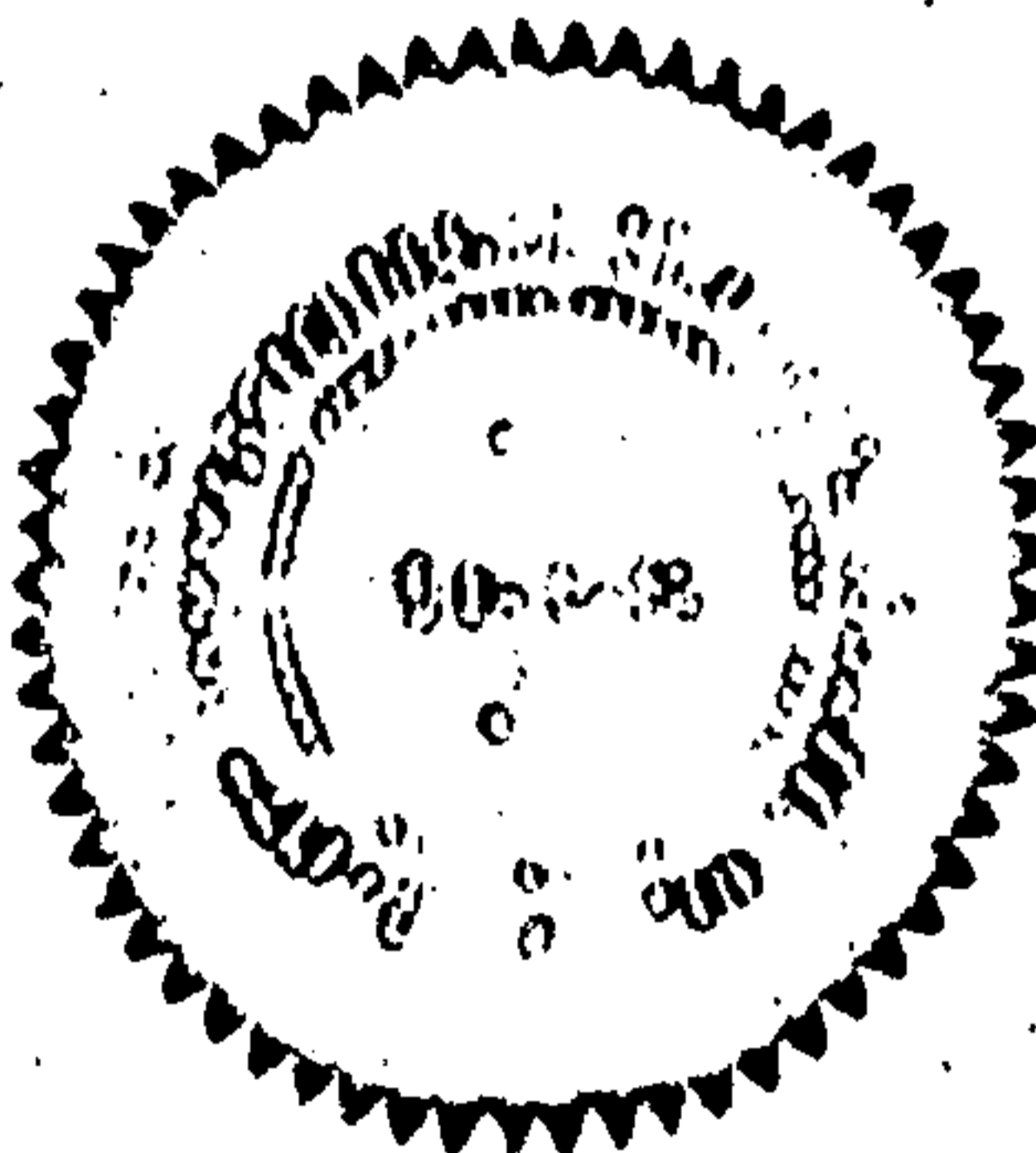
WHEREAS, the appropriate fees have been evaluated as to services to citizens and costs to the County of insuring the protection of the Public therefore, and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended;

THEREFORE, BE IT RESOLVED that the enclosed Building Permit Fee Schedule is established as indicated and ordered collected for new construction, effective January 23, 1978 and that any conflicting fee schedules, if any, for the same purposes are repealed.

Enclosure; Fee Schedule

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND



James M. McKay, President

Ford L. Dean, Member

J. Patrick Jarboe, M.D., Member

J. Laurence Millison, Member

John K. Parlett, Member

Date:

ATTEST:

Edward V. Cox, County Administrator

APPROVED: COUNTY ATTORNEY

Joseph Ernest Bell II

**BUILDING PERMIT FEE SCHEDULE** **ISS 6-12-62** **44**

**BUILDINGS, STRUCTURES AND RELATED**

**FEE**

Agricultural, forestry and fishery structures, including appurtenances based on gross sq. ft. of floor space under roof.

One cent per square foot. Fee is charged only for structures of a size of 300 sq. ft. or greater.

Agricultural Grain Storage Bins

\$.01 per cubic yard is charged for only Bins larger than 100 cubic yards.

Construction of all single family and two family dwelling structures, and mobile homes including basements, garages and appurtenances thereto, based on gross floor space under roof. (Basement is anything 75% or more below grade).

Five cents for each square foot of the basic structure. Two cents per sq. ft. for basements, garages and appurtenances thereto.

Townhouses, garden apartments and multi-family dwelling structures, including appurtenances, basements and garages based on floor space under roof.

Five cents for each square foot.

Commercial and industrial structures and enclosures and appurtenances based on gross floor area under roof.

Five cents for each square foot.

Industrial Oil or Petroleum Storage Tanks larger than 144 cubic yards

Five cents per cubic yard if larger than 144 cubic yards.

Hardstands, open commercial parking lots, and similar construction based on gross square covered thereby.

One cent for each square foot over 144 sq. ft.

Private permanent-type swimming pools and tennis courts.

\$15.00

Commercial or public swimming pools and tennis courts.

\$30.00

Metal or wood free-standing storage shed and similar sheds, accessory to residential structures.

One cent per square foot.

(Observation stands), piers, trailer and camper pads (and spaces), antenna structures exceeding fifteen feet in height, commercial (petroleum storage tanks and) gas pumps, boat houses, bulkheads, groins, levees, breakwaters & jetties.

\$10.00 per unit.

Additions to agricultural, residential, commercial and industrial structures.

Computed at same rate as for the existing structure use.

Moving of principal buildings. Principal building shall mean a building used as a residence, or a building used for commercial or industrial purposes.

\$15.00 per building.

Demolition of principal buildings larger than 144 sq. ft. to which is connected electrical service or water supply.

No fee

1022-002 p. 45

BUILDING PERMIT FEE SCHEDULE  
continued

Page 2

For any fees for use or structures not covered herein, the Chief, Permits and Inspections shall equate the fee to the nearest schedule.

(Refunds: Refunds of fees shall be granted in accordance with the Refund Policy approved by the Board of County Commissioners on October 13, 1977.)

Mel: Co. Comm's

FEB 14 1978

MARY R. BELL, CLERK

NO: 78-17

SUBJ: RAILROAD RIGHT-OF-WAY

ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, hold title to a large segment of that corridor of land known generally as the Railroad Right-of-Way; and,

WHEREAS, the residents living along the County railroad right-of-way have been experiencing disturbances caused by motorized vehicles using said right-of-way all hours of the day and night; and,

WHEREAS, individuals have blocked the railroad right-of-way with junk cars and other types of litter, and have dug trenches across it; and,

WHEREAS, measures must be adopted by the County to prevent further disturbances of the residents living along the right-of-way; and,

WHEREAS, the County Commissioners must adopt measures to prevent injury as a result of dangerous modifications to the right-of-way;

NOW, THEREFORE BE IT RESOLVED by the County Commissioners of St. Mary's County, Maryland, as follows:

- (1) No motor vehicle or any self-propelled motorized vehicle shall be permitted on said railroad right-of-way, except when crossing an existing right-of-way or driveway that connects adjoining property with Maryland Route 5 and Maryland Route 235.
- (2) No modification, digging, trenching, and placing of obstructions of any kind is permitted on the railroad right-of-way.
- (3) No construction of any kind shall be permitted on the railroad right-of-way.
- (4) No refuse or litter shall be deposited on or in the railroad corridor.
- (5) Emergency vehicles, County or State maintenance vehicles, and utility vehicles are exempted from the operation and effect of this Ordinance.
- (6) Any exception to the above provisions must be obtained by written approval from the Board of County Commissioners.
- (7) Anyone using the railroad right-of-way in violation of this Ordinance will be considered a trespasser and the police authorities shall deal with any violation accordingly.

USE 002 REC 47

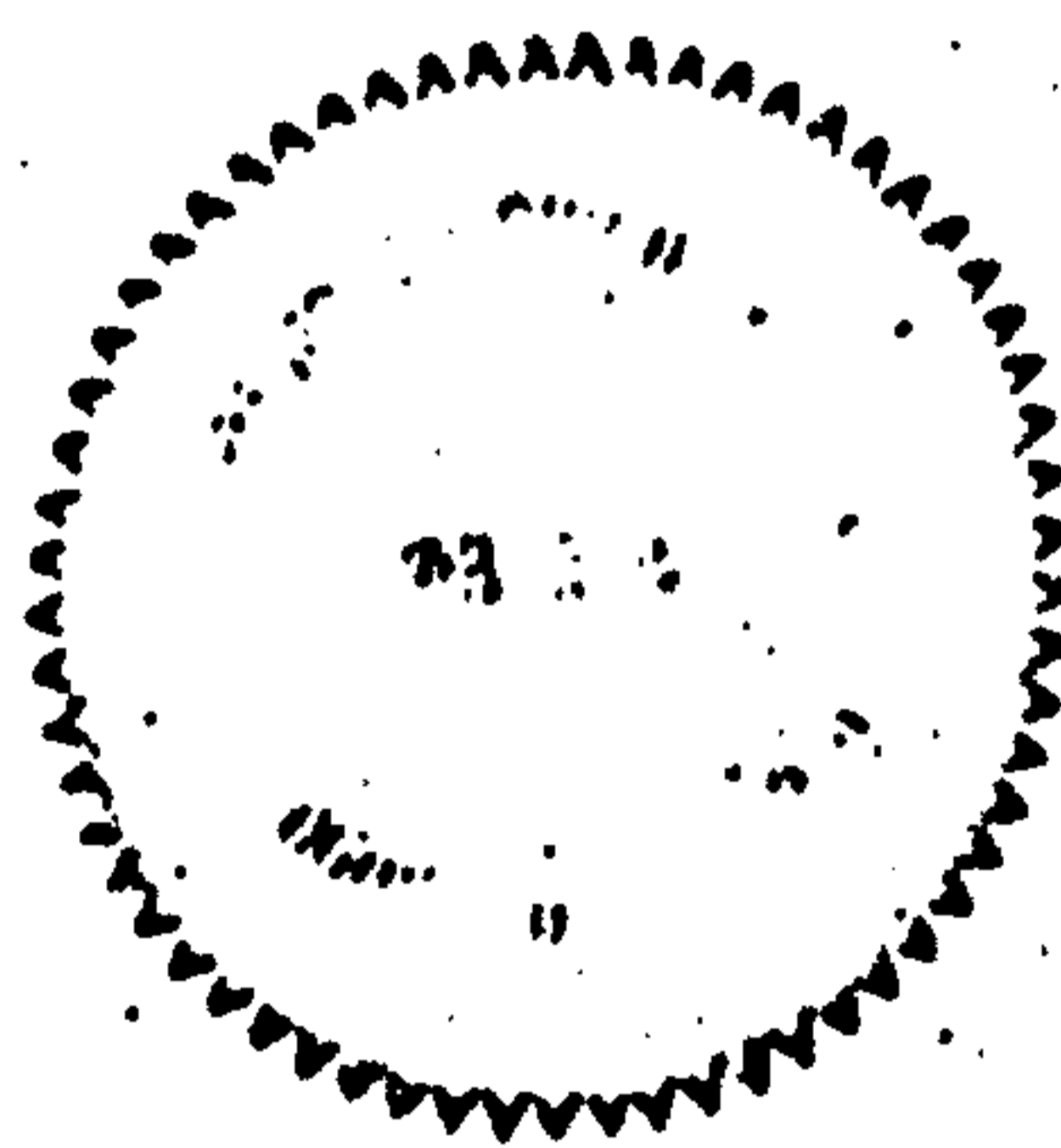
NO: 78-17

SUBJ: RAILROAD RIGHT-OF-WAY  
PAGE 2 of 2

This Ordinance shall become effective on the 1st day of March, 1978, following published notice of this Ordinance in a newspaper of general circulation in St. Mary's County, Maryland, and the posting along the railroad corridor of appropriate signs giving notice of this Ordinance.

This Date: February 8, 1978

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



James M. Kenay  
James M. Kenay, President  
John A. Parlett  
John A. Parlett, Vice-President  
Ford L. Dean  
Ford L. Dean, Commissioner  
Patrick Jarboe, M.D.  
Patrick Jarboe, M.D., Commissioner  
Larry Hillison  
Larry Hillison, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL FORM:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

MARY R. BELL, CLERK

Del. to County Commissioners

2-13-78

OPER 002 MAY 48

NA 10-76 \* 29048 \*\*\*\*\*CC  
NA 10-76 A 227048 \*\*\*\*\*CC

NO. : 78-23

(AICUZ)

SUBJ: INTERPRETATION OF THE  
MEANING OF THE PHRASE  
"NO NEW DEVELOPMENT"  
AS IT APPLIES TO ARTICLE  
21 OF THE ST. MARY'S  
COUNTY ZONING ORDINANCE**RESOLUTION**

WHEREAS, The Board of St. Mary's County Commissioners adopted on March 10, 1977, Article 21 of the St. Mary's County Zoning Ordinance, which among other provisions established Air Installation Compatible Use Zones (AICUZ) around the NAS/NATC, Patuxent River, Maryland.

WHEREAS, A purpose of AICUZ is to protect the Naval Air Installation from encroachment from non-compatible land development, as well as to safeguard the health, safety, and welfare of the residents living around the installation.

WHEREAS, Article 21 does establish certain AICUZ zones, coded as: A, B-3, B-2, B-1, C-3, C-2, C-1, and CNR-3, in which "no new residential development" is permitted.

WHEREAS, There exists three residential developments, namely: Southampton, Cedar Cove, and Forest Park, which are situated in whole or in part within one or more of AICUZ zones: A, B-3, B-2, B-1, C-3, C-2, C-1 or CNR-3; and which also received either record plat or development plan approval prior to March 10, 1977 and which also proceeded on the basis of that approval to construct improvements such as streets, water and sewer lines, other utility services, and/or houses.

WHEREAS, Article 21 does not clearly define nor state what "no new development" means, nor does it specifically address its applicability to those residential developments which have acquired vested rights by virtue of the fact that significant constructed improvements have been accomplished therein per approvals previously received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of County Commissioners, in which is vested the authority to adopt the St. Mary's County Zoning Ordinance, does hereby interpret the phrase "no new development", as applied to Article 21, to mean no new and additional land uses may henceforth be approved in those AICUZ zones in which same is prohibited by Article 21.

IT IS FURTHER RESOLVED, That the residential developments of Southampton, Cedar Cove, and Forest Park have acquired vested rights of development because appropriate approvals were obtained and substantial constructed improvements had been made prior to the adoption of Article 21.

IT IS FURTHER RESOLVED, That it would be prudent, in light of the prior county approvals given and the time and money expended in actual construction, to issue building permits for those yet unbuilt upon lots and for approved dwelling units pursuant to approved P.U.D. development plans in the above-named residential developments unless the owner(s) shall receive just and adequate compensation.



IT IS FURTHER RESOLVED, That because the United States Navy has expressed the opinion that any construction of additional houses in the above-named residential developments which are situated in AICUZ zones: A, B-3, B-2, B-1, C-3, C-2, C-1, or C1R-3 would be incompatible with the mission of NAS/NATC, Patuxent River, Maryland, and the health, safety, and welfare of the future residents of such houses: St. Mary's County will declare a moratorium on the issuance of building permits in such AICUZ zones from the effective date of this Resolution until December 1, 1978.

IT IS FURTHER RESOLVED, That the purpose of this moratorium shall be to provide time for St. Mary's County to explore with the United States Navy all possible sources of funds to purchase those above-described, unbuilt upon lots and/or unbuilt upon approved P.U.D. dwelling unit spaces, in the above-named residential developments; or optionally to negotiate acceptable alternatives.

IT IS FURTHER RESOLVED, That should no sources of funds for purchase be appropriated by December 1, 1978, or should no acceptable alternatives be negotiated, St. Mary's County will and does hereby authorize after that date the issuance of building permits in the hereinabove-described residential developments, subject to the required provisions of other appropriate County regulations.

IT IS FURTHER RESOLVED, That nothing in this Resolution shall affect the building of residential units on those residential lots and/or within P.U.D. areas according to indicated densities of applicable development plans which were approved prior to March 10, 1977 and which now lie within the AICUZ Zone C1R-2 or the 1000' Buffer Zone. Any such lots shall be considered buildable as per the conditions of the record plat or developmental plan approval. The requirement of sound attenuation and the buyer's disclosure statement will, however, apply.

The effective date of this Resolution shall be March 8, 1978.

This Date:

March 8, 1978

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*James M. McKay*  
James M. McKay, President  
*Ford L. Bean*  
Ford L. Bean, Commissioner  
*Patrick Jarboe*  
Patrick Jarboe, M.D., Commissioner  
*Larry H. Johnson*  
Larry H. Johnson, Commissioner  
*John K. Parlett*  
John K. Parlett, Commissioner



ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL FORM:

*Joseph L. Bell*  
Joseph L. Bell, II  
County Attorney

Del. to County Commissioners.

MAR 23 1978

JOHN R. BELL, CLERK

TIME 2:10 P. M.

MARY S. HILL, CLERK  
PL. MARYS CO.

No. 78-25

SUBJ: Amendment to St. Mary's  
County Zoning Ordinance -  
Article 4.9

RESOLUTION

WHEREAS, by virtue of the authority conferred by Article 66B of the Annotated Code of Maryland, the Planning Commission has recommended the proposed amendments to the St. Mary's County Zoning Ordinance:

Amendment, P. III 16 to read:

LOT, ZONING is a single tract of land located within a single block under contiguous ownership which meets the minimum requirements for a permitted use as required in the schedule of district regulations, except as provided in Section 4.9.

P. IV 7, 4.9 C&D to read:

C. However, where two (2) or more contiguous substandard lots are in common ownership, such adjoining lots or portions thereof shall be so joined, developed, and used for the purpose of forming a legal zoning lot, except that a lot served by water and sewer may be allowed if greater than 6,500 square feet as a zoning lot.

In recorded subdivisions without water and sewer where the average lot size is at least 20,000 square feet and where strict adherence to the minimum lot size of 20,000 square feet would prove a practical difficulty, the Zoning Administrator may allow a deviation of up to 15 percent from the 20,000 square feet minimum lot area, provided a 50-foot front yard, 40-foot rear yard, and combined side yards of 40 feet are maintained and necessary Health Department approval is obtained.

D. Contiguous substandard lots of record which are in common ownership shall, for zoning purposes, be considered as being maintained in common ownership after the effective date of this Ordinance. When such contiguous substandard lots of record are conveyed, they shall be conveyed as a conforming lot in the Zoning District in which they are located or conveyed under the provision of 4.9(C) above.

WHEREAS, public hearing was held by the Planning Commission on said amendments as required by law on February 27, 1978, Leonardtown, St. Mary's County, Maryland, and due notice of same having been given by publication in a St. Mary's County newspaper of general circulation fifteen days prior to said hearing, and,

WHEREAS, the Planning Commission approved on February 27, 1978, the amendments, and,

WHEREAS, the Board of County Commissioners, pursuant to Article 66B of the Annotated Code of Maryland, gave due notice of and conducted a public hearing on the proposed amendments on February 15, 1978,

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners this 9th day of March, 1978 that the amendments to the St. Mary's County Zoning Ordinance by the Planning Commission, be approved and adopted as noted above.

This Date: March 15, 1978

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

James H. McKay  
James H. McKay, President

Ford L. Daan  
Ford L. Daan, Commissioner

J. Patrick Jarboe, M.D.  
J. Patrick Jarboe, M.D., Commissioner

Larry Hillison  
Larry Hillison, Commissioner

John K. Parlett  
John K. Parlett, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL FORM:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Mel. Co. Comm.

APR 7 1978

MARY E. BELL, CLERK

NO: 78-27

SUBJ: HEALTH REGULATIONS -  
SCAVENGER LICENSES

RESOLUTION

WHEREAS, it is incumbent upon the Board of County Commissioners to preserve and to protect the wellbeing and health of the citizens of St. Mary's County; and,

WHEREAS, it is evident that regulations are necessary to control the disposition of the contents of septic tanks by those engaged in the business of pumping out said tanks:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the following regulations shall apply to every person, firm, or corporation engaged in the business of pumping out septic tanks in St. Mary's County:

1. A county scavenger license for the performance of this service must be acquired from the Office of Permits and Inspections at a per truck fee of \$25.00 each. The scavenger license number must be displayed on both sides of each truck.

2. The county scavenger license will be issued only to those trucks which have been inspected and approved by the Health Department and after a notice of approval by the Health Department has been received by the Office of Permits and Inspection. The Health Department shall annually notify all scavenger license holders to schedule inspections of their trucks.

3. Scavenger licensees disposing of the contents of septic tanks in St. Mary's County shall do so only through a sewage treatment plant at a point and in a manner designated by the St. Mary's County Metropolitan Commission. The Metropolitan Commission shall issue a permit to such licensees at a per truck fee of \$200. The Metropolitan Commission permit must be displayed adjacent to the county scavenger license on both sides of each truck.

4. The county scavenger license is effective for one year beginning May, and all related fees are due and payable to the Board of County Commissioners prior to issuance.

Effective Date:  
April 1, 1978

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President  
*John K. Parlett*  
John K. Parlett, Vice-President  
*Harry Harrison*  
Harry Harrison, Commissioner  
*Patrick Jarboe*  
Patrick Jarboe, M.D., Commissioner  
*Ford L. Dean*  
Ford L. Dean, Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox  
County Administrator

Approved as to Legal Form:  
*Joseph E. Bell*  
Joseph E. Bell, II, County Attorney

*Del: Co Comm*

APR 25 1978

MARY R. BELL, CLERK

No. 78-40

Subj: TANNER CREEK SHORE  
EROSION DISTRICT TAX

TIME 9:11 A. M.

MARY R. BELL, CLERK

ST. MARY'S CO.

MAY 26-78 \* 22966 \*\*\*\*\*DC

MAY 26-78 A 22966 \*\*\*\*\*DC

RESOLUTION

WHEREAS, the County Commissioners of St. Mary's County, Maryland, acting as the District Council, by virtue of Article 25, Section 166-A of the Annotated Code of Maryland, is charged with the duty of levying against all assessable property in each erosion district a sufficient sum to take care of expenses and all necessary repairs to the erosion prevention work constructed in each district;

NOW, THEREFORE, BE IT RESOLVED, that the County Commissioners of St. Mary's County, Maryland, acting as a District Council, hereby levies the following taxes on the assessable property in the erosion district known as the Tanner's Creek Shore Erosion District:

\$5.43 per \$100 on all assessable property in the Bay Front category;

\$3.61 per \$100 on all assessable property in the Tanner Creek - Bay Front category;

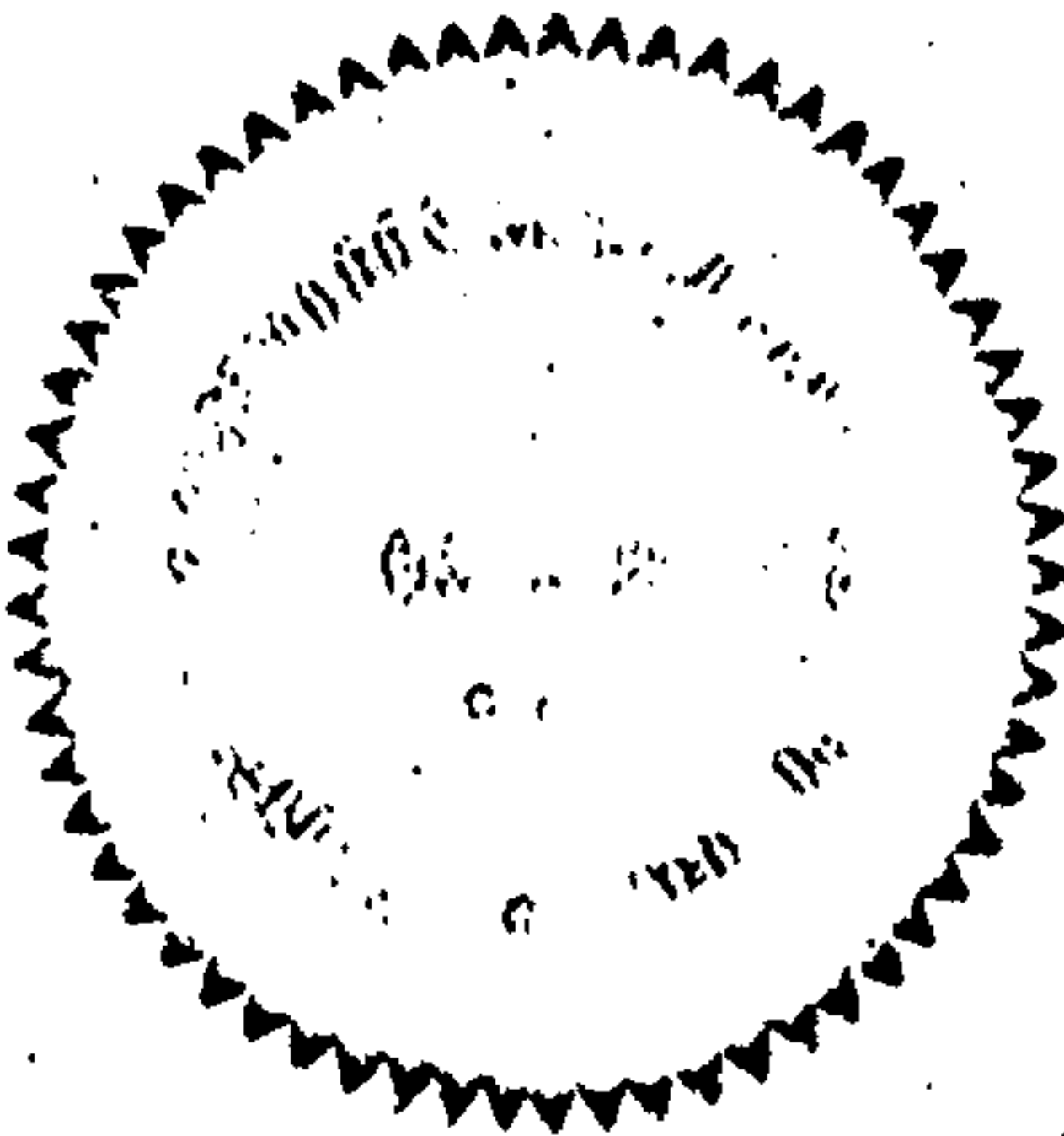
\$2.03 per \$100 on all assessable property in the Tanner Creek Waterfront category;

\$1.17 per \$100 on all assessable property in the Surrounding Owners category.

This assessment shall be effective for the taxable year of 1978 and for every year thereafter until amended or changed by action of the County Commissioners of St. Mary's County, Maryland, acting as the District Council.

This date: May 24, 1978.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
JAMES M. MCKAY, President

*Ford L. Dean*  
FORD L. DEAN, Commissioner

*Patrick Jarboe*  
PATRICK JARBOE, Commissioner

*Larry Millison*  
LARRY MILLISON, Commissioner

*John K. Parlett*  
JOHN K. PARLETT, Commissioner

Attest:  
*Edward V. Cox*

EDWARD V. COX  
County Administrator

Attest:  
*Joseph B. Bell, II*  
JOSEPH B. BELL, II  
County Attorney

Del: Co. Comm's

JUN 12 1978

MARY R. BELL, CLERK

No. 78-41

Subj: 1978-79 APPROVED  
BUDGET AND LEVY RATE

TIME 9:12 P.M.  
MAY 26 1978  
ST. MARY'S CO.

RESOLUTION

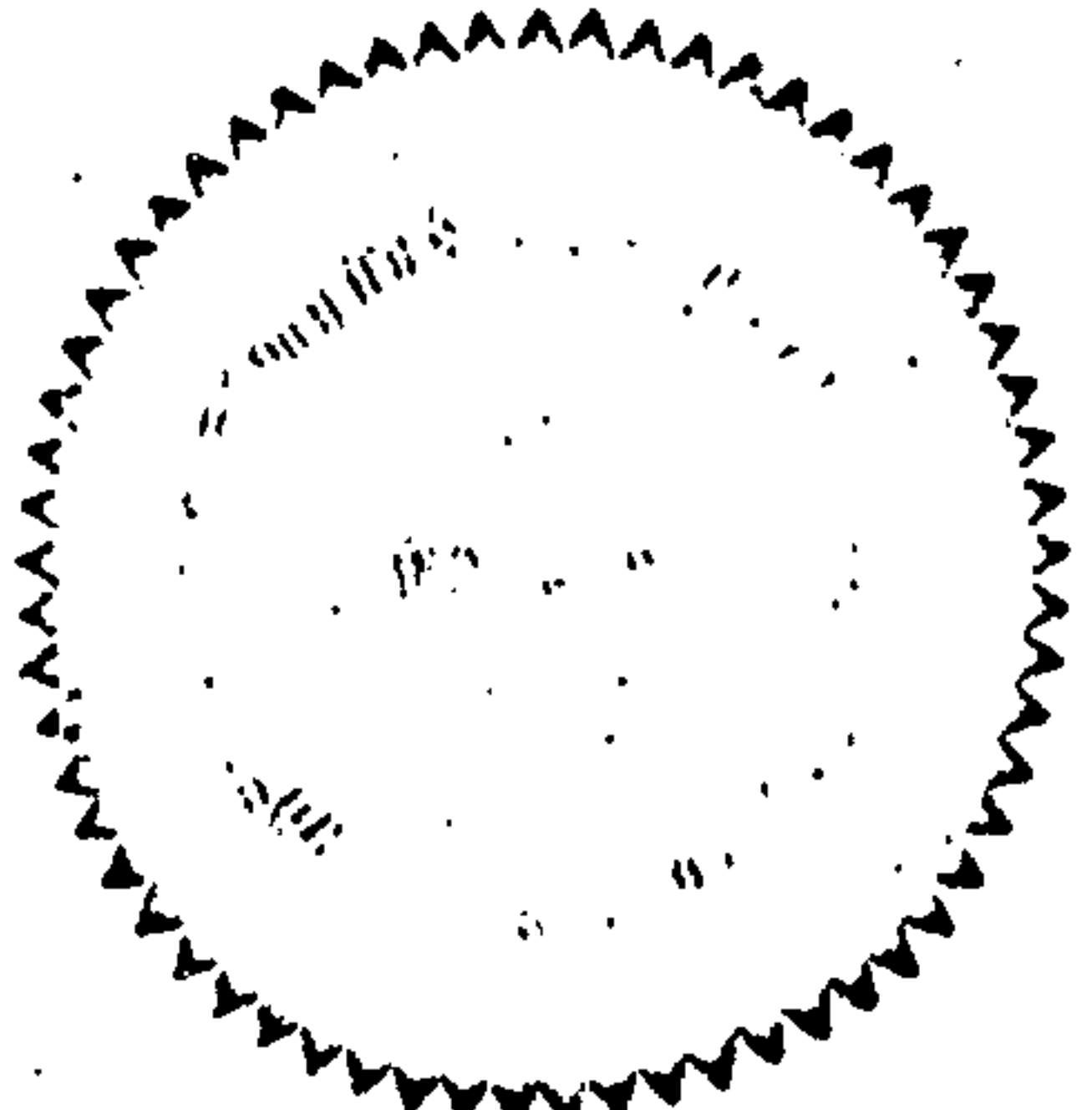
MAY 26-78 \* 22967 \*\*\*\*\*00  
MAY 26-76 A 22967 \*\*\*\*\*00

WHEREAS, Section 22 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of Estimates of said County to adopt the final budget, schedule anticipated receipts, fix general and special tax rates, and impose the levy for the ensuing fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Estimates of St. Mary's County, Maryland, pursuant to the authority contained in Section 22 of the Code of Public Local Laws of St. Mary's County, that the County Budget is approved in the amount of \$20,057,727 and the County levy rate is hereby assessed at \$2.15 per \$100.00 of assessed valuation.

This date: May 24, 1978

BY ORDER OF THE BOARD OF ESTIMATES  
OF ST. MARY'S COUNTY, MARYLAND



James M. McKay  
JAMES M. MCKAY, President

Ford L. Dean  
FORD L. DEAN, Commissioner

Patrick Jarboe  
PATRICK JARBOE, Commissioner

Larry Millison  
LARRY MILLISON, Commissioner

John K. Parlett  
JOHN K. PARLETT, Commissioner

Attest:  
Joseph P. O'Dell  
JOSEPH P. O'DELL  
Secretary to the Board of Estimates

Attest:  
Joseph H. Bell, II  
JOSEPH H. BELL, II  
County Attorney

lib: Co Commis

JUN 12 1978

MARY R. BELL, CLERK

NO: 78-42

SUBJ: REQUIREMENT OF SANITARY FACILITIES AT CONSTRUCTION SITES

FILED 7:03A . M.  
MARY S. BELL, CLERK  
ST. MARY'S CO.  
JUN 21-78 \* 24453 \*\*\*\*\*00  
JUN 21-78 A #24453 \*\*\*\*\*00

ORDINANCE

WHEREAS, there exists the need for the availability of necessary sanitary facilities at certain construction sites to accomodate the work persons who labor at such sites, as well as safeguard the general public health and welfare; and

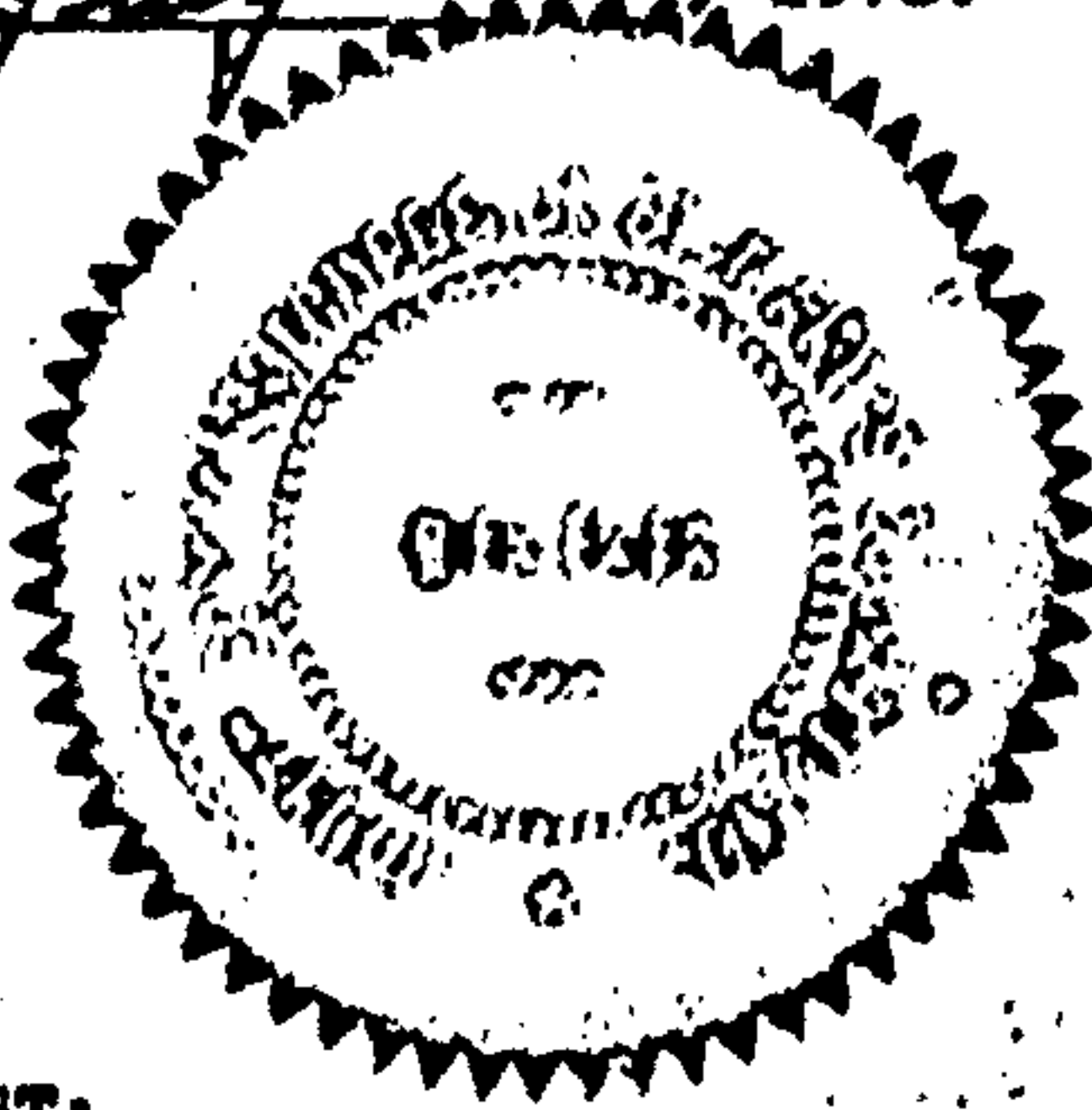
WHEREAS, the authority for this Ordinance is Article 25, Section 3 (r) of the Annotated Code of Maryland;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners that the general building contractor shall cause to be provided at construction sites in St. Mary's County, as identified below, appropriate sanitary facilities such as, but not limited to, portable privies as may be approved by the St. Mary's County Health Department;

1. Where two or more single family residences are simultaneously under construction by the same general contractor;
2. Where any multi-family residential building is being constructed;
3. Where any governmental building in excess of 2000 square feet is being constructed;
4. Where any commercial or industrial building in excess of 2000 square feet is being constructed.

IT IS FURTHER ORDAINED, that such sanitary facilities as may be required and approved shall remain in place until any internal plumbing facilities within the building being constructed shall be made fully operational and received final inspection.

This Ordinance shall become effective on the 15<sup>th</sup> day of July 1978.



BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

James M. McKay  
James M. McKay, President

John K. Parlett  
John K. Parlett, Vice-President

Ford L. Dean  
Ford L. Dean, Commissioner

J. Patrick Jarboe, MD  
J. Patrick Jarboe, MD, Commissioner

Larry Millison, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

Approved as to Legal Sufficiency

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

MARY S. BELL, CLERK

Del: Co Comm

JUL 11 1978

ORDINANCE No. 78-43

JUN 21-78 \* 24454 \*\*\*\*\*00  
JUN 21-78 A 224454 \*\*\*\*\*00

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATION FOR THE COUNTY OF ST. MARY'S, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Article 66B of the Annotated Code of Maryland; as amended, empowers the County to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the County Commissioners deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the County to enact such an ordinance; and

WHEREAS, the County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code as amended, have appointed a planning commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has divided the County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of population; to facilitate the adequate provision of transportation, water and sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning Commission has given reasonable consideration among other things to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County; and



WHEREAS, the Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the County Commissioners; and

WHEREAS, the County Commissioners have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings; and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the report of the Planning Commission and subsequent action of the County Commissioners have been met;

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, that the aforementioned Zoning Ordinance, as amended, is hereby adopted and enacted in its entirety this 7th day of June, 1978.



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

James M. McKay  
JAMES M. MCKAY, President

Ford L. Dean  
FORD L. DEAN, Commissioner

Patrick Jarboe  
PATRICK JARBOE, Commissioner

Larry Millison  
LARRY MILLISON, Commissioner

John K. Parlett  
JOHN K. PARLETT, Commissioner

Attest:  
Edward V. Cox  
EDWARD V. COX  
County Administrator

Attest:  
Joseph E. Bell, II  
JOSEPH E. BELL, II  
County Attorney

Del: Co. Comm

JUN 11 1978

MARY A. BELL, CLERK

NO. 78-44  
SUBJ: MANUFACTURING INVENTORY TAX

RESOLUTION

WHEREAS, 9A(m) of Article 81 of the Annotated Code of Maryland authorizes the local governing body of each county to change, by Ordinance of Resolution, the percentage of the total assessed value at which manufacturing inventory, defined as raw materials and manufactured products in the possession of the manufacturer, is taxed, by reducing the percentage to zero at any time or over a period of years; and

WHEREAS, these reductions will provide an incentive to manufacturers to locate in St. Mary's County and thus assist in strengthening and diversifying St. Mary's County's economic base;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County that the percentage of the total assessed value at which manufacturing inventory is taxed is reduced from the present fifty percent (50%) to zero percent (0%).

This Resolution shall become effective on the 1 day of July, 1978.

Witness the hands and seal of the Board of County Commissioners of St. Mary's County, Maryland.

This Date:  
June 28, 1978



*James M. McKay*  
James M. McKay, President

*John K. Parlett*  
John K. Parlett, Vice President

*Ford L. Dean*  
Ford L. Dean, Commissioner

*Patrick Jarboe, M.D.*  
Patrick Jarboe, M.D., Commissioner

*Lawrence Millison*  
Lawrence Millison, Commissioner

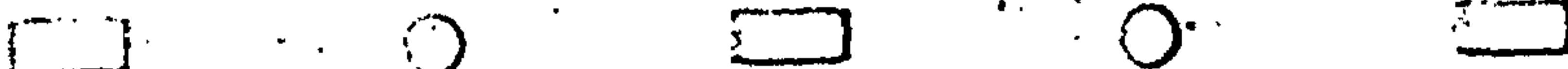
Attest:  
*Edward V. Cox*  
Edward V. Cox,  
County Administrator

Approved as to legal form:  
*Joseph Ernest Bell, II*  
Joseph Ernest Bell, II,  
County Attorney

Del. to County Comm.

JUL 25 1978

MARY R. BELL, CLERK



18R 002 59

Resolution R-79-1

JUL 12 1978 P. M.  
ST. MARY'S COUNTY

ST. MARY'S COUNTY

RESOLUTION

AL 31-78 \* 27086 \*\*\*\*\* CC  
AL 31-76 A 27086 \*\*\*\*\* CC

The following Resolution was adopted by the Board of St. Mary's County Commissioners, at their regular meeting on the 18th day of JULY, 1978.

WHEREAS, the attention of the Board of County Commissioners of St. Mary's County, Maryland, has been called to a hazardous condition now existing on certain roads in St. Mary's County, and

WHEREAS, the County Commissioners of St. Mary's County in the interest of public safety and in a desire to eliminate these conditions, hereby establish traffic control devices on the following named roads. This action is consistent with the recommendation of the St. Mary's County Engineer's Office.

NOW, THEREFORE, BE IT RESOLVED that the following streets located in St. Mary's County be posted with Regulatory Signs as listed and located on the attached sheets.

This Resolution shall become effective when appropriate signs at the above locations are erected.

ATTEST:

BOARD OF ST. MARY'S  
COUNTY COMMISSIONERS

Edward V. Cof  
County Administrator 7/18/78

James M. McKay  
James M. McKay, President

APPROVED AS TO LEGAL FORM:

Joseph Ernest Bell, II  
Joseph Ernest Bell, II  
County Attorney

CODING INSTRUCTIONS - SIGN INVENTORY

COLUMN	ITEM	COLUMN	ITEM
1	ROUTE NUMBER (LAST THREE DIGITS) (3 COLUMNS, IE, 001, A56)	26	SIZE SPECIFY HORIZONTAL AND VERTICAL DIMENSIONS (4 COLUMNS, IE, 2430 OR 3030)
4	DIRECTION OF TRAVEL (N, S, E, W) (1 COLUMN)	30	LOCATION 0 RIGHT GROUND MOUNT 1 LEFT GROUND MOUNT 2 FAR SIDE OF T INTERSECTION - GROUND MOUNT 3 MEDIAN-ISLAND 4 OVERHEAD 5 NEAR SIDE OF INTERSECTION 6 FAR SIDE OF INTERSECTION 7 ON INTERSECTING STREET TO RIGHT 8 ON INTERSECTING STREET TO LEFT (2 COLUMNS, 2 CODES MAY BE CHOSEN, IE, 16)
5	DATE (MONTH, DAY) (4 COLUMNS, IE, 0101, 1225)	32	SPEED SPECIFY ADVISORY SPEED (BALL BANK INDICATOR) OR SUGGESTED SPEED LIMIT SPECIFY EXISTING ADVISORY SPEED OR SPEED LIMIT (2 COLUMNS)
9	ACTION REQUIRED/TAKEN 0 SIGN AND SUPPORT OK 1 INSTALL SIGN AND SUPPORT 2 REMOVE THIS SIGN 3 INSTALL THIS SIGN 4 REMOVE EXISTING SIGN AND SUPPORT 5 INSTALL TEMPORARY SIGN AND SUPPORT 6 RELOCATE SIGN AND SUPPORT 7 ADJUST MOUNTING HEIGHT 8 SIGN MAINTENANCE - REPAIR 9 SUPPORT MAINTENANCE (2 COLUMNS, 2 CODES MAY BE CHOSEN IE, 73, CODE LOWER NUMBER FIRST)	34	POSITION IN ASSEMBLY 0 TOP 1 SECOND FROM TOP 2 THIRD FROM TOP 3 MOUNTED BACK-TO-BACK (1 COLUMN)
11	ODOMETER READING <del>12</del> 13 ODOMETER READING (99, 990, 999, 999) MILEPOST (CODE IN OFFICE, 4 COLUMNS)	35	ADEQUACY 0 UNIFORM DESIGN AND STANDARD INSTALLATION 1 SIGN WARRANTED - INSTALL 2 SIGN NOT WARRANTED - REMOVE 3 SIGN MISSING FROM POST - REPLACE THIS SIGN 4 NON-UNIFORM - REPLACE WITH UNIFORM SIGN 5 NON-STANDARD APPLICATION - REPLACE WITH STANDARD SIGN (1 COLUMN)
15	INTERSECTING ST. PREFIX & NUMBER (5 COLUMNS, IE, PD235, C0091)		
20	SIGN CODE (FROM MUTCD) (5 COLUMNS, IE, R4-7 = R0107 M1-11 = M0101)		

002 60

11 20 24 28

COLUMN	ITEM	COLUMN	ITEM
36	SPECIAL INSTALLATION CONSIDERATIONS 0 NONE - INSTALL ACCORDING TO MUTCD NARROW ROADSIDE - MAXIMUM PRACTICAL LAT. CLEARANCE TREES, SHRUBBERY - CHECK THAT SIGN WILL NOT BE HIDDEN 1 EXISTING GUARDRAIL - LOCATE BEHIND 2 PARKED CARS - CHECK SIGN VISIBILITY - HEIGHT OTHER SIGNS - CHECK THAT SIGN IS NOT HIDDEN AND THAT IT DOES NOT HIDE OTHER OFFICIAL TCD 3 OTHER SUPPORTS - TAKE ADVANTAGE OF EXISTING OR POTENTIAL SUPPORTS 4 SOFT SOIL - MAY REQUIRE LONGER SUPPORT (2 COLUMNS, 2 CODES MAY BE CHOSEN)	68	SHAPE - FOR NON-STANDARD SIGNS 0 RECTANGLE (LONGER DIMENSION VERTICAL) RECTANGLE (LONGER DIMENSION HORIZONTAL) SQUARE DIAMOND OCTAGON INVERTED TRIANGLE PENTAGON CIRCULAR OTHER (1 COLUMN)
38	MESSAGE DESIGN (FOR SPECIAL DESIGN FEATURES AND NON-STANDARD SIGNS) A SYMBOL B WORD MESSAGE C NO BORDER E NON-STANDARD LETTERING F FOOTNOTE FOR CURVE, TURN AND CROSSROAD SIGNS 0 ONE SIDEROAD ON RIGHT 1 TWO OR MORE SIDEROADS ON RIGHT 2 ONE SIDEROAD ON LEFT 3 TWO OR MORE SIDEROADS ON LEFT 4 INTERSECTION 5 ONE SIDEROAD ON RIGHT, ONE ON LEFT ERRORS - FOR PARKING AND GUIDE SIGNS (INDICATE DIRECTION POINTING ON SIGN) L NORTH M NORTHEAST N EAST O SOUTHEAST P SOUTH Q SOUTHWEST R WEST S NORTHWEST T DOUBLE HEADED ARROW E-W (2 COLUMNS, 2 CODES MAY BE CHOSEN) MESSAGE/REMARKS SPECIFY AND ABBREVIATE SPECIAL MESSAGE OR USE THIS SPACE FOR OTHER REMARKS (28 COLUMNS)	70	COLOR - FOR NON-STANDARD SIGNS 0 BLACK ON WHITE 1 BLACK ON YELLOW 2 BLACK ON ORANGE 3 WHITE ON RED 4 WHITE ON GREEN 5 RED ON WHITE 6 GREEN ON WHITE 7 WHITE ON BLACK 8 RED & BLACK ON WHITE 9 OTHER (1 COLUMN) HEIGHT 0 SATISFACTORY 1 TOO LOW - RAISE 2 TOO HIGH - LOWER (1 COLUMN) LATERAL CLEARANCE 0 SATISFACTORY 1 TOO CLOSE TO ROADWAY EDGE - MOVE FARTHER AWAY 2 TOO FAR FROM ROADWAY EDGE - MOVE CLOSER (1 COLUMN) LONGITUDINAL POSITION 0 SATISFACTORY 1 TOO FAR BACK FROM INTERSECTION - MOVE FORWARD 2 TOO CLOSE TO INTERSECTION - MOVE BACKWARD 3 TOO CLOSE TO HAZARD OR HIDDEN DUE TO GEOMETRICS 4 MOVE UPSTREAM 5 TOO FAR FROM HAZARD OR HIDDEN DUE TO GEOMETRICS 6 MOVE DOWNSTREAM 7 TOO CLOSE TO OTHER SIGNS - ADJUST AS NECESSARY 8 MOVE TO NEAR SIDE OF INTERSECTION 9 MOVE TO FAR SIDE OF INTERSECTION (1 COLUMN)

75 COLUMN ITEM SAFETY (EVALUATE LOCATION)

0 SATISFACTORY  
 1 RELOCATE BEHIND EXISTING GUARDRAIL  
 2 PLACE ON SUPPORT WITH ANOTHER SIGN  
 3 SUPPORT TOO MASSIVE FOR SIGN SIZE  
 (1 COLUMN)

76 SIGN MATERIAL

0 REFLECTIVE SHEETING ON ALUMINUM  
 1 ENAMEL ON EMBOSSED STEEL  
 2 ENAMEL ON FLAT STEEL  
 3 ENAMEL ON WOOD  
 4 REFLECTIVE BUTTONS, ENAMEL ON STEEL  
 5 FLASHING BEACONS INCORPORATED INTO SIGN FACE  
 6 SIGN PAINTED ON WALL, UTILITY POLE, ETC.  
 OTHER  
 (1 COLUMN)

77 SIGN CONDITION

0 GOOD  
 1 RUSTY/CORRODED/CHIPPED/FADED/MARRED  
 2 BENT  
 3 CHIPPED LETTERING, BORDER, SYMBOL  
 4 GRAFFITI/DIRTY  
 5 BULLET HOLES  
 6 STICKERS  
 7 LOOSE MOUNTINGS  
 8 HIDDEN BY TREES/SHRUBBERY  
 (2 COLUMNS, 2 CODES MAY BE CHOSEN)

78 SIGN REFLECTIVITY

0 REFLECTIVE - GOOD  
 1 REFLECTIVE - POOR  
 2 NON-REFLECTIVE  
 (1 COLUMN)

SUPPORT MATERIALS

0 SINGLE STEEL CHANNEL  
 1 SINGLE STEEL ROUND  
 2 SINGLE WOOD  
 3 DOUBLE STEEL CHANNEL  
 4 DOUBLE WOOD  
 5 BARRIER/FENCE/WALL  
 6 UTILITY POLE  
 OTHER

79 COLUMN ITEM SUPPORT CONDITION








0 GOOD  
 1 BENT/LEANING/FALLEN - REPAIR  
 2 BROKEN/DETERIORATED/MARRED - REPLACE  
 3 RUSTY  
 4 REMOVE SUPPORT  
 5 SUPPORT IS LOOSE IN GROUND  
 6 SUPPORT IS TRISTED IN GROUND  
 (1 COLUMN)

80 STATUS

1 INVENTORY  
 2 UPDATE

**SIGN NUMBER CODES**














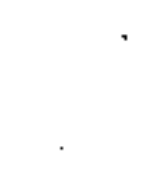
Regulatory Signs

- 1 Stop sign R1-1 
- 2 Yield sign R1-2 
- 3 Speed limit R2-1 
- 4 Do not enter R5-1 
- 5 Keep right R4-7a 
- 6 No parking R7-1 
- 7 Weight limit R12-1 








School Signs

- 8 School advance S1-1
- 9 School crossing S2-1


Warning Signs

- 10 Turn W1-1 
- 11 Curve W1-2 
- 12 Reverse turn W1-3 
- 13 Reverse curve W1-4 
- 14 Winding road W1-5 
- 15 Large arrow W1-6 (single headed) 
- 16 Large arrow W1-7 (double headed) 
- 17 Cross road W2-1 
- 18 Side road W2-2 (90°) 
- 19 Side road W2-3 (45°) 
- 20 T symbol W2-4 
- 21 T symbol W2-5 
- 22 Stop ahead W3-1 
- 23 Yield ahead W3-2 

Warning Signs cont.

- 24 One lane bridge W5-3 
- 25 Hill (symbol) W7-1 
- 26 Pavement ends W8-3 
- 27 Pedestrian symbol W11-2 
- 28 Advisory speed W13-1 
- 29 Dead end W14-1 
- 30 No outlet W14-2 
- 31 Other warning
- A Advisory plaque

Guide Signs

- 32 Street name signs D-3 
- 33 Other guide

 - Remove Sign

R - Relocate Sign

County Route Number  
 Milepost  
 Intersecting Road  
 Type of Sign  
 Speed Limit

County Route Number	Milepost	Intersecting Road	Type of Sign	Speed Limit
100	1.1			30
100	1.2			30
100	1.3			30
100	1.4			30
100	1.5			30
100	1.6			30
100	1.7			30
100	1.8			30
100	1.9			30
100	2.0			30
100	2.1			30
100	2.2			30
100	2.3			30
100	2.4			30
100	2.5			30
100	2.6			30
100	2.7			30
100	2.8			30
100	2.9			30
100	3.0			30
100	3.1			30
100	3.2			30
100	3.3			30
100	3.4			30
100	3.5			30
100	3.6			30
100	3.7			30
100	3.8			30
100	3.9			30
100	4.0			30
100	4.1			30
100	4.2			30
100	4.3			30
100	4.4			30
100	4.5			30
100	4.6			30
100	4.7			30
100	4.8			30
100	4.9			30
100	5.0			30
100	5.1			30
100	5.2			30
100	5.3			30
100	5.4			30
100	5.5			30
100	5.6			30
100	5.7			30
100	5.8			30
100	5.9			30
100	6.0			30
100	6.1			30
100	6.2			30
100	6.3			30
100	6.4			30
100	6.5			30
100	6.6			30
100	6.7			30
100	6.8			30
100	6.9			30
100	7.0			30
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SEE HAZARDOUS LOCA. SKETCH  
 ON ALLISON CIRCLE  
 DO NOT ENTER  
 SEE HAZARDOUS LOCA. SKETCH  
 LOCATE AT CO LINE  
 AT COUNTY LINE



LIBER 002 65

County Route No  
Milepost  
Intersecting Road

County Route No	Milepost	Intersecting Road	Speed Limit	Type of Sign
001S12761	016			
0044A12761	033			
0002E12761	034			
0002E12761	035			
0002E12761	036			
0024A12761	037			
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LOCATE SIGN ON INDIAN CREEK LN

ON INDIAN CREEK DRIVE  
ON CURE LN  
ON COMANCHE LN

JUST PAST INT W/ MO 235 N/TH  
JUST PAST SPUR TO MO 235

Type of Sign Speed Limit  
Page 7 of 11







LEN 002 69

County-Route-No. ....

Milepost .....

Intersecting Road .....

Type of Sign .....

Speed limit .....

378	12761	0113	R0201	30	1
380	12761	0045	R0101	30	1
382	12761	0100	R0407	30	1
384	12761	0070	R0201	30	1
386	12761	0002	R0201	30	1
388	12761	0002	R0201	30	1
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CUT BUSH / TREE

Rel: Co Comm

SEP 2 1978

MARY R. BELL, CLERK

AUG -8-78 \* 27710 \*\*\*\*\*00  
AUG -8-78 A 27710 \*\*\*\*\*00

TIME 9:04 A.M.  
OFFICE OF THE CLERK  
OF ST. MARY'S CO.

NO: 78-46

1978 COMPREHENSIVE WATER AND  
SEWERAGE PLAN FOR ST. MARY'S  
COUNTY, MARYLAND

RESOLUTION

WHEREAS, the Board of County Commissioners of St. Mary's County is, by authority of Section 387C, Article 43, of the Annotated Code of Maryland (1976 ed.), directed to adopt and submit to the Maryland State Department of Health and Mental Hygiene a comprehensive plan for the provision of both adequate water supply systems and sewerage systems throughout the County to include all towns, municipal corporations, and sanitary districts within St. Mary's County, the said water and sewer plan to be consistent with land use master planning in St. Mary's County; and

WHEREAS, said report and Comprehensive Plan has in fact been prepared and submitted to the Board of County Commissioners of St. Mary's County, Maryland, in order that it may be adopted by said County and thereafter submitted to the Maryland State Department of Health and Mental Hygiene; and

WHEREAS, said Comprehensive Plan having been reviewed by the Board of County Commissioners of St. Mary's County, Maryland, and it appearing that all requirements under the State law, supra, have been complied with;

BE IT THEREFORE RESOLVED, this 2nd day of August, 1978, that the Comprehensive Water and Sewerage Plan for St. Mary's County Maryland, is hereby adopted by the Board of County Commissioners of St. Mary's County, Maryland and it is

FURTHER RESOLVED that said County Plan be submitted to the Maryland State Department of Health and Mental Hygiene.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President  
*John K. Parlett*  
John K. Parlett, Vice-President  
*Ford L. Doan*  
Ford L. Doan, Commissioner  
*Patrick Jarboe, MD*  
Patrick Jarboe, MD, Commissioner  
*Larry Millison*  
Larry Millison, Commissioner

ATTEST:

*Edward V. Cox 8/2/78*  
Edward V. Cox  
County Administrator

*Joseph Ernest Bell II*  
Joseph Ernest Bell, II  
County Attorney  
Approval as to Legal Sufficiency

*Rel: Co. Comm's*

OCT 13 1978

MARY R. BELL, CLERK

NO: 78-47

SUBJ: BORROW PITS

RESOLUTION

TIME 11:39A. M.

MARY E. GILL, CLERK

RES 11-76 \* 27948 \*\*\*\*\* (C)  
RES 11-76 A 27948 \*\*\*\*\* (C)

The County Commissioners of St. Mary's County adopted the following Resolution concerning the State Surface Mining Law for the control of borrow pits, sand and gravel pits, and the stripping of soil within the boundaries of St. Mary's County by a County government agency effective immediately.

BE IT RESOLVED, the regulations herein are applicable to all surface mining operations by any St. Mary's County governmental agency on property owned by St. Mary's County or on privately owned property provided the County agency is the only party engaged in surface mining operation.

- A. Provisions of this resolution shall apply only to mining operations required for the construction and maintenance of public roads.
- B. The site selection of a surface mining operation shall not violate any Federal, State or County laws or ordinances.
- C. Before the extraction of borrow material (sand, gravel, etc.) the proposed earth change shall be submitted to and approved by the County Engineer according to the standards and procedures established by the St. Mary's County Soil Conservation District.
- D. A site plan and erosion and sediment control plan shall be prepared to include, but not limited to, the following:
  1. Sediment control noted must show the sequence of establishment of all sediment control measures needed to provide site protection throughout all phases of pit operations until reclamation is complete.
  2. The method of removal of extracted material in stages so that reclamation can immediately follow the completion of a portion of the site.
  3. Topography as deemed necessary by the County Engineer to include contours, water courses, woodland, roads, property lines, adjacent building, etc.
  4. Methods of stabilization for all disturbed areas.
  5. A satisfactory restoration of the land to safe and usable condition, by either regrading on a three-to-one (3:1) slope, draining, replanting or other suitable treatment at the completion of the extraction operation.
  6. The removal and stockpiling of top soil and the spreading of same at the completion of the extraction operation.
  7. Shall be reviewed by the St. Mary's County Soil Conservation District.
- E. The County Engineer shall provide on-site inspection prior to the start of pit operations and periodically during such activity. The Engineer shall insure that all work is being performed according to the approved plan, the erosion and sediment control plan, and upon completion of the work shall make a final inspection.

If periodic inspections show environmental problems exist, safety problems exist, or other detrimental conditions exist, corrective action shall be taken to eliminate the recurrence of the condition.

This Date: August 9, 1978

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



James H. McKay  
James H. McKay, President

John K. Parlett  
John K. Parlett, Vice President

Ford L. Dear  
Ford L. Dear, Commissioner

J. Patrick Jarboe, M.D.  
J. Patrick Jarboe, M.D., Commissioner

Larry Milison  
Larry Milison, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph Ernest Bell, II  
Joseph Ernest Bell, II  
County Attorney

*Mel: Co Comm's*

OCT 13 1978

MARY R. BELL, CLERK



SUBJ: TAX ABATEMENT (ST.  
MARY'S GARDEN  
APARTMENTS)TICKET 8-57A . M.  
MARY S. DELL CLARK  
ST. MARY'S CO.SEP 22-76 \* 2 535 \*\*\*\*\*00  
SEP 22-76 A 22 535 \*\*\*\*\*00RESOLUTION

WHEREAS, pursuant to the authority of Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, the Secretary of Defense of the United States, by his duly designated agent, for the purpose of Section 408, has made a determination for the taxable year 1978/1979, of the sum of \$255,523.67 to be the amount equal to the sum of payments made by the United States Government with respect to Title VIII, Wherry Housing Project, known as "St. Mary's Garden Apartments", FHA No. 000-80003-4-6; and,

WHEREAS, because of said determination Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation have duly applied to the County Commissioners of St. Mary's County, Maryland (through Ralph M. Cestone, Secretary of Verona Housing Corporation of Verona, New Jersey) for a credit of subject corporations; 1978/1979 real estate taxes in accordance with the provisions of Article 81 of the Annotated Code of Maryland, prior to the date of finality; and,

WHEREAS, the aforesaid determination made by the Secretary of Defense is an estimate of the credit to be applied against the 1978/1979 taxes; and,

WHEREAS, the actual payment under Capital Improvements and Maintenance Operation with respect to the Title VIII (Wherry) Housing expenditures made by the lessee will exceed the real estate taxes (of Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation) for the year 1978/1979:

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, in regular meeting assembled on the 20th day of September 1978:

1. That the real estate taxes for the year 1978/1979 are abated in the amount of \$55,511.86.

2. That said determination of the Secretary of Defense made pursuant to Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, relating to the Housing Project known as "St. Mary's Garden Apartments" in St. Mary's County, Maryland, provided that such determinations are found to be valid, legal and accurate by the County Commissioners of St. Mary's County, Maryland, and provide further that the above corporations, or their successors, strictly comply with the applicable provisions of Article 81 of the Annotated Code of Maryland, and other applicable laws.

NO: 78- 53

SUBJ: TAX ABATEMENT (ST.  
MARY'S GARDEN  
APARTMENTS)

Page 2 of 2

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

This Date:

September 20, 1978

James M. McKee  
James M. McKee, President

John K. Parlett  
John K. Parlett, Vice President

Ford L. Dean  
Ford L. Dean, Commissioner

J. Patrick Jarboe, M.D.  
J. Patrick Jarboe, M.D., Commissioner

Larry Millison  
Larry Millison, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Copy:

Mr. William S. Lawrence, Supervisor of Assessments, St. Mary's  
County, Maryland

Mr. Ralph M. Castone, Secretary, Verona Housing Corporation  
Verona, New Jersey

Captain J. A. D'Emidio, CEC, USN, Washington, D. C.

Mr. L. C. Nash, Director Housing Division, Building 57,  
Washington Navy Yard, Washington, D. C. 20374

Mr. John Mastrodone, Chief, Multi-family Mortgage - FHA  
L'Enfant Plaza South West, Washington D. C. 20620

Mel: Co. Corrie

OCT 3 1978

MARY R. BELL, CLERK

NO: 78-54

SUBJECT: ST. MARY'S COUNTY  
COMMUNITY COLLEGE  
ADVISORY BOARD  
BY-LAWS

YEAR 3:05 P. M.  
SEP 26 1978

RESOLUTION

SEP 26-78 \* 2 724 \*\*\*\*\*00  
SEP 26-78 A 22 724 \*\*\*\*\*00

WHEREAS, the Board of County Commissioners appointed in October, 1977, an Advisory Committee to review the need and feasibility of a Community College program in St. Mary's County; and

WHEREAS, the Advisory Committee received its charge and initiated its activities in December, 1977, and delivered its report on April 12, 1978 demonstrating months of dedicated and productive effort; and

WHEREAS, the Board of County Commissioners, following the recommendations of the Committee, has established a Community College program in St. Mary's County beginning with the Fall Semester 1978; and

WHEREAS, it is deemed advisable that a group be permanently established to oversee and to give direction to the Community College program;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners that there is established in St. Mary's County a Community College Advisory Board structured and governed under by-laws adopted this date and made a part hereof.

This date:

September 20, 1978

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

James M. McKay  
James M. McKay, President  
John K. Parlett  
John K. Parlett, Vice-President  
Ford L. Dean  
Ford L. Dean, Commissioner  
Patrick Jarboe  
Patrick Jarboe, Commissioner  
Larry Wilkinson  
Larry Wilkinson, Commissioner

Attest:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

LIBER 002 PAGE 76  
ST. MARY'S COUNTY  
COMMUNITY COLLEGE ADVISORY BOARD  
BY-LAWS

NO: 78-54  
ST. MARY'S COUNTY  
COMMUNITY COLLEGE  
ADVISORY BOARD  
BY-LAWS

Page 1 of 3

I. MEMBERSHIP

- A. The Community College Advisory Board (CCAB) shall consist of eleven (11) members. Ten (10) shall be appointed to five year terms by the St. Mary's County Commissioners, except for the initial appointments which shall be for lesser terms. The eleventh member of the CCAB shall be the St. Mary's County Superintendent of Schools, who shall serve as a permanent appointment, with vote, to the CCAB.
- B. The initial appointments to the CCAB shall be made in the following manner: the first two appointments shall be for one (1) year terms; the second two appointments shall be for two (2) year terms; the third two appointments shall be for three (3) year terms; the fourth two appointments shall be for four (4) year terms; the fifth two appointments shall be for five (5) year terms. Subsequent appointments shall be for five (5) year terms except when appointments are made to fulfill an expired term in which case the new appointment shall fulfill the unexpired term and no more unless reappointed by the St. Mary's County Commissioners.
- C. Members of the CCAB, upon expiration of their terms, may be reappointed by the St. Mary's County Commissioners.
- D. The CCAB shall elect among its members a Chairman and Vice-Chairman.
- E. The CCAB may elect other officers from time to time.

II. MEETINGS

- A. The Chairman shall call and preside at meetings, present an agenda, and be responsible for the keeping of minutes.

ST. MARY'S COUNTY  
COMMUNITY COLLEGE ADVISORY BOARD  
BY-LAWS

NO: 78-54  
Page 2

II. MEETINGS (Continued)

- B. The Vice-Chairman shall act in the absence of the Chairman.
- C. The Chairman or Vice-Chairman shall call meetings from time to time but no less than four (4) times a year.
- D. A quorum shall be established if a simple majority of the members of the CCAB is present to conduct the Board's business.
- E. The St. Mary's County Commissioners shall supply staff support services as needed.
- F. The St. Mary's County Commissioners may reimburse CCAB members for expenses incurred in the performance of their duties.
- G. Other compensation for members of the CCAB shall be set from time to time by the St. Mary's County Commissioners.

III. VOTING

- A. The CCAB shall adopt and amend its by-laws by a two-thirds vote of the members of the Board subject to the approval of the Board of County Commissioners.
- B. All other business may be conducted by a majority vote of the members of the CCAB present at an official meeting.

IV. DUTIES AND RESPONSIBILITIES

- A. The CCAB shall advise the St. Mary's County Commissioners on the status of the Community College at St. Mary's (CCSM).

LECF 002 PAGE 78

ST. MARY'S COUNTY  
COMMUNITY COLLEGE ADVISORY BOARD  
BY-LAWS

NO. 78-54  
Page 3

IV. DUTIES AND RESPONSIBILITIES (Continued)

- B. The CCAB shall act as the liason between the St. Mary's County Board of Education and the CCSM.
- C. The CCAB shall act in an advisory capacity to the St. Mary's County Commissioners in the setting of fees, the hiring of personnel, and the planning of curriculum at CCSM.
- D. The CCAB, as the designated representative of the St. Mary's County Commissioners, shall negotiate with the Board of Trustees and the Officials of Charles County Community College all matters pertaining to the funding, operation and maintenance of CCSM.
- E. The CCAB shall perform other duties which from time to time the St. Mary's County Commissioners may assign.

*Mel. C. Conner's*

OCT 13 1978

MARY R. BELL, CLERK

NOV 1978 73

TIDE 10:00 A. M.

NO: 78-63 NOV-3-78 \* 22808 \*\*\*\*\*00  
NOV-3-78 A 222808 \*\*\*\*\*00  
SUBJ: DEPARTMENT OF TRANSPORTATION,  
COUNTY TRANSPORTATION BONDS,  
FIRST ISSUE, SECOND SERIES

ORDINANCE

**PURPOSE:** THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE THE MEANS FOR DOCUMENTING THE APPROVAL ACTION OF THE BOARD OF COUNTY COMMISSIONERS ON THE AGREEMENT TO PARTICIPATE IN THE FY '78-'79 STATE ROAD BOND PROGRAM. THIS ACTION IS TAKEN IN ORDER TO EXPEDITE THE PROCESSING OF THIS AGREEMENT IN ACCORDANCE WITH THE REQUEST OF THE DEPARTMENT OF TRANSPORTATION THAT AN ORDINANCE TO THIS EFFECT BE RECORDED IN THE RECORDS OF THE CIRCUIT COURT FOR ST. MARY'S COUNTY.

NOW, THEREFORE, BE IT ORDAINED that the action of the Board of County Commissioners to approve and participate in the State Road Bond Program, as reflected in their minutes of November 1, 1978 is hereby documented and attested to;

TO WIT: That the Agreement appended hereto between the Department of Transportation of Maryland and St. Mary's County, Maryland, under authority of the Annotated Code of Maryland was reviewed and approved by action of the Board of County Commissioners on November 1, 1978, reflecting the request of St. Mary's County to participate in the First Issue, Second Series, of the bonds contemplated for the Fiscal Year beginning July 1, 1978, to the extent of One Million Twenty Thousand and No/100 Dollars (\$1,020,000.00).

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 1st day of November, 1978.

This Date:  
November 1, 1978

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President  
*John K. Parlett*  
John K. Parlett, Vice President  
*Ford L. Deah*  
Ford L. Deah, Commissioner  
*Patrick Jarboe, M.D.*  
Patrick Jarboe, P.D., Commissioner  
*Larry Millison*  
Larry Millison, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL FORM:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Mel: G. Corvina*

NOV 24 1978

MARY R. BELL, CLERK

002 80

ZONING DECISION RESOLUTION  
NO: Z-78-5  
SUBJ: LEONARD S. REBARCHICK  
CASE NO: 78-125

TIME 1:16 P. M.

ZONING AMENDMENT

NOV -9-78 \* 23109 \*\*\*\*\*00  
NOV -9-78 A 23109 \*\*\*\*\*00

WHEREAS, Leonard S. Rebarchick has filed an application seeking rezoning for a tract of land containing ten (10) acres, more or less, located along Route 235 in the Eighth Election District of St. Mary's County, Maryland seeking re-classification of the property from R-1, Rural Residential, to C-2, Commercial. The application pertained to two (2) tracts of land identified on Tax Map 34 as Parcels 158 and 293;

WHEREAS, a public hearing on the request was held by the St. Mary's County Planning Commission on May 22, 1978;

WHEREAS, the Planning Commission has favorably recommended the rezoning request;

WHEREAS, a public hearing on the rezoning application was held by the County Commissioners of St. Mary's County, Maryland on July 12, 1978;

WHEREAS, the Board of County Commissioners find as a matter of fact that:

- (1) A portion of the property in question, namely Parcel 158, has been used commercially since 1946.
- (2) The property in question is adjacent on the south to a relatively large tract of land industrially zoned.
- (3) The property in question is well buffered and shielded from the adjacent residential property located to the north by an extremely high and steep hill.
- (4) The property in question is not well suited for the uses permitted under its present zoning classification because of its extreme topography, the industrial nature of the adjacent property and the existing commercial development that is located thereon.

As to Parcel 293, the Commissioners find that this tract of land immediately adjoins a neighboring residence. It is Parcel 293 that constitutes the buffer above mentioned and which make Parcel 158 suitable for rezoning.

THEREFORE, BE IT RESOLVED by the County Commissioners of St. Mary's County, Maryland this 9th day of November, 1978 that Parcel 158, Map 34 is rezoned from R-1, Rural Residential, to C-2, Commercial. The rezoning request as to Parcel 293, Map 34 is denied.

Date: November 8, 1978

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



*James M. McKay*  
James M. McKay, President

*John K. Parlett*  
John K. Parlett, Vice-President

*Ford Z. Bell*  
Ford Z. Bell, Commissioner

*Patrick Jarboe, M.D.*  
Patrick Jarboe, M.D., Commissioner

*Larry Millison*  
Larry Millison, Commissioner

Attest:  
*Edward V. Cox*  
Edward V. Cox,  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
*Joseph E. Bell, II*  
Joseph E. Bell, II, County Attorney

*Attest: Co. Comm's*

NOV 24 1978

MARY R. BELL, CLERK



002 81

FORM 11.05 A . M.

DEC-5-78 # 24493 \*\*\*\*\*00  
DEC-5-78 A 224493 \*\*\*\*\*00

NO. 78-65

SUBJ: BRETON BAY ESTATES  
SHORE EROSION CONTROL DISTRICT

RESOLUTION

WHEREAS, the County Commissioners of St. Mary's County, Maryland have received a written petition from more than seventy-five (75%) per cent of the property owners within the boundaries of the District proposed in the petition; and have received a favorable Feasibility Report from the Department of Natural Resources recommending the establishment of a Shore Erosion Control District; and have had a Public Meeting for the owners of property within the boundaries of the proposed District, to review with them, the recommendations of the Feasibility Report, the probable construction cost, and the procedures for establishing a Shore Erosion Control District; all in accordance with Article 25, Section 167B, of the Annotated Code of Maryland, and

WHEREAS, the above-named Commissioners have received a written request for addition to the proposed District from Mr. Raymond W. McKean, the owner of a tract of land adjoining the western boundary of the proposed district and fronting the Breton Bay shoreline, and having discussed the addition of said property to the proposed District at the above referenced Public Meeting.

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of St. Mary's County, Maryland acting as the District Council, by virtue of Article 25, Section 167C, of the Annotated Code of Maryland, do hereby establish a Shore Erosion Control District within the boundaries of the subdivision known as "Breton Bay Estates," as shown on Exhibit A, attached hereto and made a part hereof.

AND BE IT FURTHER RESOLVED, that all the tract or parcel of land now or formerly owned by Mr. Raymond W. McKean, which by deed, is recorded among the Land Records of St. Mary's County, Maryland, at Liber 217, Folio 89, is hereby established as part of the Breton Bay Estates Shore Erosion Control District, and is now the western boundary of said District.

THIS DATE:

November 22, 1978

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

James M. McKay  
James M. McKay, President

John K. Parlett  
John K. Parlett, Vice-President

Ford L. Deane  
Ford L. Deane, Commissioner

J. Patrick Jarboe  
J. Patrick Jarboe, M.D., Commissioner

Larry Hillman  
Larry Hillman, Commissioner

102 82

Approved by \_\_\_\_\_

by \_\_\_\_\_

Land of William H. Rogers

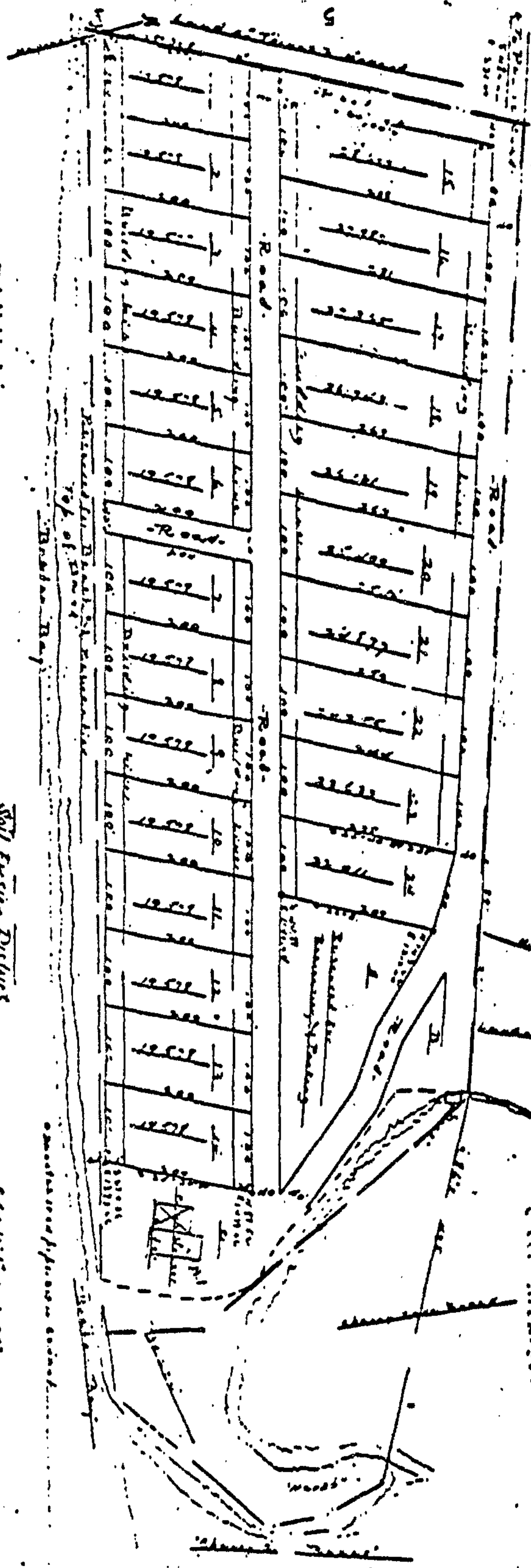


Exhibit A

Soil Exsina District  
Hire

Scale: 1:10000

Del. to County Comm.

LIBER 002 PAGE 83

NO: 78-66  
SUBJECT: Spring Valley Subdivision  
Taxing District Ordinance

FILED 10:43 A M.

MARY E. BELL CLERK  
ST. MARY'S CO.

ORDINANCE

DEC 12-78 # 24941 \*\*\*\*\*00  
DEC 12-78 A 224941 \*\*\*\*\*00

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151, of the Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvement; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by a majority of the residents in the Spring Valley Subdivision requesting the County to reconstruct and improve the streets in the Spring Valley Subdivision which is located in the Eighth Election District of St. Mary's County, Maryland, as shown on a plat of said subdivision that is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book D.B.K. 7, Folio 8. The streets to be improved as shown on the plat of said subdivision are: Fox Ridge Road, Spring Valley Drive, Valley Road, Briarwood Court, Majestic Court, Walnut Court, Spring Valley Court and Timber Valley Court.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on November 1, 1978 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accord with provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 6th day of December, 1978, that the petition of the residents of Spring Valley for the reconstruction and improvement of streets in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in compliance with the following plans and specifications, namely;

Spring Valley Roads and Storm Drainage Improvements,  
Eighth Election District, St. Mary's County, Maryland,

as prepared by John E. Haras, Jr. & Associates, Inc., Consulting Engineers dated December, 1978.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County System of Roads; and

NO. 78-66  
SUBJECT: Spring Valley Subdivision  
Taxing District Ordinance  
Page 2 of 4

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the lot owners in accord with the following:

1. The lot owners are responsible for \$217,000. of the construction costs. This sum represents the amount required to bring the said streets into condition required by the approved set of plans at the time the subdivision was approved.
2. The lot owners are responsible for all design costs.
3. The lot owners are responsible for all utility costs.
4. The balance of construction costs shall be borne by the County.
5. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a fifteen year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total costs of reconstruction and improvements to be borne by the lot owners" shall be the sum of the aforementioned items.
2. Deducted from the "total costs of reconstruction and improvements to be borne by the lot owners" shall be the amount of the legal settlement between St. Mary's County and Riley Brothers, Inc., and any interest accrued thereon to determine the "total benefit assessment."
3. The "total benefit assessment shall be divided by the 97 affected lots to determine the "total cost to each lot."
4. The "total cost to each lot" shall be divided by 15 to determine the "annual benefit assessment" to be levied against each of the 97 lot owners for fifteen years.

IT IS FURTHER ORDAINED that the costs borne by the lot owners shall not exceed One Hundred Twenty-Five Dollars (\$125.00) per lot per year.

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

NO: 78-66

SUBJECT: Spring Valley Subdivision  
Taxing District Ordinance  
Page 2 of 4

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the lot owners in accord with the following:

1. The lot owners are responsible for \$217,000. of the construction costs.
2. The lot owners are responsible for all design costs.
3. The lot owners are responsible for all utility costs.
4. The balance of construction costs shall be borne by the County.
5. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a fifteen year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total costs of reconstruction and improvements to be borne by the lot owners" shall be the sum of the aforementioned items.
2. Deducted from the "total costs of reconstruction and improvements to be borne by the lot owners" shall be the amount of the legal settlement between St. Mary's County and Riley Brothers, Inc., and any interest accrued thereon to determine the "total benefit assessment."
3. The "total benefit assessment" shall be divided by the 97 affected lots to determine the "total cost to each lot."
4. The "total cost to each lot" shall be divided by 15 to determine the "annual benefit assessment" to be levied against each of the 97 lot owners for fifteen (15) years.

IT IS FURTHER ORDAINED that the costs borne by the lot owners shall not exceed One Hundred Twenty-Five Dollars (\$125.00) per lot per year.

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

WER 002 86

NO: 78-66  
SUBJECT: Spring Valley Subdivision  
Taxing District Ordinance  
Page 3 of 4

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said properties for the next fifteen succeeding fiscal years and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which they are assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Section 151(c) (1) of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that no deed or conveyance of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

IT IS FURTHER ORDAINED that the work necessary to complete the project authorized hereby shall be let upon competitive bid, the Commissioners reserving the right to reject any and all bids; and

IT IS FURTHER ORDAINED that this Ordinance shall only become effective upon the approval by the Commissioners of a bid acceptable to them; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Lot #1 through and including Lot #15; Lot #70 through and including Lot #149, and the two commercial lots at the intersection of Pegg's Lane and Spring Valley Drive on the south side of Pegg's Lane, as shown on the aforesaid plat of the subdivision; and

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

NO: 78-66  
SUBJECT: Spring Valley Subdivision  
Taxing District Ordinance  
Page 4 of 4

ATTEST:

COUNTY COMMISSIONERS OF ST.  
MARY'S COUNTY, MARYLAND

Edward V. Cox  
Edward V. Cox 12/6/78  
County Administrator

James M. McKay  
James M. McKay, President



John K. Parlett  
John K. Parlett, Vice President

Ford L. Dean  
Ford L. Dean, Commissioner

J. Patrick Jarboe, M.D.  
J. Patrick Jarboe, M.D.,  
Commissioner

Larry Milison  
Larry Milison, Commissioner

APPROVED AS TO  
LEGAL SUFFICIENCY:

J. Ernest Bell, II  
J. Ernest Bell, II  
County Attorney

*Mel: Co. Comm.*

MAR 7 1979

MARY R. BELL, CLERK

NO: 79- 01  
SUBJ: LIMITED NUMBER OF EMPLOYEES

TIME 12:48 P. M.  
PART 2. COL. ALICE

JAN 19-79 \* 26760 \*\*\*\*\*00  
JAN 19-79 A 26760 \*\*\*\*\*00

RESOLUTION

WHEREAS, St. Mary's County Government is among other things a collective expression of the will of the many taxpayers who support it; and,

WHEREAS, there is ample evidence that citizens throughout the country desire the establishment of controls on government's expansion and growth, and,

WHEREAS, the service needs of the people must be met in the most efficient and cost effective manner in keeping with available financial resources;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that effective this date it is the policy of St. Mary's County Government to limit any increase in the number of county government employees to the proportionate percentage increase in the number of citizens. This policy is subject to the following clarifications:

1. This limitation does not apply to emergency or seasonal situations whereby an abnormal increase of temporary employees may be required for limited duration.

2. This limitation does not apply to positions where it can be demonstrated that at least 75% of the costs are provided by funding from Federal and/or State sources, such as the Comprehensive Employment Training Act (CETA) and other grant programs.

3. This limitation does not apply to:

- a) elected officials;
- b) Partially salaried members of Boards, Committees, and Commissions;
- c) part-time, temporary employees who work on the average of no more than twenty hours per week.

4. For the purpose of determining this limitation, population estimates will be those issued by the Tri-County Council for Southern Maryland as of July 1st of each year.

5. The total number of employees will be derived from the count of positions approved in the final budget document and cannot be increased throughout the fiscal year except as provided for herein.

6. Every effort should be made to meet additional personnel needs by innovative alternative work patterns such as : flexitime,



WEL 002 MAR 89

NO: 79- 01  
SUBJ: LIMITED NUMBER OF EMPLOYERS  
PAGE 2 of 2

part-time employment, job sharing, and compressed work weeks.

7. The Board of County Commissioners recognizes that the CETA program has limiting regulations and is also a variable that is unknown at the adoption of this Resolution. By necessity the Board must retain the flexibility to make personnel assignments to deal with any changes and requirements of the CETA program.

Date: January 3, 1979

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



*George W. Aud*  
George W. Aud, President

*Larry Milligan*  
Larry Milligan, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Sean*  
Ford L. Sean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. Co. Comm.*

MAR 7 1979

MARY R. BELL, CLERK

UNDER 002 FILE 90

NO: 79-02

SUBJ: ASSESSMENT PROCESS REVIEW  
FY 1979 12:49 P. M.  
MAY 2 1979

RESOLUTION

JAN 19-79 # 26761 \*\*\*\*\*00  
JAN 19-79 A 226761 \*\*\*\*\*00

WHEREAS, citizens in St. Mary's County and throughout the State of Maryland are seeking meaningful relief from rising property taxes; and,

WHEREAS, the state administered assessment process lacks public confidence and jeopardizes citizens' support of the property tax system, the principal source of revenue for local government; and,

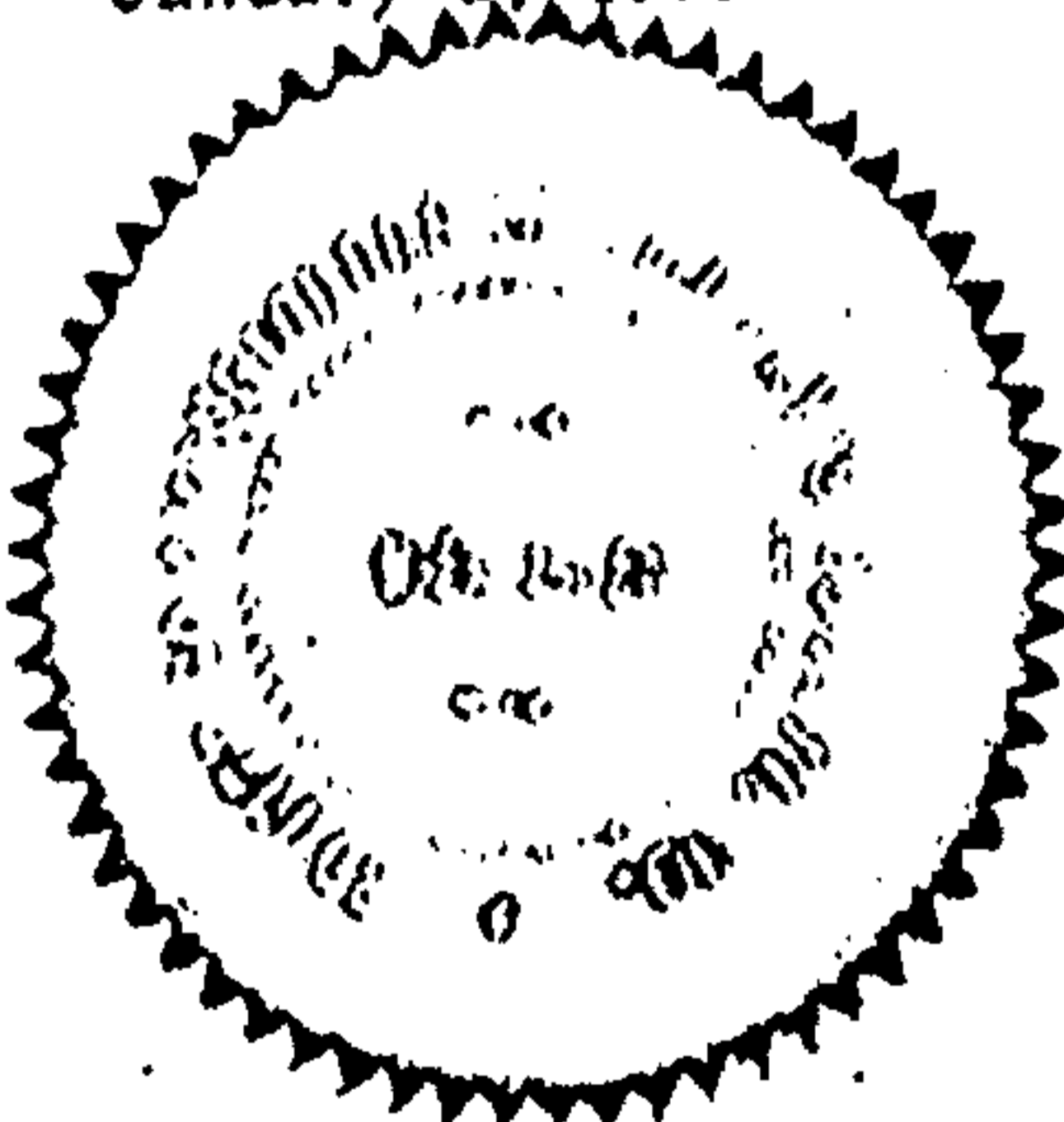
WHEREAS, Government must remain sensitive to the limitation of the taxpayers' ability to pay and must keep governmental expenditures at a minimum required to serve essential needs;

WHEREAS, President Carter has urged our nation to establish an austerity program to combat wherever possible inflationary influences, including the costs of government;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that given the intellectual resources and analytical abilities available on the state level the 1979 Maryland General Assembly is called upon to establish an appropriate Legislative Subcommittee to conduct a full study of the assessment process in the State of Maryland including the administrative process, the theoretical assumptions and practical application of the assessment system, and the market value system of assessments.

Date:  
January 3, 1979

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



George R. Aud  
George R. Aud, President  
Richard D. Arnold  
Richard D. Arnold, Commissioner  
Ford L. Dean  
Ford L. Dean, Commissioner  
Larry Millison  
Larry Millison, Commissioner  
David F. Sayre  
David F. Sayre, Commissioner

Edward V. Cox  
Edward V. Cox,  
County Administrator

Approved as to Legal Sufficiency:

Joseph E. Bell, II  
Joseph E. Bell, II,  
County Attorney

*Del. Co Comm*

MAR 7 1979

MARY R. BELL, CLERK

NO: 79-08  
SUBJ: SEDIMENTATION CONTROL  
ORDINANCE

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
'79 FEB 16 AM 8 59

LIBER 002 PAGE 91

FEB 16-79 \* 27920 \*\*\*\*\*00  
FEB 16-79 A 227920 \*\*\*\*\*00

ORDINANCE

WHEREAS, Section 8-1101 thru Section 8-1108 under Title 8, Subtitle 11, Sediment Control, of the Natural Resources Volume of the Annotated Code of Maryland empowers the County to adopt a Sedimentation Control Ordinance and to provide for its administration, enforcement and amendment; and,

WHEREAS, the County Commissioners adopted the St. Mary's County Sedimentation Control Ordinance on July 1, 1971; and,

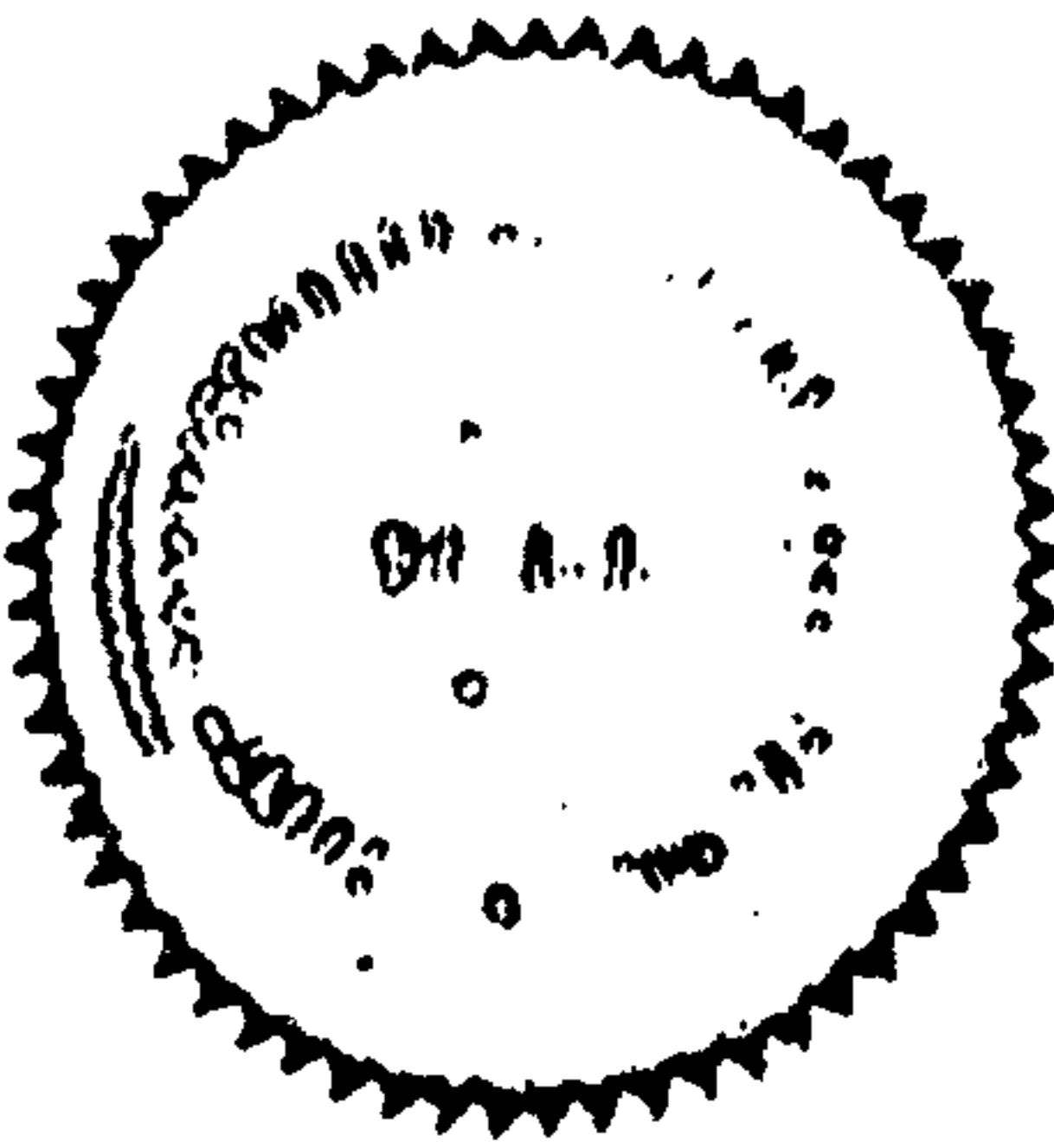
WHEREAS, the County Commissioners deem it necessary to amend the Sedimentation Control Ordinance for the purpose of promoting the health, safety and general welfare of the County; and,

WHEREAS, a public hearing was held on January 3, 1979 at 1:00 p.m. on the amendments in the Commissioners Conference Room, Governmental Center, Leonardtown, Maryland.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, that the Sedimentation Control Ordinance, as amended, is hereby adopted and enacted in its entirety this 17th day of January, 1979.

DATE: January 17, 1979

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



*George R. Aud*  
George R. Aud, President

*Larry Millison*  
Larry Millison, Vice President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Mel: Co. Commis*

MAR 7 1979

MARY R. BELL, CLERK

RECORDED  
MARY P. BELL  
CLERK, CIRCUIT COURT  
79 MAR 2 PM 12 51

No: 79-18  
Subject: Subdivision of Land;  
Money in lieu of  
land dedication for  
park sites.

RESOLUTION

WHEREAS, House Bill 1249 was passed by the Maryland State Legislature and signed into law by Governor Marvin Mandel on May 17, 1976, and,

WHEREAS, House Bill 1249 has become Chapter 745 of Acts of 1976, codified as Article 19, Chapter 127-1 of the Public Local Laws of St. Mary's County, Maryland.

WHEREAS an alternative procedure for the collection of money in lieu of land dedication for park sites is set forth in Article 4.07(5) of the subdivision Regulations of St. Mary's County, Maryland.

WHEREAS, the enabling legislation of the General Assembly provides that the income derived from the monetary fee in lieu of land dedication shall be used to purchase, develop, or maintain park sites for the use and benefit of the subdivisions in cases where dedication would be impractical.

WHEREAS, this Resolution is adopted in order to promulgate regulations necessary to comply with the enabling legislation.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of St. Mary's County, that in accord with the authority conferred upon them by the above mentioned legislation, the following is adopted:

1. A Park Development Fund is hereby established and the rules and regulations for operating said fund shall follow generally accepted accounting and budgetary practices for Special Revenue Funds and said fund shall continue in effect for each succeeding

fiscal year until otherwise changed or amended by the Board of County Commissioners of St. Mary's County, Maryland.

2(a). Where land dedication proves impractical, a monetary fee in lieu thereof, in the amount of \$300.00 per dwelling unit is established. In instances where a lot of record permits more than one dwelling unit, the fee for same shall be \$300.00 for each dwelling unit. This fee shall be used for park development only. Nothing in this resolution shall pertain to minor subdivisions, as defined in the zoning regulations and subdivision regulations of St. Mary's County, containing three lots or less.

2(b). One of the following options shall be exercised in paying or making provisions to pay same:

(i) Payment of monetary fee in lieu of land must be made within thirty (30) days of date of approval by Planning Commission of final plat and prior to recording of same. When this option is exercised, the Chairman of the Planning Commission shall affix his signature to record plat only after payment in full of monetary fee in lieu of land, or

(ii) Payment of monetary fee in lieu of land must be made prior to issuance of a building permit for any dwelling unit upon which said fee is due. When this option is exercised, a written agreement shall be entered into by and between the developer and the Board of County Commissioners prior to the Chairman of the Planning Commission affixing his signature to the record plat. The Agreement must provide, among other things, that the developer guarantees payment of the fee prior to issuance of a building permit or transfer of a lot, whichever shall first

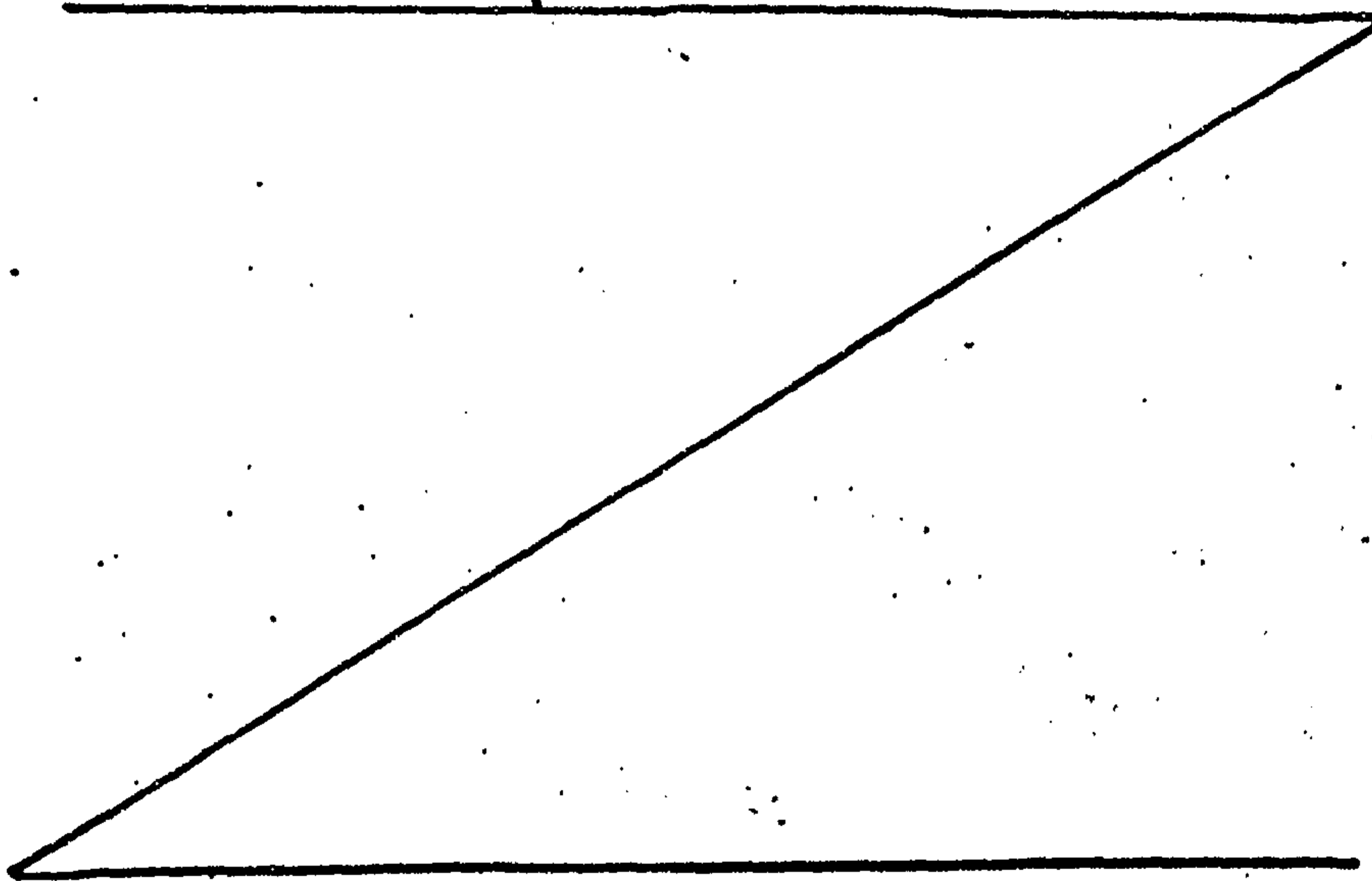
occur, and that the building permit shall be withheld until the fee is paid and all other rules and regulations pertaining to same have been complied with, or

(iii) Payment of monetary fee in lieu of land

dedication must be made prior to transfer or sale of any lot upon which said fee is due. When this option is exercised, a written agreement must be entered into by and between the developer and the Board of County Commissioners prior to the Chairman of the Planning Commission affixing his signature to the record plat.

As between the alternatives available in this subsection, the monetary fee in lieu of land dedication shall be due and payable upon the contingency first occurring, namely obtaining building permit or transfer of a lot.

If either of the two latter options are used, the Agreement above mentioned shall be appropriately recorded among the Land Records of St. Mary's County, Maryland. The Agreement shall be drafted so as to constitute a lien on title as to each lot affected by the monetary fee.



LIBR 002 MSB 95

Resolution No.: 79-18  
Subject: Subdivision of land  
Date:  
Page 4 of 4

This Date

FEBRUARY 28, 1979

Board of County Commissioners of  
St. Mary's County, Maryland

George R. Aud  
George R. Aud, President

J. Laurence Millison  
J. Laurence Millison, Vice-Pres.

Ford L. Dean  
Ford L. Dean, Commissioner

Richard D. Arnold  
Richard D. Arnold, Commissioner

David F. Sayre  
David F. Sayre, Commissioner



ATTEST:

Edward V. Cox  
Edward V. Cox, County Administrator

Approved as to Legal Sufficiency:

Joseph Ernest Bell, II  
Joseph Ernest Bell, II  
County Attorney

Del: Co. Commis

APR 18 1979

MARY R. BELL, CLERK

BOOK 002 PAGE 96

NO. 79-34  
SUBJECT: MOBILE HOME PARKS

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT

\*79 MAY-24 PM 1.01 RESOLUTION

MAY 24-79 \* 22524 \*\*\*\*\*00  
MAY 24-79 8 22524 \*\*\*\*\*00

WHEREAS, The St. Mary's County Zoning Ordinance, Section 53.12.2, contains provisions which control existing Mobile Home Parks; and

WHEREAS, Those provisions contain a controlling date of May 28, 1979, for compliance; and

WHEREAS, Those provisions would cause the reduction of housing units which may cause undue hardship both on the residents and operators of said Parks; and

WHEREAS, The Health and public safety provisions should be met to the extent possible; and

WHEREAS, The County Commissioners desire a rapid conclusion of these issues;

NOW, THEREFORE, BE IT RESOLVED That the County Commissioners hereby declare a postponement of the May 28th deadline to November 30, 1979; and

BE IT FURTHER RESOLVED That the Office of Planning and Zoning is directed to evaluate the Ordinance requirements with regard to the existing Mobile Home Parks and further directed to negotiate with the Mobile Home Parks in the County a reasonable schedule and program of compliance which shall address adequate health and public safety standards; and

BE IT FURTHER RESOLVED That the County Commissioners, in order to achieve reasonable solutions and compliance schedules do hereby establish a Mobile Home Park Review Committee, with membership to be appointed by the County Commissioners. The Committee shall review the existing Mobile Home Park conditions, evaluate Section 53.12.2 of the Zoning Ordinance and submit an interim report to the County Commissioners by August 1, 1979, with a final report, to include recommendations, by October 30, 1979.

Date: May 23, 1979

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



George R. Aud  
George R. Aud, President

Ford L. Dean  
Ford L. Dean, Commissioner

David Sayre  
David Sayre, Commissioner

Richard Arnold  
Richard Arnold, Commissioner

Larry Millison  
Larry Millison, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph G. Bell II  
Joseph G. Bell, II, County Attorney

*Del. to Co. Comm.*

JUN 15 1979

MARY R. BELL, CLERK



RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
'79 MAY 25 AM 8 32

NO: 79- 33  
SUBJ: 1979-1980 APPROVED BUDGET  
AND LEVY RATE

RESOLUTION

MAY 25-79 # 22571 \*\*\*\*\*00  
MAY 25-79 A 22571 \*\*\*\*\*00

WHEREAS, Section 26-8 (B) of the Code of Public Local Laws of St. Mary's County authorizes and empowers The Board of Estimates of said County to adopt the final budget, schedule anticipated receipts, fix general and special tax rates, and impose the levy for the ensuing fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Estimates of St. Mary's County, Maryland, pursuant to the authority contained in Section 26-8 (B) of the Code of Public Local Laws of St. Mary's County, that the County Budget is approved in the amount of \$20,050,137 and the County levy rate is hereby assessed at \$2.01 per \$100.00 of assessed valuation.

This Date: May 23, 1979



BY ORDER OF THE BOARD OF ESTIMATES  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Joseph P. O'Dell  
Joseph P. O'Dell  
Secretary to the Board of Estimates

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph P. Bell II  
Joseph P. Bell, II  
County Attorney

Del. to Co. Comm.

JUN 18 1979

MARY R. BELL, CLERK

NO: 2-79-03  
 SUBJ: OLIVER R. GUYTHER AND  
 ROBERT O. GUYTHER  
 CASE NO: 76-5

RECORDED  
 MARY R. BELL  
 CLERK, CIRCUIT COURT

'79 JUN 25 AM 11 30.

ZONING AMENDMENT RESOLUTION

JUN 25-79 \* 24186 \*\*\*\*\*00  
 JUN 25-79 B 24186 \*\*\*\*\*00

WHEREAS, Oliver R. Guyther and Robert O. Guyther, owners of Parcels 33 and 37, Tax Map 1, located approximately one-quarter mile North of Oaks - Cooksey Swamp Road, Fifth Election District, St. Mary's County, Maryland, containing approximately 29 acres, have made application to have said land rezoned from AR-2, Agricultural-Residential, to C-2, Commercial, the original application having been filed on May 17, 1976; and,

WHEREAS, on September 8, 1976, after due notice, a public hearing on the application was held before the Board of County Commissioners of St. Mary's County, Maryland (hereinafter referred to as the Board); and,

WHEREAS, on October 21, 1976, the Board denied the application; and,

WHEREAS, on November 19, 1976, the applicants appealed the denial to the Circuit Court for St. Mary's County, Maryland, the appeal being docketed as Law No. 6213; and,

WHEREAS, on July 15, 1977, the Circuit Court issued its Order reversing the Board's decision and remanding the case to the Board with the direction that the applicants' property be rezoned from AR-2 to C-2; and,

WHEREAS, on August 11, 1977, the Board appealed the Circuit Court's Order to the Maryland Court of Special Appeals, the appeal being docketed as No. 799, September Term, 1977; and,

WHEREAS, on September 6, 1978, the Court of Special Appeals dismissed the Board's appeal, thereby upholding the Circuit Court's action; and,

WHEREAS, on September 26, 1978, the Board filed a Motion for Reconsideration, which Motion was denied by the Court of Special Appeals on October 10, 1978, thereby once again upholding the Circuit Court's action; and,

WHEREAS, on October 26, 1978, the Board appealed the Court of Special Appeals' action by a Petition for Writ of Certiorari filed with the Maryland Court of Appeals, said Writ being granted on November 16, 1978, and being docketed as No. 86, September Term, 1978; and,

WHEREAS, on January 26, 1979, the Board and the applicants jointly dismissed the appeal pending before the Court of Appeals; and,

WHEREAS, on January 29, 1979 the Court of Appeals issued its Mandate dismissing the appeal; and,

ZONING DECISION RESOLUTION  
NO: 76-5  
SUBJ: OLIVER R. GUYTHER AND  
ROBERT O. GUYTHER  
CASE NO: 76-5  
PAGE 2 OF 2

WHEREAS, the result of the foregoing actions is that the Board is bound by the Order of the Circuit Court, dated July 15, 1977, directing that the application be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, that Zoning Application No. 76-5, by Oliver R. Guyther and Robert O. Guyther, for land identified as Parcels 33 and 37, Tax Map 1, per plats filed with said application, requesting a change in classification from AR-2, Agricultural - Residential, to C-2, Commercial, is hereby granted and the official zoning map of St. Mary's County, Maryland is hereby amended accordingly.

WITNESS the hand and seal of the Board of County Commissioners of St. Mary's County, Maryland, by its President, this 20th day of June, 1979.

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

BY: George H. Aud  
George H. Aud, President

ATTEST:

Edward V. Cox  
Edward V. Cox,  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Del. to Co. Comm.

JUL 30 1979

MARY E. BELL, CLERK

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
JULY 2  
79 JUL 27 PM 1 49

ZONING DECISION RESOLUTION  
NO: Z 79-05  
SUBJECT: FOX LUMBER COMPANY  
CASE NO: ZA 78-161

ZONING AMENDMENT

AL-2-79 # 24625 \*\*\*\*\*00  
AL-2-79 B #24625 \*\*\*\*\*00

WHEREAS, Fox Lumber Company, Inc. of Hickory, North Carolina, is the owner of a tract of land located in the Fifth Election District of St. Mary's County, Maryland, containing 20.9 acres, more or less, the same being identified as a Part of Parcel 56, Tax Map 9.

WHEREAS, on January 31, 1975 Fox Lumber Company, Inc. applied for rezoning of the 20.9 acre tract from Agricultural Residential, AR2, to Highway Commercial, C-2. The 20.9 acre parcel is bounded in the main by Old Route 5 and New Route 5 and it lies approximately 2,000 feet from the intersection of Maryland Routes 5 and 235.

WHEREAS, a public hearing on the rezoning request was conducted by the St. Mary's County Planning Commission, ZA No. 78-161, on June 26, 1978. There was no opposition expressed to the rezoning request. Prior to any decision on the case, the applicant withdrew his application on September 6, 1978.

WHEREAS, on December 29, 1978, Fox Lumber Company, Inc. filed an amended application seeking rezoning of the 20.9 acre parcel from AR-2, Agricultural Residential, to I-1, General Industrial. After due notice, a public hearing was held on the request by the Planning Commission on February 26, 1979. On March 12, 1979 the Planning Commission unanimously approved the request for rezoning and forwarded their recommendation to the County Commissioners of St. Mary's County.

WHEREAS, on April 25, 1979, after due notice, a hearing on the requested zoning change was held by the County Commissioners. There was no opposition voiced as to the rezoning request.

WHEREAS, the County Commissioners find as fact the following:

The 20.9 acre parcel is an unimproved piece of land located on dualized Route 5 in the Fifth Election District of St. Mary's County, Maryland. The parcel of land also has access to Old Route 5. The property is practically unsuitable for agricultural use and somewhat unsuitable for residential use. The property is situated between "Old" State Route 5 and "New" State Route 5, and as such can be serviced off of Old Route 5 with minimal traffic impediment and thus consistent with the goal in the Comprehensive Land Use Plan to protect the County's major transportation corridors. No property in either the Fourth or adjoining Fifth Election Districts is zoned industrial. In a recent case before the Commissioners of adjoining property somewhat similar in character to the instant case an application for rezoning to industrial was granted based upon mistake. The Commissioners find that as in the case of the adjoining property it was a mistake to have zoned the subject 20.9 acre parcel for permitted uses for which it is less than suitable. A further mistake is found in the fact that in the original Comprehensive Zoning of the Fourth and Fifth Districts, no provisions were made to include any industrially zoned property.

NOW, THEREFORE, be it Resolved and Ordained by the County Commissioners of St. Mary's County, Maryland, this 27th day of June, 1979 that the application of Fox Lumber Company, Inc. for rezoning of a 20.9 acre parcel located in the Fifth Election District of St. Mary's County, Maryland from Agricultural/Residential, AR2, to General Industrial, I1, be and the same is hereby approved, subject to and conditioned upon there being no more than one entrance from the subject parcel onto "New" Maryland Route 5. This limitation of access is consistent with the proposed industrialization of the property and the County's Transportation plan.

IT IS FURTHER RESOLVED, that inasmuch as part of parcel 27 & 218 on County Tax Map 9, together with the subject property in this zoning amendment application, form a triangle bounded by "Old" Maryland Route 5, "New" Maryland Route 5, these additional parcels are also included in the zoning re-classification, subject to the same entrance limitation onto "New Maryland Route 5".



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

*George F. Aud*  
George F. Aud, President

Larry Millison, Vice-President

Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL  
SUFFICIENCY:

*Joseph P. Bell, II*  
Joseph P. Bell, II  
County Attorney

*Del. to Co. Comm.*

JUN 30 1979

MARY R. BELL, CLERK

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
JULY 2,  
1979 JUL 22 PM 1 51

ZONING DECISION RESOLUTION  
NO: 279-04  
SUBJECT: ARTHUR MIRFIELD  
CASE NO: ZA 78-167

WHEREAS, Arthur Mirfield, owner of a tract of land containing 22.95 acres, more or less, located on Chancellor's Run Road, Eighth Election District, St. Mary's County, Maryland made application on June 5, 1978 to rezone same from R2 to MF (Multiple Family).

WHEREAS, a public hearing on the application was held by the St. Mary's County Planning Commission on August 28, 1978. The matter was discussed in depth by the Planning Commission on September 11, 1978. One week later Arthur Mirfield submitted an amended rezoning application seeking reclassification to R-15 (Townhouse - Garden Apartment District). On October 9, 1978 the Planning Commission recommended approval of the application.

WHEREAS, after due notice, a public hearing was held by the County Commissioners on February 14, 1979. Upon review of the record in this case and the evidence presented the Commissioners find as fact that an R-15 zoning classification would permit up to 343 dwelling units on the 22.95 acre tract. The proposed point of ingress and egress for the site is from Chancellor's Run Road, which according to the County Engineer has a current ADT count of approximately 6000 vehicles. Utilizing the factor of 6.89 daily car trips per apartment dwelling unit, the ADT on the affected portion of Chancellor's Run Road can be expected to increase by a maximum of 2363 if 343 dwelling units were developed, or 2150 if 312 dwelling units were developed as proposed by the applicant.

The subject property is to be served by the Metropolitan Commission's Green View Knolls' Sewer Interceptor line.

The Board of Education contends that increased student enrollment that might be generated by the subject development could be accommodated by the service schools.

The Office of Land Use and Development, in addressing the suitability of the property for the requested rezoning, in a Memorandum dated September 11, 1978, stated that it has a major deficiency in that it only has access from one collector street and no other access appears to be available.

The Office states also that the soils survey indicates three (3) types of soils on the site: Kempsville, which has severe limitations for construction of streets and parking lots because of slope; Caroline, with the same limitations as Kempsville; and Beltsville, which has moderate problems because of a perched water table.

Existing zoning of adjacent property consists of R-2 along a majority of its boundary and some R-30 and some R-15.

The applicant supports his request with basically the following:

1. The property is not suited for R-2 development because of economics and because it is nearly surrounded by commercial/institutional/garden apartment zoning.

2. Since the adoption of the Zoning Ordinance in 1974,

construction of the Greenview Knolls Interceptor sewer line has commenced.

3. The property is located in the urban area of the Comprehensive Plan. Because of these factors, both change in the neighborhood (Sewer line) and mistake (adjacent zoning and location in the urban area of the Comprehensive Plan) are asserted in support of the reclassification. The Planning Commission, by four of its members present, recommend approval of the rezoning request largely on the basis of the Memorandum dated October 4, 1978 from the Office of Land Use and Development. While a number of points are expressed in the October 4th Memorandum, several stand out:

a.) Past and continuing development has created a secondary development node in the vicinity of the intersection of Chancellor's Run Road and Maryland Route 235.

b.) The Comprehensive Plan recommends that higher density developments be contained within planned residential communities which are served by water, adequate streets, open space and other public facilities.

c.) A mistake was made when the Ordinance was passed in that the Zoning Ordinance in no case recognized the 250 acre minimum tract recommendation (for higher density residential development) of the Comprehensive Plan.

d.) In this case, the argument for change in the neighborhood is difficult because of the appearance that the Plan and Ordinance anticipated expanded markets due to expansion of the facilities at Patuxent River Naval Air Station and also anticipated the development of required infra-structure (transportation routes and sewer).

e.) The location of the subject property adjacent to an existing R-15 tract of less than 250 acres qualifies it for consideration as property suitable for rezoning.

The County Commissioners are of the opinion sufficient change has not occurred in the neighborhood to justify rezoning. The pattern of development that has occurred and is occurring in the adjacent areas is consistent with the patterns established prior to the adoption of zoning in 1974, as well as with the established zoning of land within the neighborhood. Similarly, the planned development of the Greenview Knolls Sewer Interceptor line was a known fact when the original zoning was adopted and cannot as such be construed as a change inconsistent with the original zoning classification of the subject parcel.

On the matter of a mistake in original zoning, the Board does recognize that the subject parcel is located in the urban area of the Comprehensive Plan area, is servicable by public sewer, and is adjacent to a large tract of undeveloped land presently zoned R-15. The Board is also aware that when Comprehensive Zoning was adopted in 1974 that the subject property could just have well been zoned R-15 as R-2. The record does not show, nor is the Board privy to, any of the discussion surrounding the decision to classify the subject property R-2 at that time by the Planning Commission and the Board of County Commissioners. The question of mistake in original zoning is a fairly debatable point. It is not a sufficient basis alone in the subject case to grant the requested rezoning. There are other equally important considerations.

The Office of Land Use and Development contends that the location of the subject property adjacent to an existing R-15 tract of less than 250 acres would qualify the site for consideration as property suitable for rezoning. The Planning Commission supported this contention. The Board of County Commissioners does not agree.

There are other factors to be taken into consideration in determining the suitability of the subject site for the requested rezoning:

1. The predominant zoning classification of a majority of the adjacent parcels of property is single family residential.
2. The question of the characteristics of the soil types being conducive to intense, high density residential development.
3. The drainage conditions that exist in the area.
4. The fact that the only point of ingress and egress is off of Chancellor's Run Road at a location of less than ideal traffic safety conditions.
5. Chancellor's Run Road is already heavily travelled and maximum development of the subject site as proposed would contribute significantly to increase the load on that road, a traffic load that will be increased by other planned and proposed development along and off of the road.
6. Chancellor's Run Road, in its present condition, as well as when proposed improvements are made, does not provide for pedestrian traffic. Development of the Mirfield site to create 312 dwelling units can reasonably be expected to create significant pedestrian traffic to the Greenview Knolls Elementary School, Esperanza Middle School and to the existing and potential commercial development at the intersection of Chancellor's Run Road and State Route 235.

Another factor to be considered is one of need. No market study has been submitted by the applicant that justifies the market demand to support at the subject site the creation of 312 rental units. No need for additional acreage zoned for high density residential development in the Eighth Election District has been shown. 283 acres are so zoned and not impacted by AICUZ.

Witnesses for the applicant have testified that it would be uneconomical to develop the subject site per its existing R-2 classification. The Board notes that in an R-2 district, with central water and sewer, a density of one dwelling unit per one quarter acre is permitted. Many successful residential developments are developed at such densities and such medium density residential development would be more in keeping with the existing and adjacent neighborhood and consistent with the urban designation of the area.



For reasons above mentioned the Board is of the opinion that the request should be denied.

NOW, THEREFORE, be it RESOLVED and ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, this 27th day of June, 1979 that the rezoning application of Arthur Mirfield be and the same is denied.

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

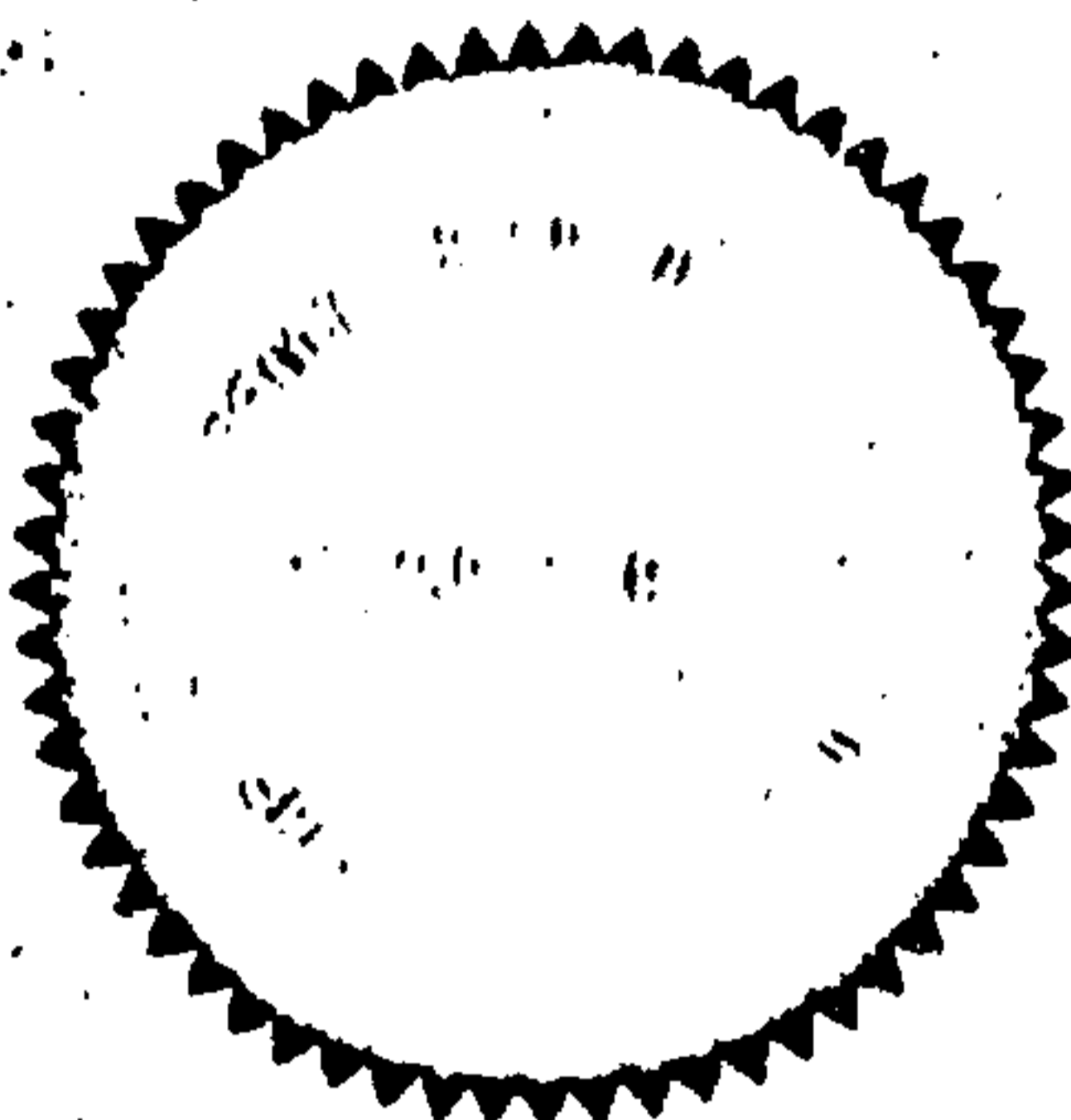
George R. Auld, President

Larry Mallison, Vice-President

Richard D. Arnold, Commissioner

Ford J. Dean, Commissioner

David F. Sayre, Commissioner



ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Del. to County Commission

JUL 31 1979

MARY R. BELL, CLERK

LIBER 002 PAGE 106

NO: 79-42  
SUBJ: SITE PLAN  
APPROVING  
AUTHORITY

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
79 JUL 24 AM 11 52

RESOLUTION

AL 24-79 # 25620 \*\*\*\*\*00  
AL 24-79 A #25620 \*\*\*\*\*00

WHEREAS, the Board of County Commissioners wishes to provide clarification of the administrative process as to identification of the approving authority in all site plan cases; and

WHEREAS, the Board of County Commissioners has resolved that the authority for approval of site plans submitted in accordance with Article 5 of the St. Mary's County Zoning Ordinance, rests with the St. Mary's County Planning Commission with the exception of all site plans for structures and uses within Industrial Zoning Districts, which remains the prerogative of the Board of County Commissioners upon recommendations by the Planning Commission;

THEREFORE, BE IT RESOLVED that the authority for approving site plans involving the construction of one building containing 5,000 square feet or less, within those Zoning Districts and in those cases in which the Planning Commission exercises approval, authority is delegated to the Zoning Administrator, provided all appropriate governmental agencies concur in approving the site plan; otherwise, such site plans shall be referred to the Planning Commission for decision.

In cases where the Planning Commission cannot resolve either an approval or disapproval, the site plan shall be referred to the Board of County Commissioners for decision.

County Commissioner Resolution 74-44, made effective November 20, 1974, is hereby rescinded.

This Date: July 18, 1979

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

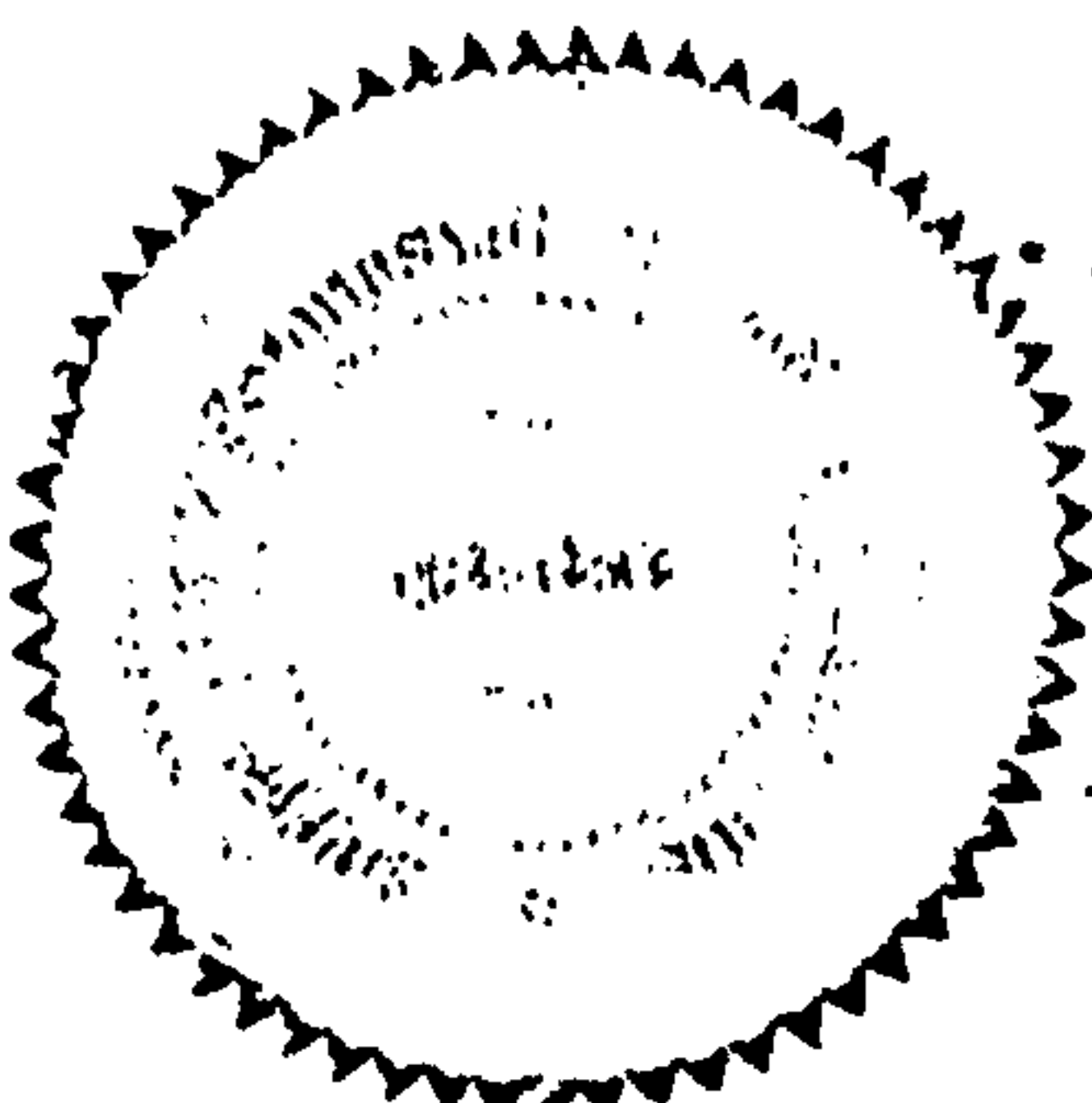
*George R. Aud*  
George R. Aud, President

*Larry Millican*  
Larry Millican, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner



ATTEST:  
*Edward V. Cox*  
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
*Joseph C. Bell II*  
Joseph C. Bell, II, County Attorney

*Del. to County Comm*

AUG 10 1979

MARY R. BELL, CLERK

RECORDED  
MARY R. DESL  
CLERK, CIRCUIT COURTSOTTERLEY MANOR, SECTION TWO

'79 AUG 2 AM 9 22

ORDER

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland and Kenneth W. Sumner entered into a Public Works Agreement on June 15, 1978, whereby as a condition of approval of the development and sale of lots in Sotterley Manor Subdivision, Section Two, Sixth Election District, St. Mary's County, Maryland, Kenneth Sumner agreed to construct the roads and streets in said subdivision in accord with county standards.

WHEREAS, the Public Works Agreement further provides that should the required improvements not be started and diligently pursued within one year after execution of this Agreement, it is herein stipulated that any construction or conveyance privileges granted to the subdivider or his assigns in way of the improvements, guaranteed by this Agreement may be suspended by Order of the County Commissioners until a new Agreement shall be executed incorporating therein any changes, increased guarantees or conditions as may be required by the County Commissioners acting in the public interest.

WHEREAS, Kenneth W. Sumner has not started and diligently pursued construction of the required improvements, though more than one year has elapsed since the execution of the Public Works Agreement.

WHEREAS, Kenneth W. Sumner has caused to be recorded among the Plat Records of St. Mary's County in Plat Book M.R.B. No. 13, Folio 41 a plat of Sotterley Manor, Section Two.

WHEREAS, Kenneth W. Sumner has sold and recorded deeds conveying at least seven of the twenty-four approved lots shown on the record plat of survey.

WHEREAS, certain of the property owners have petitioned the County Commissioners to take appropriate action to insure that the roads and streets are constructed as agreed.

WHEREAS, upon review of the facts the Commissioners find that Kenneth W. Sumner has not started and diligently pursued construction of required improvements as agreed upon and that he has not replied to recent inquiries by the county as to his failure to abide by his agreement.

NOW, THEREFORE, in accord with the terms of the Public Works Agreement above mentioned it is ORDERED by the County Commissioners of St. Mary's County, Maryland this 25th day of July, 1979, that all construction and conveyance privileges heretofore granted as to SOTTERLEY MANOR, SECTION TWO are hereby SUSPENDED until such time as a new Agreement shall be executed incorporating therein any changes, increased guarantees or conditions as may be required in the public interest, or until this ORDER is otherwise modified or rescinded. The County Commissioners will decide on a case by case basis the approval of building permit applications for lots conveyed prior to July 25, 1979.

SOTTERLEY MANOR, SECTION TWO

ORDER

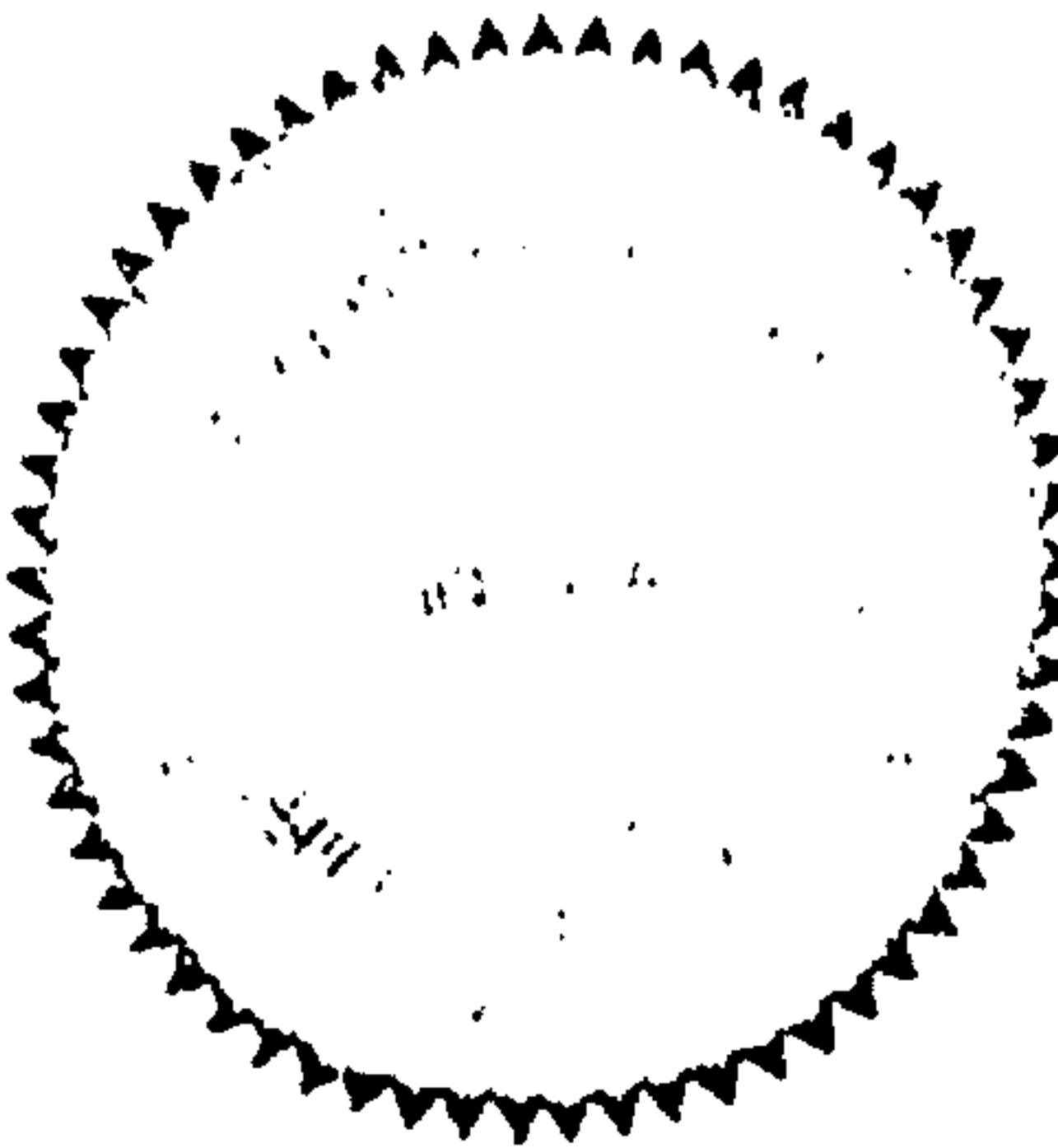
PAGE TWO

It is directed that a copy of this ORDER be promptly recorded among the Land Records of St. Mary's County, Maryland with direction to the recording clerk that it be cross indexed in the Grantor-Grantee index as follows, as to each index the name: Kenneth W. Sumner and the Board of County Commissioners of St. Mary's County, Maryland.

It is further directed the copies of this ORDER be mailed, postage prepaid, to Kenneth W. Sumner and to Maryland Bank and Trust Company, surety under the terms of a Letter of Credit dated June 8, 1978.

And further, that any further conveyance of lots in Sotterley Manor, Section Two shall be in contravention of this ORDER.

Witness the hands and seal of the County Commissioners of St. Mary's County, Maryland, this 25th day of July, 1979.



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

*George R. Hod*  
George R. Hod, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford Dean*  
Ford Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph G. Bell II*  
Joseph G. Bell, II  
County Attorney

*Del. to County Comm.*

AUG 15 1979

MARY R. BELL, CLERK

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT CO.  
79 AUG 2 PM 1 09

NO: 79-45  
SUBJ: TAXATION CREDIT - ST. GEORGE'S  
ISLAND IMPROVEMENT ASSOCIATION,  
INCORPORATED

RESOLUTION

WHEREAS, Article 81, Section 9C of the Annotated Code of Maryland permits the governing bodies of the several jurisdictions mentioned therein to grant and to authorize tax credits; and

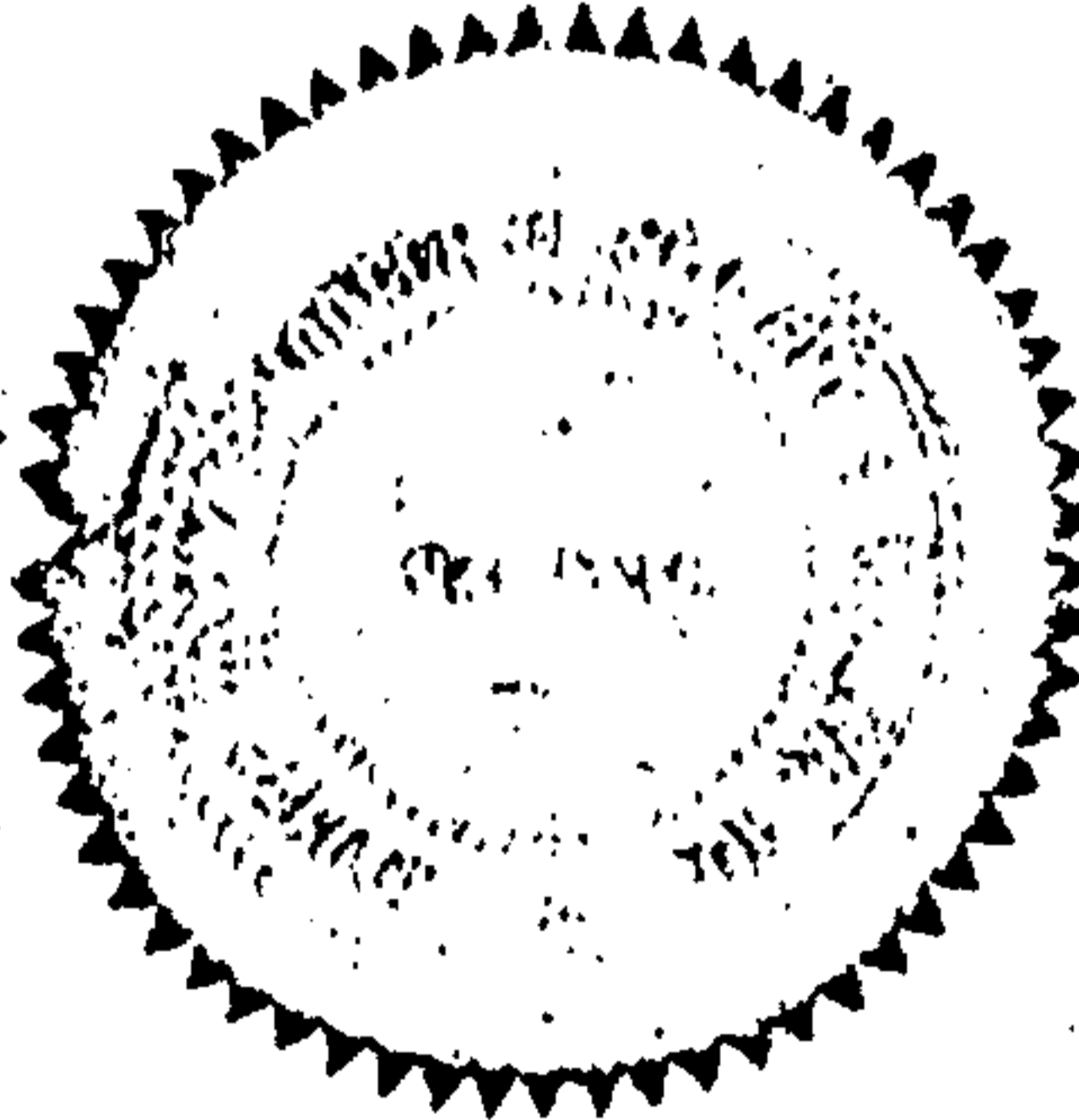
WHEREAS, the 1979 Maryland General Assembly enacted H. B. 65, Chapter 308, by adding to Article 81, Section 9C (n) of the Annotated Code of Maryland which reads:

"In St. Mary's County, the Board of County Commissioners may by Ordinance or Resolution grant a credit against local taxation only for real and tangible personal property owned by the St. George's Island Improvement Association, Incorporated and used exclusively for community or civic purposes."

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners grants a credit against local taxation only for real and tangible personal property owned by the St. George's Island Improvement Association, Inc. and used exclusively for community or civic purposes.

Dated: August 1, 1979

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



*George R. [Signature]*  
George R. [Signature], President  
*Larry [Signature]*  
Larry [Signature], Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Ford L. Bean*  
Ford L. Bean, Commissioner  
*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

Approved as to legal sufficiency:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to County Comm.*

AUG 29 1979

MARY R. BELL, CLERK

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT

'79 AUG 8 PM 1 03

ZONING DECISION RESOLUTION  
NO.: Z-79-06  
SUBJ: 1. GREAT MILLS COMMUNITY  
SERVICE CENTER  
2. JOSEPH D. KNOTT  
CASE NO. ZA 78-245

COMPREHENSIVE ZONING AMENDMENT

WHEREAS, on October 27, 1979, Joseph D. Knott, owner of Parcels 213 and 214, cited on Tax Map 50, located at the intersection of Indian Bridge Road and Maryland Route 5, Great Mills, Maryland, in the Eighth Election District of St. Mary's County, containing a total of approximately five (5) acres, made application to have Parcel 213 rezoned from R-2, Residential, to C-2, Commercial, and Parcel 214 rezoned from AR-2 Residential to C-2, Commercial, and

WHEREAS, the subject property and other nearby properties in the Great Mills area currently exist as nonconforming uses in Agricultural-Residential and Residential zoning districts, and

WHEREAS, after due notice a public hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on May 16, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the application of the said Joseph D. Knott, together with the establishment of a Community Service Center in the Great Mills area by amendment to the Comprehensive Plan, and

WHEREAS, at said hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following issues identified for consideration:

1. The relationship between the application of Joseph D. Knott for rezoning and the desirability of establishing a Community Service Center in the Great Mills area which would include the Joseph D. Knott property.
2. The existence of a number of commercial nonconforming uses in the Great Mills area.
3. The stated goal of the St. Mary's County Comprehensive Land Use Plan (hereinafter referred to as Comprehensive Plan) to locate a commercial development in centralized commercial service centers.
4. The requirement in Article 66B of the Annotated Code of Maryland and the St. Mary's County Zoning Ordinance that the consideration of each application for a zoning amendment must be considered on its own merits, must involve findings of fact and may be granted only within the parameters of existing, appropriate law.

In addressing the issues identified above, the following facts have been determined:

ZONING DECISION RESOLUTION NO. Z-79-06  
1. GREAT MILLS COMMUNITY SERVICE CENTER  
2. JOSEPH D. KNOTT  
CASE NO.: ZA 78-245  
PAGE 2

1. The property of Joseph D. Knott and a number of nearby properties in the Great Mills area contain nonconforming commercial uses which are appropriate for inclusion in a Community Service Center as defined in the Comprehensive Plan.

2. The Comprehensive Plan calls for a system of village or service centers to be established throughout the more rural areas of St. Mary's County, designed to provide the necessary infrastructure elements to a concentrated village population group on the order of four thousand (4,000) people to serve these areas in the most efficient and economical manner.

3. These centers will be built around the elementary school and a neighborhood community and shopping center so that these facilities will not have to be dispersed throughout the County in a haphazard and inefficient manner. The Great Mills area currently has such a shopping center and elementary school.

4. These centers should generally be located in the vicinity of, but should not straddle, important crossroad points in the existing and proposed highway networks in a system that services the entire County population to be located out of the proposed major centers.

5. The proposed location of the Community Service Center is within an area designated S-3/W-6 by the St. Mary's County Water and Sewerage Plan, as defined in said Plan. Construction of the sewer system is scheduled to begin within two (2) years.

6. Maryland Route 242 has a priority designation of three (3) for a four (4) lane reconstruction pursuant to the Maryland Twenty Year Highway Needs Study, indicating a high priority. Maryland Route 5 has a priority designation of NC, for a four (4) lane divided reconstruction from Great Mills northward, indicating it will become critical within twenty (20) years.

7. Prior to construction of floodwater retarding structures in the Great Mills area, the One Hundred Year Flood Plain was measured at 18.6 feet at the bridge on Maryland Route 5. After completion of the structure, the flood plain will be 14.4 feet, requiring new construction to be flood-proofed to a finished floor elevation one (1) foot above the existing flood plain.

8. The following land uses currently exist in an area within approximately one-half (1/2) mile of the intersection of Maryland Route 5 and Indian Bridge Road to the intersection of Maryland Route 5 and Hermanville Road and the area within one-half (1/2) mile of Maryland Route 246 from Great Mills to Lexington Park:

<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>	<u>MULTI-FAMILY</u>
178	31	5	6

ZONING DECISION RESOLUTION NO. Z-79-06  
1. GREAT MILLS COMMUNITY SERVICE CENTER  
2. JOSEPH D. KNOTT  
CASE NO.: Za 78-245  
PAGE 3

The study area also contains six (6) sites currently zoned Commercial, of which three (3) are located at the intersection of Maryland Route 5 and Maryland Route 246, and three (3) are located on Maryland Route 246 north of Great Mills.

9. Great Mills is located at the strategic intersection of Maryland Route 5 and Maryland Route 246 through which most residents of the southern region of St. Mary's County must pass to go to the Major Urban Centers of Lexington Park and Leonardtown.

10. Only the following properties whose owners requested inclusion in a Community Service Center in Great Mills have been considered for such commercial rezoning:

- a. Tax Map 50, Parcels 17,30,41,42,48,55,57,71, 79,94,95,96,97,98,100,116,129,130,131,156,213 and 214.
- b. Tax Map 51, Parcels 25,43,56,80,95,118,119,120, 121, 122,167,168 and 228.

Said properties are more particularly described on a plat designated Exhibit A which is attached hereto and incorporated by reference herein. Plat recorded in Land Record plat book.

After careful consideration of the issues and facts set forth above, the Board of County Commissioners concludes that the properties described in Paragraph Ten (10) of the findings of fact, supra, and more particularly described in Exhibit A, are suitable and desirable for inclusion in a Community Service Center as defined by the St. Mary's County Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland that the St. Mary's County Comprehensive Land Use Plan is hereby amended to designate the aforementioned properties as a Community Service Center, and said properties are hereby rezoned C-2, Commercial, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE: July 15, 1979

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

Larry Millison, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to County Comm.*

AUG 29 1979

MARY R. BELL, CLERK



03. 11)

NO: 79-46  
SUBJ: ROCKFISH HATCHERY

STAMP 2.32f. M.  
MAY 2 1979

RESOLUTION

AUC-8-79 \* 26622 \*\*\*\*\*  
AUG-8-79 B 226622 \*\*\*\*\*

WHEREAS, commercial watermen, sportfishermen, scientists, and government officials are all aware of the drastic decline in the spawning, hatching and harvesting of striped bass, the rockfish, of which 90 percent spawn in Chesapeake Bay tributaries; and

WHEREAS, the federal government is sufficiently concerned that bills to study the striped bass fishery have been introduced in both the United States Senate and House: the senate version, S-838, the Emergency Striped Bass Bill, introduced by Senator John H. Chafee of Rhode Island, calls for a four-year, \$6.75-million investigation into the decline of the rockfish resource along the Atlantic Coast from Maine to the Carolinas; the House version, HR-2035, introduced by Representatives Robert Bauman of Maryland and Gerry Studds of Massachusetts, calls for a three-year, \$4.75-million study of the decline by the federal government in cooperation with state and local agencies and interested groups; and

WHEREAS, the Maryland Department of Natural Resources has taken measures to conserve and increase the rockfish stocks, such as: (1) formed, and took management regulations from a Citizen's Striped Bass Advisory Committee; (2) proposed and saw signed into law rockfish management legislation; and (3) funded both the University of Maryland's Horn Point Hatchery near Cambridge and the Elkton Striped Bass Hatchery begun on a volunteer basis by the Cecil-Harford County Watermen's Association; and

WHEREAS, both hatcheries suffered disappointingly low spawns due to unknown factors which caused fatal softness of eggs and deformed larvae; and

WHEREAS, we recognize the importance of the rockfish resource to the State, the tri-counties, and our county, especially for the commercial watermen, charter boat captains, sportfishermen, but for all of us as well;

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, that we endorse and encourage the formation of a Rockfish Hatchery Committee to study the feasibility of using the St. Mary's River watershed project, or any other suitable tributary or location within the county, as a rockfish hatchery, in support of the state and federal programs, and this important seafood industry resource.



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George H. Aud*  
George H. Aud, President  
*Larry Millison*  
Larry Millison, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Fred D. Dean*  
Fred D. Dean, Commissioner  
*David V. Sayre*  
David V. Sayre, Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to County Comm.*

AUG 29 1978

MARY B. BELL, CLERK

002-114

RECORDED  
MARY R. BELL  
CLERY, CIRCULAR  
79 AUG 21 PM 12 39

NO: 79-48  
SUBJ: RESCISSION: COUNTY  
RESOLUTIONS 75-34 and 75-54

MS 21-79 \* 27349 \*\*\*\*\*00  
MS 21-79 B 27349 \*\*\*\*\*00

RESOLUTION

WHEREAS, the 1979 Maryland General Assembly adopted Chapter 670 affecting the Public Local Laws of St. Mary's County by repealing Section 26-4 through 26-11, inclusive, and 26-22 Article 10 (1978 Edition, as amended) and by adding Section 27-1 through 27-11, inclusive, to be under the new chapter "Chapter 27, Budgetary and Fiscal Procedures"; and

WHEREAS, the adoption of said Chapter 670 by the 1979 Maryland General Assembly renders obsolete previously adopted County Resolutions 75-34 (Capital Improvement Fund) and 75-54 (Capital Improvement Fund-Appropriation Control, Transfer and Retrieval of Lapsed or Cancelled Appropriations Processes);

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that County Resolutions 75-34 and 75-54 are rescinded and made null and void.

Date: August 15, 1979

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND



*George E. Auld*  
George E. Auld, President  
*Larry Millison, U.S.*  
Larry Millison, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Ford L. Dean*  
Ford L. Dean, Commissioner  
*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

Approved as to Legal Sufficiency:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

002 115

NO: 79-50

SUBJ: TEXT AMENDMENTS TO  
THE ST. MARY'S  
COUNTY ZONING  
ORDINANCE

RESOLUTION

MG 24-79 \* 27551 \*\*\*\*\*  
MG 24 75 A 27551 \*\*\*\*\*

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers St. Mary's County to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, Article 7, Section 70.01(1) of the St. Mary's County Zoning Ordinance provides that the Board of County Commissioners of St. Mary's County may amend, supplement, modify or repeal the regulations of the said Zoning Ordinance; and

WHEREAS, the Board of County Commissioners of St. Mary's County deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of St. Mary's County to amend certain parts of the text of the St. Mary's County Zoning Ordinance so as to provide clearer public understanding and simplification; and

WHEREAS, the Board of County Commissioners of St. Mary's County called a public hearing for the consideration of the proposed text amendments and gave due notice thereof as required by law; and

WHEREAS, said public hearing was held by the Board of County Commissioners of St. Mary's County at the Commissioners Conference Room, Governmental Center, Leonardtown, Maryland, on the 20th day of June, 1979, at 1:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED, that the St. Mary's County Zoning Ordinance be and the same hereby is amended as follows:

- 31.00.3 ADD "e. Farm Residence (cross-reference Article 8)."
- 31.00.4.t ADD "per the requirements of 53.091."
- 32.01.4 ADD "e. Farm Residence (cross-reference Article 8)."
- 32.01.5.g ADD "per the requirements of 53.091."
- 40.04.4 CHANGE TO READ "Any side or rear yard in a new residential development which is adjacent to any industrial or commercial district shall be increased to a minimum of 35 ft. ..."
- 40.04.9 CHANGE TO READ "Any yard in a commercial or industrial district which is adjacent to any residential district shall be increased to a minimum of 35 ft. ..."
- 40.04 ADD
  - 0.9 The side yard for principal structures in any zoning district may be reduced to zero (0) feet provided:
    - a. The principal structure shall be located no closer to the side property line than the designated side yard setback distance unless the principal structure is located on the side property line;
    - b. Any principal structure located on a side property line shall have an unpenetrated fire wall with a 1 1/2 hour fire rating;

RECORDED  
MARY R. BELL  
CLERK, PRINCE GEORGES COUNTY

'79 AUG 24 PM 3 28

NO:

SUBJ: TEXT AMENDMENTS TO  
THE ST. MARY'S  
COUNTY ZONING

Page 2

- g. The requirement for any public easements on or adjacent to the side yard property line upon which the principal structure is located shall be waived by the appropriate agency;
- d. On any residential lot where a single family detached, or duplex dwelling unit is located on the side property, an unimpeded access way with a minimum width of fifteen (15) feet shall be provided to allow access from the front to the rear of the lot;
- e. An agreement which provides for the construction of a principal structure on a side property line shall be executed for properties upon which a principal structure is located, said agreement to be filed with the building permit; and
- f. Principal structures shall not be located on side property lines which are zoning boundaries between Residential and Commercial zones or Residential and Industrial zones (cross-reference 40.04.4 and 40.04.5).
- 40.06.1 After "Commercial & Public Radio and Television Antenna ADD ..." ELIMINATE (provided-height-does not-exceed-150-ft)".
- 40.06.2 CHANGE TO READ "When permitted in a district Principal Structures may be erected..."
- 41.01.1 ADD "All accessory buildings used as dwellings, other than Farm Residences, shall require the issuance of a Certificate of Occupancy prior to being occupied, in accordance with the provisions of this Ordinance."
- 41.01.6.e CHANGE TO READ "Accessory buildings which are not a part of the principal structure, ..." Lines 9-13 ADD ", and provided, further, that Farm Residence shall conform to the minimum requirements for principal structures as provided in the Schedule of Lot Dimensions, Yard Requirements, Coverage, and Density of this Ordinance."
- 41.01.6.f CHANGE TO READ "A mobile home, other than a mobile home used as a Farm Residence, ..."
- 53.17.3 CHANGE TO READ "Any buildings for keeping of animals shall be located at least one hundred feet from any side or rear lot lines, and there shall be housed on the premises no more than (1) hooved animal over six hundred (600) pounds for each acre of land. This does not apply to Farmsteads."

NO. 117

NO:  
SUBJ: TEXT AMENDMENTS TO THE  
ST. MARY'S COUNTY  
ZONING ORDINANCE  
Page 3

- 30.12.1 Last line shall read "...said areas to be landscaped."
- 30.13.1.c Line 5 shall read "...appropriate curbing or similar device at ..."

Page 6-22 ADD:

"FARMSTEAD - An area of fifteen (15) acres or more in single ownership which is a lot of record. The creation of a farmstead shall be exempted from the provisions of the St. Mary's County Subdivision Regulations Ordinance, provided that no new roads or lanes are created."

"FARM RESIDENCE - A dwelling unit on a farmstead which provides living quarters for those living or working on the premises. A Farm Residence is an accessory use."

BE IT FURTHER RESOLVED, that the foregoing amendments shall take effect immediately.

This Date: August 15, 1979

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

ATTEST:  
*[Signature]*  
Edward V. Cape  
County Administrator

APPROVED AS TO LEGAL COUNSEL:  
*[Signature]*  
Joseph S. Hill, II  
County Attorney

LIBR 002 FILE 118

ZONING DECISION RESOLUTION  
NO: Z-79-07  
SUBJ: LESTER KRAFT  
CASE NO. ZA 79-73

RECORDED  
MARY K. BELL  
CLERK

'79 SEP 10 PM 12 57 ZONING AMENDMENT

AP 10-79 # 28306 \*\*\*\*\*00  
AP 10-79 # 28306 \*\*\*\*\*00

WHEREAS, on April 16, 1979, Lester Kraft and Margaret Louise Kraft, owners of Parcel 117, cited on Tax Map 34, located on Maryland Route 235 in the Eighth Election District, St. Mary's County, Maryland, containing a total of approximately 1.7 acres, made application to have the subject property rezoned from R-2, Residential to C-2 Commercial, and

WHEREAS, the subject property currently exists as a non-conforming use in a Residential zoning district, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on July 25, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said Lester Kraft and Margaret Louise Kraft, and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The Office of Planning and Zoning has defined the neighborhood for this case as that area along Maryland Route 235 from Rolling Road to Chancellors Run Road.
2. The subject parcel, consisting of 1.7 acres, is approximately 1/3 developed as a motel and other commercial uses, having been so for many years prior to 1974.
3. The subject parcel is bordered on the northeast by Route 235 and on the southwest by the railroad right-of-way.
4. Approximately one (1) year ago the St. Mary's County Metropolitan Commission installed the sewer line past the subject property and connections thereto have been made.
5. At least four parcels of property within the defined neighborhood and on the same side of Route 235 as the subject property are zoned commercial.
6. An effective barrier, namely Route 235, separates the subject property from the existing residential property on the opposite side of the road.

After careful consideration of the facts set forth above, the Board of County Commissioners concludes that given the already existing Commercial nature of the subject property, the other Commercial parcels in the neighborhood, the advent of the sewer line and the relative unsuitability of the subject property for Residential use, the Board grants the requested rezoning from R-2, Residential to C-2, Commercial on the basis of mistake in the original zoning which failed to take into account the existing Commercial nature of the subject property, while at the same time zoning as Commercial other parcels which were in close proximity.

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LIBER 002 PAGE 113

ZONING DECISION RESOLUTION  
NO: Z-79-07  
SUBJ: LESTER KRAFT  
CASE NO. ZA 79-73

The requested rezoning is further granted with the realization that with additional commercial development, the vehicular entrance will have to be upgraded to commercial standards, thereby improving the negative impact on Maryland Route 235.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, that the subject property described above is hereby rezoned C-2, Commercial, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE: 9-5-79

BOARD OF COUNTY COMMISSIONERS,  
ST. MARY'S COUNTY, MARYLAND



*George R. Aud*  
George R. Aud, President  
*Larry Millison*  
Larry Millison, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Ford A. Dean*  
Ford A. Dean, Commissioner  
*David V. Sayre*  
David V. Sayre, Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
*Joseph K. Bell, II*  
Joseph K. Bell, II  
County Attorney

*Del: Co Comm's 10-4-79*

MARY R. BELL, CLERK

LECR 032 PAGE 120

NO: 79-56

Subj: Revisions to the  
Road Ordinance for  
St. Mary's County  
01-2-75 \* 29692 \*\*\*\*\*  
01-2-79 A 329492 \*\*\*\*\*

RESOLUTION

WHEREAS, under and by virtue of the authority contained in Article 25 of the Annotated Code of Maryland, the Board of County Commissioners has adopted a Road Ordinance, No. 76-7, with accompanying Specifications and Standards for Highway and Street Construction on the 7th day of April, 1976; and

WHEREAS, this Ordinance is designed to regulate and govern the grading, construction, improvement, maintenance and repair of public roads including sidewalks, curbs and gutters, and storm drainage facilities in St. Mary's County; and

WHEREAS, the Specifications and Standards for Highway and Street Construction may be amended from time to time by official action of the Board of County Commissioners in accordance with Section 6.2 of the Road Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Specifications and Standards for Highway and Street Construction for St. Mary's County, the same being affixed hereto, be formally revised and made effective this 26<sup>th</sup> day of September, 1979, in the following manner:

1. The addition of 1" Bituminous Concrete Band SM surface course to the Rural Street Typical Sections, Plates R-1 through and including R-4.
2. The addition of 1" Bituminous Concrete Base Course Band BF or Band BI to the Rural Street Minor Collector Typical Section, R-5.
3. The addition of 1/2" Bituminous Concrete Base Course Band BF or Band BI to the Urban Street Major Local Typical Section, Plate R-8.

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NO: 79-56

Subj: Revisions to the  
Road Ordinance for  
St. Mary's County

4. The addition of 1" Bituminous Concrete Base Course Band BF or Band BI to the Urban Street Minor Collector Typical Section, Plat R-9.

5. Allowing the Bituminous Base Course on all Street Typical Sections to be either Band BF or Band BI.

6. Reducing the thickness of crushed rock base to 5".

7. Increasing the minimum cover on sewer lines to 48".

8. Eliminating the use of Bituminous Concrete Curb on the Standard Cal-De-Sac (landscaped).

9. Modifying the Typical Driveway Entrance Plats, R-14.

10. Allowing 6" Bank Run Gravel Shoulders on all Rural Typical Sections.

These revisions will be applicable to all road construction plans submitted after November 1, 1979. Construction plans which are under review at the time of adoption will not be required to incorporate these revisions.

LECT 8.2 122

NO: 79-56  
SUBJ: Revisions to the Road Ordinance for St. Mary's County

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George B. Aud*  
George B. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Ford L. Doan*  
Ford L. Doan, Commissioner

*Richard Arnold*  
Richard Arnold, Commissioner

*David R. Sayre*  
David R. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL FORM:

*Joseph Ernest Bell, II*  
Joseph Ernest Bell, II  
County Attorney

*Met. Co. Comm's*

OCT 15 1979

MARY R. BELL, CLERK

DEC 2 1979

NO: 2-79-08

LINE 1011A . B.  
GAY & SON, INC.  
ST. MARY'S CO.

ZONING AMENDMENT RESOLUTION

NO. 2A # 79-26

SUBJECT: J. FRANK ABELL

41-2-79 \* 29693 \*\*\*\*\* PC

31-2-79 A 27693 \*\*\*\*\* PC

RESOLUTION

WHEREAS, J. Frank Abell, owner of a parcel of land containing 2.82 acres, more or less, and located on the west side of Maryland Route 5 in the Fifth Election District of St. Mary's County, Maryland, the same being identified as Parcel 24 on Tax Map 9, has made application for reclassification from its current status of AR-2, Agricultural-Residential, to C-2, Commercial. The tract is more particularly described as Parcel Seven in a deed dated June 28, 1972 from Lucie Ann Abell to J. Frank Abell and recorded among the Land Records of St. Mary's County, Maryland in Liber DKB No. 179, Folio 361.

WHEREAS, after due notice and a public hearing, the Planning Commission of St. Mary's County has recommended approval of the rezoning request.

WHEREAS, the County Commissioners of St. Mary's County have likewise conducted a public hearing on the matter and after consideration and deliberation find as fact:

1. That the applicant, J. Frank Abell, has owned the property for over thirty years, initially jointly with his wife, and more recently in his name alone.
2. That over the years and prior to the adoption of Comprehensive Zoning in 1974, Mr. Abell established several commercial uses on the property, including residential apartments, a lunch room and beauty shop. The property is also currently used as a tavern.
3. That the commercial uses to which the property is now employed are permissible, nonconforming uses under the county's Zoning Ordinance.
4. That there has been sufficient population growth in the northern part of St. Mary's County to warrant review and study of the commercially zoned land located in the Fifth District.
5. That the land in question, which is triangular in shape, located at the intersection of Route 5 and Old Route 5, is best suited for commercial uses under the C-2 category of the county's Zoning Ordinance.
6. That designation of the property as C-2 will fulfill a void now existing in the Fifth District for additional commercial uses permitted in that zoning classification.
7. That there exists a natural buffer along the entire southern edge of the property in the form of a ravine.
8. That there are residences facing the subject property along "Old Route 5" along the western edge, which the County Commissioners are desirous of protecting.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the County Commissioners of St. Mary's County, Maryland this nineteenth day of September, 1979, that the real estate of J. Frank Abell described above be, and the same is reclassified from AR-2 to C-2 with the provision that the

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natural area along the southern boundary be maintained and that an evergreen screen planting be required along the western edge of the property from the natural area to a point parallel to the southern edge of the existing building prior to any structural addition.

Witness the hand and seal of the County Commissioners the day and year just written.

This Date: September 19, 1979

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

*Mel: Co Comm's*

087 15 1979

MARY R. BELL, CLERK

LIB 002 125

ZONING DECISION RESOLUTION  
 NO : 1-79-12  
 SUBJ: PATUXENT DEVELOPMENT CO., INC.  
 AND MARTHA HILLISON  
 CASE NO: ZA 79-82

ZONING AMENDMENT

41-9-74 2 031 \*\*\*\*\*FO  
 41-9-74 8 27 031 \*\*\*\*\*FC

WHEREAS, on May 3, 1979 Patuxent Development Company, Inc., owners of Parcel 5, cited on Tax Map 4, located on Md. Rt. 5 in the Fifth Election District, St. Mary's County, Maryland, containing approximately 8.5 acres, made application to have the subject property rezoned from C-1, Commercial, to C-2, Commercial, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on August 8, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said Patuxent Development Company, Inc., and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The subject property is presently zoned C-1, Commercial.
2. The subject property is adjacent to additional parcels of property also zoned C-1; namely, Parcels 4, 5, 46 and a portion of Parcel 85.
3. The net effect of granting the requested rezoning would be another increase in the number and kind of commercial uses permitted on the property.
4. The intent of C-1, Commercial Zoning, is to provide commercial services for nearby concentrations of residential developments.
5. There are no concentrations of residential developments in the vicinity of the subject property and therefore, the intent of C-1 classification is not fully met.
6. The subject property is situated on a major highway and since it already exists as C-1, Commercial, it would seem appropriate for the property to be developed to provide a full range of commercial services.

After careful consideration of the facts set forth above, the Board of County Commissioners concluded that given the relative unsuitability of the subject property for C-1, Commercial use, the Board grants the requested rezoning from C-1, Commercial to C-2, Commercial, on the basis of mistake in the original zoning which failed to take into account the lack of residential neighborhoods in the surrounding area necessary to support C-1, Commercial classification.

In light of the appropriateness of the facts and conclusions set forth above to certain other properties in close proximity to

002 INC 126

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ZONING DECISION RESOLUTION NO: 1-79-12  
PATUXENT DEVELOPMENT CO., INC. AND  
MARTHA MILLISON  
CASE NO. ZA 79-82  
PAGE 2 of 2

the subject property, the Board also rezones that portion of Parcel 85, Tax Map 4, which is zoned C-1, Commercial, and Parcel 4 and 46, Tax Map 4, from C-1, Commercial, C-2, Commercial.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland that the subject property, together with that portion of Parcel 85, Tax Map 4 which is zoned C-1, Commercial, and Parcels 4 and 46, Tax Map 4, are hereby rezoned C-2, Commercial, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE: 10/3/79

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aub*  
George R. Aub, President

Larry Millison, Vice-President

Richard D. Arnold, Commissioner

*For L. Dean*  
For L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del to County Comm*

OCT 30 1979

MARY R. BELL, CLERK

BOOK 002 PAGE 127

ZONING DECISION RESOLUTION  
NO.: Z-79-11  
SUBJ: JAMES MANNING GOLDSBOROUGH  
CASE NO: ZA 79-74

APR 19 9 40 AM '79

ZONING AMENDMENT

21-9-74 \* 2 032 \*\*\*\*\*RG  
21-9-74 B 22 032 \*\*\*\*\*RG

WHEREAS, James Manning Goldsborough, contract purchaser of a 27.5 acre tract of land located in the Sixth Election District of St. Mary's County, Maryland being a part of Parcel 113, Tax Map 20, has made application for reclassification of the land from AR-2, Agricultural-Residential, to R-2, Low Density Urban Residential. The tract of land, which is located on the Clover Hill Road adjacent to Gillen's Grove Subdivision, is shown more accurately on a plat of survey filed with the application, the same being Case No. ZA 79-74, being a part of the land conveyed unto Francis Webster Tippett and Mary Louise Tippett, his wife, by Grace L. Lee by deed dated February 11, 1965 and recorded among the Land Records of St. Mary's County, Maryland in Liber No. 118, Folio 108.

WHEREAS, after due notice and public hearing, the Planning Commission has recommended that the zoning reclassification be approved.

WHEREAS, following notice and a public hearing the County Commissioners of St. Mary's County, in concluding that the application should be granted, find:

1. That the subject parcel lies adjacent to Gillen's Grove Subdivision, a development of half acre lots and served by a central water system.
2. The Office of Planning and Zoning has defined the neighborhood as the residential area around the community of Hillville.
3. The net effect of rezoning the subject property from AR-2 to R-2 would allow for increased density (if a central water system is installed). This increased density (one-half acre lots) would be compatible with the existing Gillen's Grove Subdivision which consists of ninety-seven (97) lots.
4. Development of the subject parcel as one-half acre lots would have the further result of utilizing the more plentiful Aquia Aquifer as a water source.

The Board finds based on the foregoing that a change has occurred in the neighborhood with the development of the Gillen's Grove Subdivision and further that similar development would be in keeping with already established development and would represent a better utilization of resources.

LRD 002 FILE 128

ZONING DECISION RESOLUTION  
NO: 2-79-11  
SUBJ: JAMES MANNING GOLDSBOROUGH  
CASE NO: SA 79-74  
PAGE 2 of 2

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the County Commissioners of St. Mary's County, Maryland, this 3rd day of October, 1979 that the application for rezoning of James Manning Goldsborough is approved and the 27.5 acres parcel is reclassified from AR-2 to R-2.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George K. Aud  
George K. Aud, President

Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

*Del. to County Comm*

OCT 30 1979

MARY R. BELL, CLERK



LOG 002 PAGE 129

ZONING DECISION: RESOLUTION  
NO: Z-79-10  
SUBJ: JIMMY N. AYSOUE  
CASE NO: ZA 79-19

ZONING AMENDMENT

01-9 70 \* 2 033 \*\*\*\*\*PC  
01-9 70 B 22 033 \*\*\*\*\*PC

WHEREAS, Jimmy N. Aysoue, contract purchaser of a one-acre tract of land owned by Benjamin F. Asher, Jr., that is located on Route 5 in Mechanicsville, Fifth Election District, St. Mary's County, has made application to have the parcel reclassified from Agricultural-Residential, AR-2, to Commercial C-2, the one acre tract being a part of Parcel 41, Tax Map 4, and is more particularly described by metes and bounds survey field with the rezoning application, the same being Case No. ZA 79-19.

WHEREAS, following due notice and public hearing, the Planning Commission has unanimously recommended that the one acre parcel be reclassified from AR-2 to C-2, basing its findings and recommendation for rezoning on the fact that a mistake was made when the land was initially zoned.

In sustaining the recommendation of the Planning Commission, the County Commissioners find as fact:

1. The Office of Planning and Zoning has defined the neighborhood in this case as that area contained in the study of the Route 5 corridor from New Market to Halfway House.
2. The subject property is situated to the rear of a parcel of property that is owned by the applicant and which is zoned C-2 and commercially developed.
3. The subject property is further bounded on two sides by a large pond which lies between the subject property and industrially developed property.
4. The commercial development of the subject property would utilize existing entrances off Route 5 and would thus not create additional entrances. The development would not add to sprawl development along Route 5, but would rather be development "in depth".

The Board finds based on the foregoing that a condition of change has occurred with the frontal and adjacent properties and further that the property is unsuited for current permitted uses and is suitable for commercial utilization.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED, this 3rd day of October, 1979 by the County Commissioners for St. Mary's County, Maryland that the application of Jimmy N. Aysoue for rezoning of

LIBR 002 PAGE 130

ZONING DECISION RESOLUTION  
NO: 1-79-10  
SUBJ: JIMMY W. AYSCUE  
CASE NO: SA 79-19  
PAGE 2 of 2

a one acre parcel of land is passed and approved and the one  
acre parcel is herewith reclassified from AR-2 to C-2.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George A. Aud*  
George A. Aud, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to County Comm*

OCT 30 1979

MARY R. BELL, CLERK

LIBR 002 No. 131

ZONING DECISION RESOLUTION  
NO: Z-79-09  
SUBJ: MARY MARTHA BROOKS  
CASE NO: ZA 79-75

ZONING AMENDMENT

11-97 \* 2 03% 000000,PC  
11-97 B 2 03% 000000,PC

WHEREAS, Mary Martha Brooks, owner of a 3.23 acre parcel of land located on Maryland Route 247 in the Sixth Election District known as Parcel 20 on Tax Map 19, has made application for re-classification from AR-2, Agricultural-Residential, to R-2, Low Density Urban Residential.

WHEREAS, after due notice and public hearing the Planning Commission has unanimously recommended that the request be granted.

In granting the request, the County Commissioners find:

1. That the subject parcel is located adjacent to King-Kennedy Estates, a subdivision that has been developed for the lot size in the R-2 district.
2. That water for the subject parcel is available from the central water system at King-Kennedy Estates.
3. The Office of Planning and Zoning has defined the neighborhood as the residential area around Route 247 from Maryland Route 235 to Busy Corner Road.
4. The subject neighborhood is moderately intensively developed as residential.
5. Rezoning the subject property from AR-2 to R-2 would have no effect in changing the residential neighborhood but would merely allow for an increased density as exists in the King-Kennedy Subdivision if connection to the subdivision's central water system is utilized.

On the basis of the foregoing, the Board finds there is a basis for change in the neighborhood with the establishment of the King-Kennedy Subdivision and its central water system.

NOW, THEREFORE, BE IT RESOLVED, AND ORDAINED, by the County Commissioners of St. Mary's County, Maryland, this 3rd day of October, 1979, that the rezoning application of Mary Martha Brooks be and the same, is passed and approved and the property is reclassified to R-2.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

LARRY MILLISON, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Frank L. Dean*  
Frank L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del to County Comm*

OCT 30 1979

MARY R. BELL, CLERK

002 PA 132

Resolution No. 79-63  
SUBJ: MIDFA Agreement  
(Aqua Foods International,  
Inc.)

COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND

Legislative Session 1979

Proposed by Commissioner Deak RECOMMEN

Introduced by N/A

Resolution No. 79-63

Introduced by County Commissioners on OCTOBER 3, 1979

RESOLUTION

LI-9-77 # 2 035 \*\*\*\*\*00  
LI-9-77 B 22 035 \*\*\*\*\*00

A RESOLUTION concerning

Financing under the Maryland Industrial Development  
Financing Authority Act

FOR THE PURPOSE OF authorizing The County Commissioners of  
St. Mary's County, Maryland, pursuant to and in accordance  
with the Maryland Industrial Development Financing Authority  
Act, (a) to borrow, as a limited obligation, and not upon  
the full faith and credit of the County, a sum of money not  
to exceed \$420,000.00, (b) to lend the proceeds of such  
borrowing to Aquafoods International, Inc., a Virginia  
corporation (hereinafter sometimes called "Aquafoods" or  
"Borrower") to be used for the purpose of financing the  
improvements situated on certain real property, constructing  
certain additional improvements thereon, renovating existing  
improvements thereon, and purchasing and installing certain  
machinery and equipment therein, to be used by Aquafoods  
in its business of harvesting, sorting and processing eels  
and (c) to execute any and all documents necessary to  
effectuate such borrowing and the loan of the proceeds  
thereof to Aquafoods; providing that the full faith and  
credit of St. Mary's County, Maryland shall not be deemed

BOOK 002 PAGE 133

to be pledged hereby; and generally providing for and determining various matters in connection with such borrowing, and loan of the proceeds thereof.

WHEREAS, pursuant to Sections 266J to 266CC, inclusive, Article 41, The Annotated Code of Maryland, as currently amended (hereinafter called the "MIDFA Act"), The County Commissioner of St. Mary's County, Maryland (hereinafter called the "County") have received a "letter of intent" from Aquafoods, the Industrial Project Applicant as defined in the MIDFA Act, dated September 27, 1979 (hereinafter called the "Letter of Intent"), requesting the County to participate in the financing of a certain "industrial project" to be located in St. Mary's, Maryland, and more particularly described in the Letter of Intent, by borrowing a sum of money not to exceed \$420,000.00 from a mortgagee or mortgagees (within the meaning of the MIDFA Act) (hereinafter called the "Mortgagee"); and

WHEREAS, Section 266W of the MIDFA Act provides, among other things, that a municipality or county of the State of Maryland, notwithstanding the provisions of any charter and without in any event pledging its full faith and credit in support of a mortgage, is fully enabled and empowered to borrow money and to execute a mortgage as security for the purpose of defraying the cost of acquiring any industrial project approved by the Maryland Industrial Development Financing Authority (hereinafter called "MIDFA"); and

WHEREAS, Section 266W of the MIDFA Act also provides that the funds borrowed by the county or municipality shall

BOOK 002 PAGE 134

be utilized in connection with a "bona fide industrial project", as evidenced by a letter of intent or similar agreement between the prospective industrial project applicant and the municipality or county borrowing the money; and

WHEREAS, MIDPA has approved the industrial project as described generally in the Letter of Intent and has agreed to insure the mortgage payments (as defined in the MIDPA Act) to the extent and as set forth in MIDPA's commitment letter to the Industrial Project Applicant dated August 21, 1979 (hereinafter called the "MIDPA Commitment Letter"); and

WHEREAS, the County has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of the County that the County participate in the financing of the Industrial Project as described generally in the Letter of Intent.

NOW, THEREFORE, pursuant to and in accordance with the terms and provisions of the MIDPA Act:

SECTION 1. BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, that it is hereby found and determined as follows:

(a) the financing of the acquisition and development of the Industrial Project (hereinafter defined) will fulfill and accomplish the declared purpose of the MIDPA Act, which is to promote the expansion and diversification of industry, to avoid the relocation of industry from the State of Maryland, to increase employment, and to provide a larger taxable base for the economy of the State of Maryland, resulting in new and expanded industrial enterprise to provide enlarged opportunities for gainful employment by the people of Maryland, and thus to insure the preservation and betterment of the economy of the State of Maryland; and,

LOAN 002 PAGE 135

accordingly, it is in the best interests of the citizens of St. Mary's County, Maryland, that the County participate in the financing of the acquisition of the Industrial Project;

(b) the Industrial Project is an "industrial project", as defined in the MIDFA Act; and, as evidenced by the Letter of Intent, the Industrial Project is a "bona fide industrial project", as mentioned in the MIDFA Act;

(c) MIDFA has approved the financing of the Industrial Project; and

(d) the mortgage payments (as defined in the MIDFA Act) will be insured by MIDFA to the extent set forth in the MIDFA Commitment Letter.

SECTION 2. BE IT FURTHER RESOLVED, That the County be and it is hereby fully authorized and empowered to borrow from the Mortgagee a sum of money not to exceed Four Hundred Twenty Thousand Dollars (\$420,000.00) (hereinafter called the "Loan"), consisting of the sum of \$315,000.00 to be applied to construction on real property of improvements thereto (hereinafter called the "Real Estate Portion") and the sum of \$105,000.00 to be applied to machinery and equipment (hereinafter called the "Equipment Portion") for a term not to exceed fifteen (15) years with respect to the Real Estate Portion (including a construction period of up to one year) and with respect to the Equipment Portion a term not to exceed the lesser of five (5) years or the useful life of the machinery and equipment, such Loan to bear interest at the annual rate of eight percent (8%) per annum; provided, however, that in the event that if at any time it is determined that such interest is not exempt from federal income taxes, the rate of interest on the Loan shall be increased (both prospectively and retroactively for the period involved) to the annual rate of twelve percent (12%) per annum.

1981 002 PA 136

SECTION 3. BE IT FURTHER RESOLVED, That the County lend the proceeds of the Loan to the Borrower for the purpose of (a) financing acquisition and construction of (within the meaning of the MIDFA Act) certain improvements on certain real property located off Maryland Route 249 at Russell Point, Near Piney Point, in the County, and more particularly described in the Letter of Intent (hereinafter called the "Land"), (b) constructing certain improvements thereon, consisting generally of a 20,000 square foot pre-engineered building and related facilities, for use by Borrower as a harvesting, sorting and processing facility (hereinafter called the "Building"), (c) purchasing and installing certain machinery and equipment therein (hereinafter called the "Equipment") (the Land, Building, and Equipment being herein sometimes collectively called the "Industrial Project").

SECTION 4. BE IT FURTHER RESOLVED, That, as described generally in the Letter of Intent and as contemplated by the MIDFA Act:

(a) the Loan will be evidenced by the County's limited obligation promissory note (hereinafter called the "Note") and secured by an Assignment and Security Agreement, assigning to the Mortgagee all of the County's right, title and interest in and to a mortgage (within the meaning of the MIDFA Act) from the Borrower to the County covering the Industrial Project (hereinafter called the "Mortgage"), together with such bonds, notes, guarantees, agreements or other credit instruments securing or evidencing the mortgage indebtedness as may be approved by the County's Chief Legal Officer (hereinafter called the "Office of Law") as hereinafter provided (such documents, together with the Loan Agreement as hereinafter described, being herein sometimes



LRD 002 MC137

collectively called the "Loan Documents"), such Loan Documents to be executed by the County without in any event pledging its full faith and credit, and such Loan to be repaid by the County solely from the revenue derived from payments to be made by the Borrower to the County pursuant to a Loan Agreement between the County and the Borrower and the other Loan Documents and from any other moneys made available to the County for such purpose; and

(b) Borrower will make payments under the Loan Agreement sufficient to pay (i) the principal of and interest on the Loan, (ii) all taxes and payments in lieu of taxes, and (iii) any expenses incurred by the County in connection with the administration of the Loan, all as the same become due and payable;

(c) the Industrial Project will be partially leased by Borrower to S-K Seafoods, Inc.; and

(d) any costs of acquiring the Industrial Project in excess of the proceeds of the Loan will be paid by the Borrower.

SECTION 3. BE IT FURTHER RESOLVED, that the County will not incur any liability, direct or indirect, or any cost, direct or indirect, in connection with the Loan or the acquisition by Borrower of the Industrial Project. Borrower shall pay all necessary costs incurred by or on behalf of the County in connection with the aforesaid financing, including the administration thereof, and in connection with the acquisition of the Industrial Project, including (without limitation) all costs incurred in connection with the preparation of the appropriate legal documents necessary to effectuate the proposed financing, acquisition, construction, purchase, and installation, including (without

LIBR 002 MAR 138

limitation) the fees of legal counsel to the County and to the Mortgagee, and compensation to any other person (other than full-time employees of the County) performing services by or on behalf of the County in connection with the transactions contemplated by this Resolution, whether or not the proposed borrowing, acquisition, construction, purchase and installation are consummated.

SECTION 6. BE IT FURTHER RESOLVED, That in connection with the transactions described herein, the Chief Administrative Officer and/or the President of the County Commissioners are hereby authorized and empowered:

(a) to accept the Letter of Intent, in order to indicate the commitment of the County to participate in the financing of the acquisition of the Industrial Project;

(b) to execute and deliver the Note, the Assignment and Security Agreement, the Loan Agreement and the other Loan Documents; and

(c) to execute such other documents, instruments and certificates as are necessary or appropriate to consummate the making of the Loan, the lending of the proceeds thereof and the effectuation of the Industrial Project including, but not limited to, any and all necessary financing statements.

SECTION 7. BE IT FURTHER RESOLVED that, notwithstanding anything contained in this Resolution or in any document authorized herein to be executed, and notwithstanding the execution and delivery of any such document, neither the full faith and credit nor the taxing power of the County shall be deemed to be pledged hereby, and the County shall at no time be required to exercise its taxing power in order to implement the transactions authorized hereby. Nothing contained in this Resolution shall be deemed or construed in

LBR 002 PAGE 139

any way to create or constitute a debt of the County within the meaning of any constitutional, statutory or other debt limitation provision, or to constitute any act or purpose other than that contemplated by the Act. Neither the Loan nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the County, within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the County.

SECTION 8. BE IT FURTHER RESOLVED that the terms and provisions and form and substance of any and all documents and instruments to be executed or entered into by the County in connection with the transactions authorized by this Resolution, including all customary closing certificates and documents, shall be approved by the Office of Law prior to the execution and delivery thereof by the appropriate official of the County.

SECTION 9. BE IT FURTHER RESOLVED that the approval of officials of the County, for and on behalf of the County, be and they hereby are authorized and directed to do all things, execute all instruments, and otherwise take all action necessary to carry out the authority conferred by this Resolution.

SECTION 10. BE IT FURTHER RESOLVED that this Resolution is adopted, and the Letter of Intent is to be accepted as official action by the County for the purpose of materially inducing the Borrower to pursue the transactions described in the Letter of Intent.

USE 002 P. 140

SECTION 11. BE IT FURTHER RESOLVED that this  
Resolution shall be effective from October 3, 1979.

ADOPTED this 3<sup>rd</sup> day of October, 1979.

ATTEST:

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

By: Edward V. Cal

By: George R. Bell  
President

Joseph Ernest Bell  
COUNTY ATTORNEY

OCT 30 1979

MARY R. BELL, CLERK

Del to County Comm

LWR 002 ME 141

NO: 79-69

SUBJ: AIRPORT COMMISSION

ORDINANCE

WHEREAS, the Board of County Commissioners of St. Mary's County has determined it necessary to adopt the hereinafter provided Ordinance for the continuing management of the Airport;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND:

SECTION I

1. The St. Mary's County Airport Committee, created by the 1972 Laws of Maryland, Chapter 154, as subsequently amended, was repealed by the 1979 Laws of Maryland, Chapter 669.
2. Pursuant to the authority contained in Transportation Article, Title 5-418(a)(4) of the Annotated Code of Maryland, 1977 edition, as revised, there is hereby created and established the St. Mary's County Airport Commission, hereinafter referred to as the "Commission".
3. The Commission shall consist of seven (7) members appointed by the Board of County Commissioners. The activities of the Commission shall be governed by a set of By-Laws adopted by the Commission upon approval by the Board of County Commissioners. The members of the Commission shall serve without compensation.
4. Three members of the Commission shall serve for an initial term of one year, two members shall serve for an initial term of two years and two members shall serve a term of three years and thereafter the members of the Commission shall be appointed for a term of three years, or until their successors are duly appointed and qualified. Members of the Commission shall be eligible for reappointment. Vacancies occurring in the Commission shall be filled for the unexpired terms by the County Commissioners. The County Commissioners shall have the authority to remove any member when in their discretion the best interest of the community shall be served thereby.
5. The County Commissioners of St. Mary's County shall make available to the Commission staff to maintain a journal of all its proceedings and to perform such other functions for said Commission as it may require.
6. The Chairman of the Commission shall preside over all meetings and shall be the chief executive officer thereof, subject to policy direction of the Commission. In his absence, the Vice-Chairman shall act in his stead.
7. The Commission shall convene at regular meetings at least once each month in a meeting place open to the public and shall have such special meetings as the Chairman shall convene on his initiative, or upon the request of at least three members of the Commission directed to the Secretary thereof.
8. The County Commissioners of St. Mary's County shall have custody of all revenue generated by any leases, contracts or concessions pertaining to the St. Mary's County Airport. The County Commissioners may appropriate in the Annual County Budget such sums as may be necessary to purchase land, construct improvements, and defray expenses for the maintenance of the airport facilities.

BOOK 002 PAGE 142

NO: 79-69  
SUBJ: AIRPORT COMMISSION  
Page 2

9. It is the desire of the Board of County Commissioners that the Commission have available to it the resources and services of the County whenever possible.

SECTION II

OCT 22-79 \* 2 617 \*\*\*\*\*00  
OCT 22-79 B B2 617 \*\*\*\*\*00

AND, BE IT FURTHER ORDAINED that the Commission shall have the following powers, duties and responsibilities:

1. The Board of County Commissioners expressly grants unto the Commission all those powers and authority available to said Commission under the authority of Transportation Article, Title 5 of the Annotated Code of Maryland. It is the Board's intention to exercise all those powers allowing to the County under the said Transportation Article, Title 5.
3. The said Commission shall prepare and recommend annually an Operating and a Capital Budget in conformity with the fiscal procedures of St. Mary's County.
4. The Commission shall comply with all financial management requirements of St. Mary's County.
5. The Commission, subject to the approval of the County Commissioners, shall have full power and authority to enter into, execute, and enforce any leases, contracts of concessions pertaining to any building, facility, and/or land of the St. Mary's County Airport. All leases, contracts or concessions must be prepared and approved by the County Attorney.

The provisions of this Ordinance having been submitted at a Public Hearing on the 3rd day of October, 1979 shall become effective upon its adoption this 17th day of October, 1979.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard P. Arnold*  
Richard P. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

RECORDED  
MARY R. BELL  
5 OCT 22 AM 9 03

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to: County Commissioners*

NOV 15 1979

MARY R. BELL, CLERK

LIB 002 FILE 143

NO. 79-68  
SUBJ. AGRICULTURAL LAND  
PRESERVATION ORDINANCE

ORDINANCE

DEC 22 79 \* 2 618 \*\*\*\*\*OC  
DEC 22 79 \* 2 618 \*\*\*\*\*OC

WHEREAS, the Agricultural Article, sections 2-501 through 2-515, of the Annotated Code of Maryland, established the Maryland Agricultural Land Preservation Program; and

WHEREAS, St. Mary's County, Maryland, contains productive agricultural land and has appointed a St. Mary's County Agricultural Land Preservation advisory board in accordance with the Agricultural Article, Section 2-504.1, on March 15, 1978, thus satisfying County eligibility requirements for the voluntary participation of St. Mary's County landowners whose land meets eligibility criteria established by Maryland Agricultural Land Preservation Foundation Regulations and any locally adopted criteria, as hereinafter adopted; and

WHEREAS, St. Mary's County wishes to provide for the voluntary establishment of and protections for Agricultural Land Preservation Districts and for the voluntary sale of development rights, easements on eligible agricultural lands within the County;

NOW, THEREFORE, BE IT RESOLVED, that the following Ordinance shall become effective on the 17th day of October, 1979.

**SECTION 1. AGRICULTURAL LAND PRESERVATION DISTRICTS - PROTECTION OF NORMAL AGRICULTURAL ACTIVITIES**

In accordance with statutory provisions referenced above, Agricultural Land Preservation Districts may be established in St. Mary's County. Such Districts shall provide for the protection of normal agricultural activities in the Districts through the following provisions:

- (a) Any farm use of land is permitted.
- (b) Operation at any time of machinery used in farm production or the primary processing of agricultural products is permitted.
- (c) Normal agricultural activities and operations in accordance with good husbandry practices, which do not cause bodily injury or directly endanger human health, are permitted and preferred activities, including activities which may produce normal agriculturally related noise and odors.
- (d) The sale of farm products produced on the farm where the sales are made is permitted.
- (e) This ordinance shall have precedence to any regulations promulgated under Article 66B.
- (f) The development of subdivisions abutting districts established hereunder shall require notification of all abutting property owners holding land as designated by the subdivider.
- (g) The Planning Commission may, upon findings of fact, require the establishment of buffer zones where necessary to protect the abutting Agricultural Land Preservation Districts from the impact of the subdivisions hereafter approved.

These provisions are applicable to all St. Mary's County Agricultural Land Preservation Districts established in accordance with the Agricultural Article, Annotated Code of Maryland.

RECORDED  
MARY R. ELLIOTT  
CLERK, CIRCUIT COURT  
179 OCT 22 AM 9 04

USER 002 FILE 144

NO. 79-68  
SUBJ: AGRICULTURAL LAND  
PRESERVATION ORDINANCE  
Page 2 of 2

SECTION 2. AGRICULTURAL LAND PRESERVATION DISTRICTS -  
OFFICIAL MAPS

Official maps of Agricultural Land Preservation Districts shall be located at the Office of Planning and Zoning and shall be revised from time to time to reflect the establishment, alteration, and abolition of Agricultural Land Preservation District boundaries. The official maps shall be made current at least once a year by June 30th of each year and shall be published at the same scale as the Department of Assessment and Taxation tax maps.

SECTION 3. AGRICULTURAL LAND PRESERVATION DISTRICTS -  
ESTABLISHMENT

In accordance with the Agricultural Article, Sections 2-501 through 2-515, and with Maryland Regulations 15.17.01, Agricultural Land Preservation District establishment shall be accomplished by this Ordinance, only upon formal notification to the Commissioners of St. Mary's County by the Maryland Agricultural Land Preservation Foundation. Such notification shall include a copy of the Agricultural Land Preservation District Agreement signed by all parties and as recorded among the land records of St. Mary's County.

All such District Agreements, together with property descriptions, shall be maintained in an official file and be available from the Office of Planning and Zoning, Box 351, Leonardtown, Maryland, 20650.

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
GEORGE R. AUD, President  
Forrest L. Dean  
FORREST L. DEAN, Commissioner  
David F. Sayre  
DAVID F. SAYRE, Commissioner  
Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner  
Larry Millison  
LARRY MILLISON, Commissioner

Attest:

Edward V. Cor  
EDWARD V. COR, County Administrator

Approved as to Legal Sufficiency:

Joseph B. Bell II  
JOSEPH B. BELL, II, County Attorney

Del. St. County Commissioners

NOV 15 1979

MARY R. BELL, CLERK



1979 002 145

RECORDED  
MAR 2 1980  
79 OCT 25 AM 8 56

Z-79-15  
ZONING DECISION RESOLUTION NO.  
SUBJ: JOHN T. SCRIVERER, JR. ET AL  
CASE NO. ZA 79-11

61 25-79 \* 2 895  
61 25-79 8 22 895

ZONING AMENDMENT

WHEREAS, on January 18, 1979 John T. Scrivener, Jr., Susan A. Scrivener, Joseph M. Scrivener and Jeanette Francis Scrivener, owners of part of Parcel 11, cited on Tax Map 62, located on Windmill Point Road in the Second Election District, St. Mary's County, Maryland, containing a total of approximately 1.386 acres, made application to have the subject property rezoned from R-1, Residential, to CM, Commercial Marine, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on August 29, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said John T. Scrivener, Jr., et al. and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The subject parcel consisting of 1.386 acres is situated on Cooper Creek and has been used for some years (35-40) for the purpose of operating a seafood business, primarily oyster shucking.
2. The applicant has stated that the purpose for the rezoning is to expand and modernize the existing seafood business.
3. The property adjacent to the property is primarily in agricultural use with some developed residential.
4. The present zoning classification of the property, R-1, does allow as permitted uses those which fall within the definitions of agriculture, forestry and fisheries.
5. The applicant proposes that the rezoning be granted on the basis of a mistake in the original zoning.
6. The applicant has proffered an Agreement to limit the permitted uses if the rezoning to Commercial Marine, CM, were allowed so as to assure that the rezoning would not substantially change the existing uses of the property and thereby assure that the rezoning would not adversely affect the existing character of the neighborhood in which the subject property is located.
7. The Planning Commission has recommended in favor of the rezoning, subject to the limitations contained in the Agreement mentioned above.

LODR 002 PA 148

Z-79-15  
ZONING DECISION RESOLUTION NO.  
SUBJ: JOHN T. SCRIVENER, JR. ET AL  
CASE NO: ZA 79-11  
PAGE 2

After careful consideration of the facts set forth above the Board of County Commissioners concludes the following:

1. The seafood industry is an integral part of the County's culture and economy and a need therefore exists for seafood processing facilities;
2. The existing long standing use of the subject property has fully integrated such use into the neighborhood;
3. The existing and proposed uses for the subject property fall within the broad term of "fisheries" which is a permitted use even in its present zoning classification, and therefore the proposed rezoning would have the net result of removing any question of compliance with the St. Mary's County Zoning Ordinance, and
4. The original comprehensive zoning process appears to have given inadequate attention to the need for CM, Commercial Marine property within St. Mary's County.

The Board of County Commissioners therefore grants the requested rezoning from R-1, Residential, to CM, Commercial Marine, on the basis of a mistake in ignoring the long standing nature of the use of the subject property and the need for such seafood processing facilities.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, that the subject property described above is hereby rezoned CM, Commercial Marine, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE: 10/17/79

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George W. Aug  
George W. Aug, President  
Larry H. Hinton  
Larry H. Hinton, Vice President  
Richard D. Arnold  
Richard D. Arnold, Commissioner  
Ford L. Dean  
Ford L. Dean, Commissioner  
David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

NOV 15 1979

MARY R. GELL, CLERK

412/921-6000

LIBER 002 PAGE 147

RECORDED  
MARY R. BELL  
CLERK

ZONING DECISION RESOLUTION NO. 1-79-13  
SUBJ: DONALD L. MURPHY AND  
GORDON W. METZKER  
CASE NO: ZA 79-81

79 OCT 25 AM 8 57

ZONING AMENDMENT

OCI 25-79 \* 2 896 \*\*\*\*\*FC  
OCI 25-79 B 22 896 \*\*\*\*\*FC

WHEREAS, on May 2, 1979 Donald L. Murphy and Gordon W. Metzker, owners of Parcel 69, cited on Tax Map 4, located on Md. Rte. 5 in the Fifth Election District, St. Mary's County, Maryland, containing a total of approximately 30.502 acres, made application to have the subject property rezoned from AR-2, Agricultural-Residential, to C-2, Commercial, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on September 5, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said Donald L. Murphy and Gordon W. Metzker, and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The subject parcel consists of 30.502 acres and is situated on the northbound lane of Md. Rte. 5 near New Market and is bordered in part on its northwest boundary by the industrially utilized land of the Asher Corporation. The property directly across Rt. 5 is zoned C-1, Commercial. Several other parcels to the northwest are zoned and developed either in a C-1 or C-2 strip commercial pattern.
2. Considerable commercial and residential development has occurred in the northern portion of the County to the point where it is taking on the proportions of a significant commercial center.
3. The property is so situated to allow the construction of safe vehicular ingress and egress thereto.
4. The soil types of the subject property are characterized for good on-site sewage disposal capabilities.
5. The Planning Commission and the Office of Planning and Zoning have recommended that the subject property be rezoned to R-2, Residential, which would establish the parent zoning tract in which a plan for the PDCP, Planned Development Commercial Park, could be presented for consideration.

After careful consideration of the facts set forth above, the Board of County Commissioners concludes that there have been significant changes in the neighborhood of the subject property (i.e., the north portion of the Fifth Election District) to warrant the provision of adequate commercial facilities and accordingly grants the rezoning from AR-2, Agricultural-Residential, to R-2, Residential, for that twenty (20) acre portion of the subject property fronting on Md. Rte. 5. The Board

LIBER 002 PAGE 148

ZONING RESOLUTION NO. R-79-13  
DONALD L. MURPHY AND  
GORDON W. METZKER  
CASE NO. ZA 79-81  
PAGE 2

notes that the topography, swamp and the existence of adjacent agricultural property along the rear portion of the subject property do not favor the ultimate commercial development of the entire 30.502 acre parcel.

The Board further notes that the concept of the subject property being developed commercially as PDCP with limited and controlled access to Md. Rte. 5 is a better alternative than strip commercial development and is therefore in keeping with the Comprehensive Plan goal of protecting the viability of Md. Rte. 5.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, that the approximately twenty (20) acre portion of the subject property described above as shown on plat contained in file, signed by George R. Aud, is hereby rezoned R-2, Residential, as defined by the St. Mary's County Zoning Ordinance.

This Date: 10/17/79

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Milliron  
Larry Milliron, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Bayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

NOV 15 1979

MARY R. BELL, CLERK

• 412/921-6000

ORDER 002 PA 149

2-79-14  
ZONING DECISION RESOLUTION  
NO:  
SUBJ: JAMES C. LANHAM  
CASE NO: EA 78-128

ZONING AMENDMENT

8/25-79 @ 2 897 oooooo,RC  
8/25-79 @ 2 897 oooooo,RC

WHEREAS, James C. Lanham, owner of a tract of land located on Route 235 in the area of California, Eighth Election District, St. Mary's County, Maryland has made application to have the land, designated as Parcels 205 and 206, Tax Map 43, reclassified from single family residential, R-2, to C-1, Commercial.

WHEREAS, following due notice and public hearing, the Planning Commission has unanimously recommended that the request for rezoning be denied.

WHEREAS, a majority of the Board of County Commissioners, after due notice, public hearing, review of the Planning Commission's report, find as fact:

1. That the applicant, James C. Lanham, has owned the subject parcel since 1964, and both prior thereto since about 1950 continuing to the present, the property has been used for rental apartments.
2. That when the Lexington Park area was initially zoned in the late 1940's, the subject parcel was classified as Commercial and during the 1950's it was used by its then owner, William Groves, predecessor in title to the applicant, in his electrical business.
3. That when comprehensive rezoning was adopted in St. Mary's County in 1974, the subject parcel was erroneously down zoned from commercial to its present category, that of R-2.
4. That a need exists in the area for use of the property as contemplated by the applicant, namely office space and a clothing store.
5. That at least three other parcels in the neighborhood have been classified to commercial.
6. That a majority of the property in the neighborhood is zoned commercial.
7. That a mistake was made when this property was down zoned in 1974.
8. That rezoning of the property will permit the owner to make substantial improvements with additional capital investment thus improving its appearance and increasing the county's tax base.

Thus, by vote of three to two, Commissioners Dean and Sayre dissenting for the reasons that no mistake in the current zoning classification was shown and the property is located in the center of an otherwise small residential neighborhood, the importance of maintaining its residential nature being paramount, the County Commissioners hereby grant the rezoning application.

LIBER 002 PAGE 150

8-79-14

ZONING DECISION RESOLUTION

NO:  
SUBJ: JAMES C. LANHAM  
CASE NO: EA 78-128

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT CL.  
79 OCT 25 AM 8 58

NOW, THEREFORE BE IT RESOLVED AND ORDAINED, by the County Commissioners of St. Mary's County, Maryland this 3rd day of October, 1979, that the application of James C. Lanham seeking rezoning of the land described herein from its current status of R-2 to C-1 is passed and approved.

The County Commissioners, for the reasons expressed above, do hereby reclassify the adjoining property of Steven Watts known as California Lounge to C-1.

10/17/79

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George P. Auld  
George P. Auld, President

Larry Madison  
Larry Madison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean, Commissioner

David V. Sayre, Commissioner

ATTEST:

Edward V. Cox

Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II

Joseph E. Bell, II  
County Attorney

NOV 15 1979

MARY R. BELL, CLERK

412/921-6000

LMA 002 151

NW-7-79 B 21667 000000.00  
NW-7-79 A 21667 000000.00

NO: 79-73

SUBJ: TEXT AMENDMENTS TO  
THE ST. MARY'S COUNTY  
ZONING ORDINANCE**RESOLUTION**

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers St. Mary's County to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, Article 7, Section 70.01(1) of the St. Mary's County Zoning Ordinance provides that the Board of County Commissioners of St. Mary's County may amend, supplement, modify or repeal the regulations of the said Zoning Ordinance; and

WHEREAS, the Board of County Commissioners of St. Mary's County deems it necessary for the purpose of promoting the health, safety, morals, or general welfare of St. Mary's County to amend certain parts of the text of the St. Mary's County Zoning Ordinance so as to provide clearer public understanding and simplification; and

WHEREAS, the Board of County Commissioners of St. Mary's County called a public hearing for the consideration of the proposed text amendments and gave due notice thereof as required by law; and

WHEREAS, said public hearing was held by the Board of County Commissioners of St. Mary's County at the Commissioners' Conference Room, Governmental Center, Leonardtown, Maryland, on the 10th day of October 1979, at 1:30 p.m.;

NOW, THEREFORE, BE IT RESOLVED, that the St. Mary's County Zoning Ordinance be and the same hereby is amended as follows:

TO ARTICLES 31.00.4.g., 32.01.5.f., 32.04.5., and 32.05.5., AFTER THE WORD "hook-ups," CHANGE THE PERIOD TO A COMMA AND ADD THE FOLLOWING:

"or for electrical transmission lines designed to carry a voltage of 60,000 volts or greater and/or telephone transmission lines which are under-ground or suspended overhead from other than multi-legged structures, and/or public water supply and sewerage systems designated as permitted uses."

CHANGE ARTICLE 32.02.5.c. TO READ:

"Public utilities and public services uses and structures. Conditional Use approval is not required for individual hook-ups, or for electrical transmission lines designed to carry a voltage of 60,000 volts or greater and/or telephone transmission lines which are under-ground or suspended overhead from other than multi-legged structures, and/or public water supply and sewerage systems designated as permitted uses."

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT

79 NOV 7 AM 9 04

LINE 002 152

RESOLUTION NO. 79-75  
TEXT AMENDMENTS TO THE ST. MARY'S  
COUNTY ZONING ORDINANCE  
PAGE 2

AS A PERMITTED USE UNDER THE CITED ZONING DISTRICTS, THE FOLLOWING WILL BE ADDED AS PARAGRAPHS 31.00.2.k., 32.01.2.e., 32.02.2.d., 32.04.3.e., and 32.05.3.d. EACH OF THESE PARAGRAPHS WILL READ:

"Telephone transmission lines and electrical transmission lines designed to carry a voltage of 60,000 volts or greater that are under-ground or suspended overhead from other than multi-legged structures, provided that in concert with, or in addition to Maryland Public Service Commission regulations, the utility company shall:

- (1) Prior to submission of an application to the Public Service Commission, make a presentation regarding the proposed line to the Board of County Commissioners.
- (2) Conduct, after presentation to the Board of County Commissioners, a public hearing in St. Mary's County regarding the proposed line. Notice of the hearing shall be published in a newspaper of general circulation in St. Mary's County at least three weeks prior thereto. Written notice of the hearing shall additionally be sent by registered mail, at least three weeks prior, to all directly affected property owners of record and the Board of County Commissioners.

The requirement for this hearing shall be deemed to have been met if it is held by the Public Service Commission, provided that said hearing is held within St. Mary's County and if the notifications as stated above have been accomplished.

- (3) Conduct in St. Mary's County a second public hearing after a certificate of public convenience and necessity has been issued by the Public Service Commission and/or the final design and location of the line has been determined, and prior to the acquisition of any right-of-way. The same notification requirements as required in Item #2 shall apply.
- (4) Give due consideration to the recommendations as may be offered by the Board of County Commissioners.

The requirements of this section, with the exception of #4 shall not apply to any line for which

- (1) A certificate of public convenience and necessity has been issued prior to the adoption of this section; or for



USE 002 153

RESOLUTION NO. 79-75  
TEXT AMENDMENTS TO THE ST. MARY'S  
COUNTY ZONING ORDINANCE  
PAGE 3

(2) The relocation, as a result of the dualization of Maryland Rt. 235, of the existing electrical transmission line #6750 from Laurel Grove to St. Andrews Church Road."

AS A PERMITTED USE UNDER THE CITED ZONING DISTRICTS, THE FOLLOWING WILL BE ADDED AS PARAGRAPHS 31.00.2.1., 32.01.2.f., 32.02.2.e., 32.04.3.f., and 32.05.2.e. EACH OF THESE PARAGRAPHS WILL READ:

"Public water supply and sewerage systems, including buildings and structures designed, constructed and operated in accordance with the provisions of Chapter 113 of the Code of St. Mary's County."

BE IT FURTHER RESOLVED, that the foregoing amendments shall take effect immediately.

This Date: 10/31/79

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George A. Aud*  
George A. Aud, President  
*Larry H. Miller*  
Larry H. Miller, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Fred L. Dean*  
Fred L. Dean, Commissioner  
*David J. Sayre*  
David J. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

MARY B. BELL, CLERK

DEC-11-1979

*Del. Sec. Council*

LDU 002 154

ZONING DECISION RESOLUTION  
NO: 8-79-17  
SUBJ: JAMES DOBRY AND DOBRY  
CONSTRUCTION COMPANY, INC.  
CASE NO: ZA 79-117

RECORDED  
MARY R. BELL  
CLERK

'79 NOV 13 AM 9 34

ZONING AMENDMENT

NOV 13 79 \* 21969 \*\*\*\*\*00  
NOV 13 79 \* 21969 \*\*\*\*\*00

WHEREAS, on May 31, 1979 James Dobry, individually and as President of Dobry Construction Company, Inc., owners of Parcels 30 and 321, cited on Tax Map 43, located on Chancellor's Run Road and Military Lane in the Eighth Election District, St. Mary's County, Maryland, containing a total of 2.637 acres, made application to have a 0.906 acre parcel of the subject property (Parcel 321) rezoned from R-2, Residential, to C-1, Commercial, and to have a 1.731 acre parcel of the subject property (Parcel 30) rezoned from R-2, Residential, to R-15, Residential, and

WHEREAS, the 0.906 acre parcel of the subject property currently exists as a nonconforming use in a Residential zoning district, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on October 3, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said James Dobry and Dobry Construction Company, Inc., and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The subject property consists of two parcels totalling 2.637 acres, both of which are zoned R-2, Residential. One parcel, consisting of 0.906 acres, is located at the corner of Chancellors Run Road and Military Lane and is and has been developed prior to the Comprehensive Zoning of 1974 with a commercial office building and three residential apartments. The other parcel, consisting of 1.731 acres, is adjacent to the 0.906 acre parcel and is further bounded on one side by Military Lane, on another side by a cemetery, and on the fourth side by property zoned and developed as an R-15, Residential classification. The property across Military Lane from the subject property is developed as the Greenview Knolls Elementary School.
2. The subject property is served by public sewer.
3. The subject property is located outside of the Commercial Service Center Areas designated by the Comprehensive Land Use Plan.
4. The Zoning Ordinance provides that the intent of the C-1, Commercial District is to provide for moderately intensive commercial development, primarily intended to provide shopping and services for persons residing in nearby residential neighborhoods, and to satisfy commercial needs other than those which are basic, and may be located in the vicinity of the designated commercial centers enumerated in the Comprehensive Land Use Plan.

412/921-6000

BOOK 002 PAGE 155

ZONING DECISION RESOLUTION  
 NO: S-79-17  
 SUBJ: JAMES DOBRY AND DOBRY  
 CONSTRUCTION COMPANY, INC.  
 CASE NO: SA 79-117  
 Page 2

5. Since the adoption of the original zoning Ordinance in 1974, the Ordinance has been amended to provide a CL, Commercial Limited Zoning District. The stated intent of such a district is primarily intended to provide those types of commercial services which may satisfy those basic needs which occur daily or frequently and so require commercial facilities in close proximity to residences or which may generally be compatible with a rural or residential neighborhood.

The Board finds, therefore, that the requested rezoning of the 0.906 acre parcel to C-1, Commercial is inconsistent with its size, its present development, the intent of the C-1, Commercial District and the property's location outside of a designated Commercial Service Center. Accordingly, that request is denied.

The Board does find that reclassification of the above parcel to CL, Commercial Limited, is consistent with the intent of such districts, would bring the present development of the commercial office building into conformance with the zoning classification of the property and would conform to the Planning Commission's recommendation. Accordingly, based on a mistake in original zoning, the Board does grant the rezoning from R-2, Residential to CL, Commercial.

Having addressed the zoning of the 0.906 acre parcel, the Board finds that it is inconsistent from planning and development purposes for the 1.731 acre parcel to be zoned as R-2, Residential, when it lies between the commercial property and other existing R-15, Residential property. It is logical that the R-15, Residential classification be extended to the commercial property. Accordingly, based on a mistake in original zoning, the Board grants the requested R-15, Residential zoning for that parcel.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, that the 0.906 acre parcel of the subject property described above is hereby zoned to CL, Commercial Limited, and that the 1.731 acre parcel of the subject property described above is hereby zoned to R-15, Residential, as defined by the St. Mary's County Zoning Ordinance.

This date: 12/1/79

BOARD OF COUNTY COMMISSIONERS  
 ST. MARY'S COUNTY, MARYLAND

Do Not Participate  
 George R. Aud, President  
Do Not Participate  
 Larry Hillison, Vice-President  
Richard D. Arnold  
 Richard D. Arnold, Commissioner  
Ford L. Bean  
 Ford L. Bean, Commissioner  
David V. Sayre  
 David V. Sayre, Commissioner

ATTEST:  
Edward V. Cox  
 Edward V. Cox  
 County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
Joseph E. Bell, II  
 Joseph E. Bell, II  
 County Attorney

Del. to County Commissioners

DEC 11 1979

MARY R. BELL, CLERK

BOOK 002 PAGE 158

RECORDED  
MARY R PELL  
CLEAR, CIRCUIT CL

ZONING DECISION RESOLUTION NO. E-79-16  
THOMAS P. AND CAROL GARNER  
CASE NO.: ZA 79-133

'79 NOV 13 AM 9 35  
ZONING AMENDMENT

NOV 13-79 # 21979 \*\*\*\*\*00  
NOV 13-79 # 221979 \*\*\*\*\*00

WHEREAS, on June 27, 1979, Thomas P. Garner and Carol Garner, owners of Parcel 525, cited on Tax Map 34, located on Maryland Route 235 in the Sixth Election District, St. Mary's County, Maryland, containing a total of approximately 0.664 acres, made application to have the subject property rezoned from R-1, Residential, to C-1, Commercial, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on October 10, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said Thomas P. Garner and Carol Garner, and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The subject property consists of .664 acres and is currently zoned R-1, Residential.
2. The subject property is an elongated, narrow parcel situated between Maryland Route 235 and a railroad right-of-way. The property is also bordered on one side by Airport View Drive, which is the entrance to the St. Mary's County Industrial Park.
3. Directly across Airport View Drive from the subject property is a piece of property which is also owned by the applicant and which is zoned and developed commercially.
4. South of the subject property is another parcel of property which is commercially developed.
5. It is proposed that when State Route 235 is reconstructed, the railroad right-of-way will be used in that reconstruction and existing Route 235 will become a service road only at the subject site and Airport View Drive will be closed at its present entrance.
6. The applicant requests the change in zoning classification to provide future parking for his existing commercial establishment in that the reconstruction of Rt. 235 will take a portion of his existing parking area.
7. The location and dimensions of the subject property render it unsuited for uses permitted under its present zoning classification.
8. The Planning Commission has recommended in favor of the rezoning, subject to certain conditions limiting proposed uses to parking and potential future sewage disposal purposes in connection with the existing commercial facility owned by the applicant.

412/921-6000

USE 002 P. 157

ZONING RESOLUTION NO. Z-79-16  
THOMAS P. AND CAROL GARNER  
CASE NO. ZA 79-133  
PAGE 2

Considering the above factors, the Board grants the zoning amendment from R-1, Residential, to C-1, Commercial, based on the changes in the neighborhood that have and will occur in connection with the reconstruction of State Route 235 and also on the basis of a mistake in the original zoning. The Board notes that the property is designated as a potential sewage disposal area for the existing adjacent commercial use owned by the applicant. Accordingly, any site plan application for development of the subject property must be processed with that consideration. The Board notes also that a drainage problem exists north of the subject property in the Sandy Bottom area. Accordingly, any site plan for proposed development must be reviewed to determine that no additional run-off of storm water will be allowed to flow north from the subject property.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland that the subject property described above is hereby rezoned C-1, Commercial, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE: 11/7/79

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George J. Aud*  
George J. Aud, President

*Larry Hillison*  
Larry Hillison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph P. Belle*  
Joseph P. Belle, II  
County Attorney

*Del. to County Commission*

DEC 11 1979

MARY R. BELL, CLERK

LIBR 002 PAGE 158

NO: 79-78  
SUBJ: RETIREMENT PROGRAM  
FOR VOLUNTEER  
FIREFMEN AND RESCUE  
SQUADSMEN

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT

'79 NOV 19 AM 9 06 RESOLUTION

NW 19-79 \* 22265 000000.00  
NW 19-79 S 22265 000000.00

WHEREAS, the Board of County Commissioners is empowered by Article 25, Section 13C of the Annotated Code of Maryland (1973 replacement volume and 1979 supplement) to create and establish a retirement program for qualified members of volunteer fire departments and rescue squads and to adopt the bylaws of this program by resolution; and

WHEREAS, the Board of County Commissioners has enthusiastically endorsed the establishment of a retirement system for volunteer firemen and rescue squadsmen as an incentive and reward to the many generous and dedicated members of the County's Fire Departments and Rescue Squads;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners that there is hereby established a Retirement Program for Volunteer Firemen and Rescue Squadsmen, the governance of which is provided for hereinafter and as may be amended from time to time by resolution formally adopted at an official Board meeting.

Article 1 - Establishment

0101 There is hereby established a retirement program for qualified active volunteer members of the St. Mary's County Volunteer Fire Companies and Volunteer Rescue Squads. An active member is defined as a person who accumulated a minimum of 30 points per calendar year in accordance with the point system set forth in Article 4. This program shall be funded and administered by the County Commissioners and shall be effective July 1, 1980.

Article 2 - Eligibility

0201 Any person who has served as a member of any St. Mary's County Volunteer Fire Company or St. Mary's County Volunteer Rescue Squad is eligible to receive the benefits hereinafter set forth, provided that:

- (1) The person is certified in accordance with the provisions of Article 4 to have served as an active volunteer subsequent to December 31, 1979.
- (2) Any person who discontinued active volunteer service prior to July 1, 1980 may receive credit for the service after being certified in accordance with the provisions of Article 4.

0202 Beginning July 1, 1980, any person who has reached the age of 60 and who has completed a minimum of 25 years of certified active volunteer service, with any St. Mary's County Volunteer Fire Company or Volunteer Rescue Squad or combination thereof, shall receive benefits in the amount of \$100 per month, for life. Payments shall begin on the first day of the first month following eligibility. The program shall be administered by the County Commissioners of St. Mary's County and payments shall be made directly to the volunteer entitled to such benefits.

412/921-6000

LW 002 159

NO: 79-78

SUBJ: RETIREMENT PROGRAM  
FOR VOLUNTEER  
FIREMEN AND RESCUE  
SQUADSMEN

PAGE 2

0203 An additional payment of \$4.00 per month shall be added to the benefits described in paragraph 0202 for each full year of volunteer service in excess of 25 years, providing that a maximum benefit of \$150 per month or equivalent shall be payable to any individual.

0204 In the event that any active volunteer becomes disabled during the course of his or her service as a volunteer fireman or rescue squadman while actively engaged in providing such services and in the event that the disability prevents the volunteer from pursuing his or her normal occupation and that the disability is of a permanent nature as certified by the Maryland Workmen's Compensation Commission or other competent medical authority as designated by the County Commissioners of St. Mary's County, then the volunteer is entitled to receive the benefits prescribed in paragraph 0202 and any such benefits as may be entitled to regardless of his or her age or length of service. These benefits shall begin on the first day of the month following the establishment of the permanency of his or her disability.

0205 In the event that any qualified volunteer shall die while receiving benefits, then his or her surviving spouse is entitled to benefits equal to 50 percent of the volunteer's benefits. These benefits shall terminate upon death or remarriage of the spouse.

0206 In the event that a qualified volunteer dies prior to receiving any benefits under this Article, his or her surviving spouse is entitled to benefits equal to 50 percent of the benefits earned by the deceased volunteer. These benefits shall terminate upon death or remarriage. A qualified volunteer is defined as one who has completed 25 years of certified service.

0207 In the event that an active volunteer dies in the line of duty, a burial benefit up to \$2,500 shall be payable.

0208 In the event that any active volunteer fireman or squadman (herein defined as one who has at least two years of qualifying service in the five preceding years) attains the age of 70 years and fails to achieve the required 25 years of service, then the volunteer is entitled to a monthly benefit of the number of years of certified service completed multiplied by \$4.00. These benefits shall be payable in the normal manner.

#### Article 3 - Certification

0301 It is the responsibility of each participating Volunteer Fire Company or Rescue Squad to maintain detailed and accurate records for each volunteer member on forms prescribed by the County Commissioners of St. Mary's County.

0302 Beginning January 1, 1980 and each January 1 thereafter, the Board of Directors of each Volunteer Fire Company or Rescue Squad shall furnish to the Executive Committee of the St. Mary's County Fire Board and Rescue Squad Association a statement under oath certifying all volunteers of the Company and Squad who have qualified for credit for the previous year. Each statement shall contain all members' ages and previous credits earned and other information as may be required by the Executive Committee.

LINE 002 FILE 160

NO: 79-78  
SUBJ: RETIREMENT PROGRAM  
FOR VOLUNTEER  
FIREMEN AND RESCUE  
SQUADSMEN  
PAGE 3

0303 Upon receipt of this statement, the Executive Committee of the St. Mary's County Fire Board and Rescue Squad Association shall review the list of each Company, and furnish a copy thereof to the County Commissioners of St. Mary's County, together with a certification as to the accuracy of each list by March 15 of each year. After the County Commissioners of St. Mary's County approve the certified list, they shall forward a copy of each approved list to the Fire Company or Rescue Squad concerned by April 15 of each year. These lists shall be posted in a conspicuous place within each Fire Company or Rescue Squad building for a period of not less than thirty (30) days.

0304 A person whose name does not appear on the certified list, or who is denied credit for services prior to January 1, has the right to appeal within 30 days following the posting of these lists.

0305 The appeal shall be in writing and addressed to the County Commissioners of St. Mary's County who shall make a final decision. The person appealing may request a Hearing in lieu of the written appeal. The Hearing shall be conducted by the County Commissioners within 60 days of the request and not less than ten (10) days after notifying the appellant of the date.

Article 4 - Point System

0401 In order to qualify for the benefits, points shall be credited to each volunteer in accordance with the following:

- (1) One point shall be credited for each hour of attendance in a recognized training course, providing that not more than 20 points may be credited for all training courses attended per year.
- (2) One point shall be credited for each company or county drill attended in its entirety, providing that not more than 25 points may be credited for all drills attended per year.
- (3) One point shall be credited for each official company or county meeting pertaining to St. Mary's County fire services or rescue service attended, provided that not more than 15 points may be credited for all meetings attended per year.
- (4) One point shall be credited for each call to which a volunteer responds, providing that not more than 40 points may be credited for all calls responded to per year.
- (5) Twenty-five points shall be credited for completion of a one-year term as an appointed or elected officer in any of the fire or rescue service organizations of St. Mary's County provided that not more than one office shall be counted in any calendar year.

•412/921-6000



002 181

NO. 79-78  
SUBJ: RETIREMENT PROGRAM  
FOR VOLUNTEER  
FIREFMEN AND RESCUE  
SQUADSMEN  
PAGE 2

(6) One-half of a point shall be credited for each hour of acceptable collateral duties such as, but not limited to, apparatus and building maintenance, official standby and fire prevention, providing that not more than 24 points may be credited for all collateral duties performed per year.

(7) A volunteer member who serves or has served full-time military service in the armed forces of the United States shall receive credit at the rate of five (5) points for each month served providing that not more than 30 points can be credited for any calendar year. A maximum of four years of creditable service may be acquired in this manner. The volunteer member must have been an active member for one year prior to enlistment. The volunteer member must be reinstated within six months after discharge.

0402 In order to provide credit for service prior to July 1, 1980, each company shall review its past and present membership to determine the number of years of credit to which each member or past member is entitled. In making this analysis, the standards for active service shall be used as guidelines. Approval for service shall be certified by the Board of Directors of each company or rescue squad. If a volunteer member has service in more than one company or squad, that person shall receive credit for the service in each organization providing not more than one years credit may be granted for each calendar year of volunteer service.

0403 In the event that sufficient records are unavailable to prove service prior to July 1, 1980, the certification may be made by a company after thorough investigation, and on the best information, knowledge and belief of the Board of Directors of the individual company.

This date 11/10/79

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George W. Arnold*  
George W. Arnold, President  
*Barry Millison*  
Barry Millison, Vice-President  
*Richard B. Arnold*  
Richard B. Arnold, Commissioner  
*John L. Dean*  
John L. Dean, Commissioner  
*Charles F. Davis*  
Charles F. Davis, Commissioner

ATTEST  
*Edward V. Cal*  
Edward V. Cal  
County Administrator

APPROVED AS TO LEGAL COUNSEL:

*Joseph E. Hill, Jr.*  
Joseph E. Hill, Jr.  
County Attorney

*Dickie County Commission*

LOCAL 002 PAGE 162

NO: 79-21

RECORDED  
MARY R. BELL

SUBJ: 1979 COMPREHENSIVE WATER  
WATER AND SEWER PLAN FOR  
ST. MARY'S COUNTY, MARYLAND

'79 DEC 12 AM 9 01

RESOLUTION

DEC 18-79 \* 23556 \*\*\*\*\*00  
DEC 18-79 B 23556 \*\*\*\*\*00

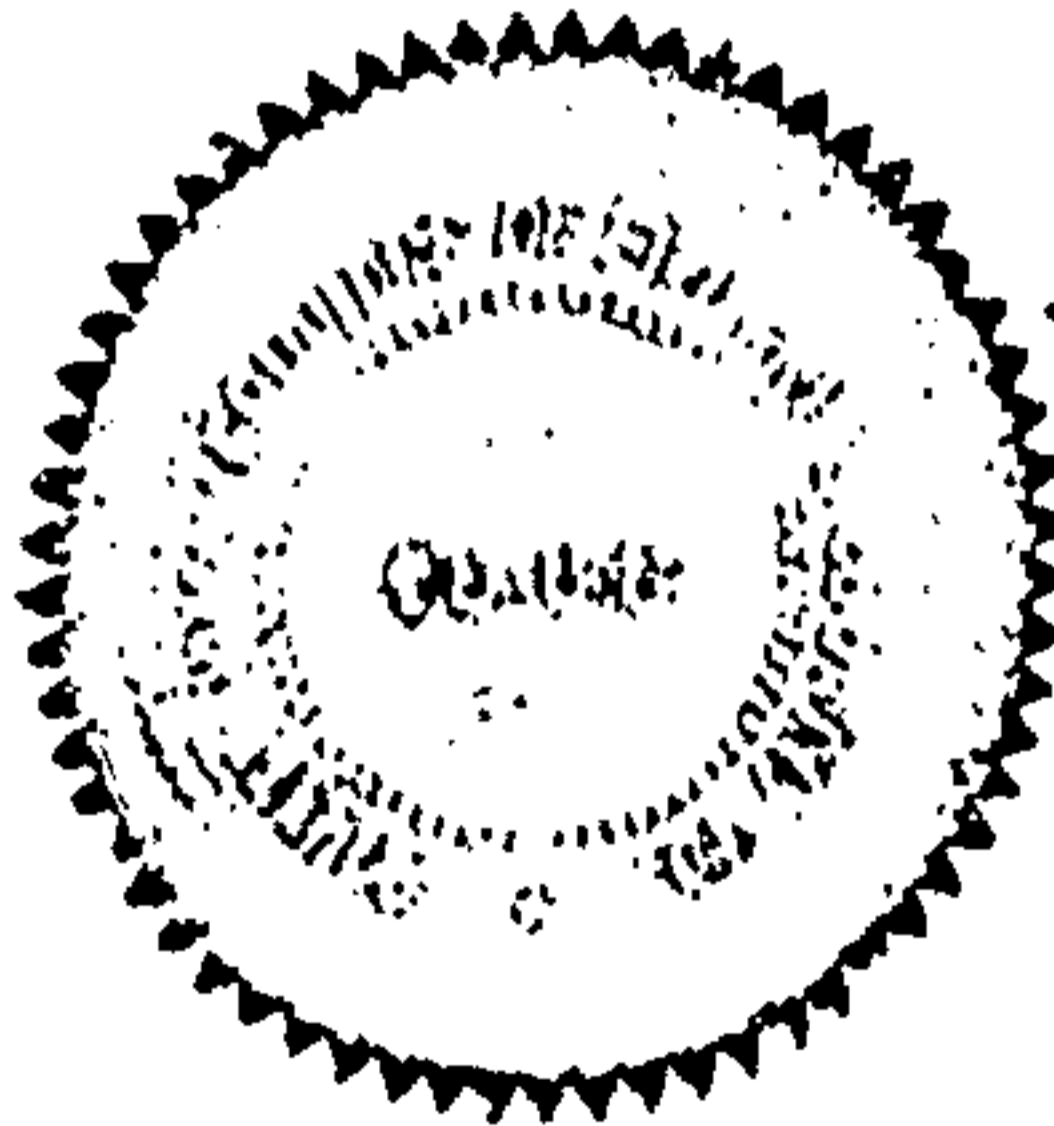
WHEREAS, the Board of County Commissioners of St. Mary's County is, by authority of Section 387C, Article 43, of the Annotated Code of Maryland (1976 ed.), directed to adopt and submit to the Maryland State Department of Health and Mental Hygiene a Comprehensive Plan for the provision of both adequate water supply systems and sewerage systems throughout the County to include all towns, municipal corporations, and sanitary districts within St. Mary's County, the said water and sewer plan to be consistent with land use master planning in St. Mary's County; and

WHEREAS, said report and Comprehensive Plan has in fact been prepared and submitted to the Board of County Commissioners of St. Mary's County, Maryland, in order that it may be adopted by said County and thereafter submitted to the Maryland State Department of Health and Mental Hygiene; and

WHEREAS, said Comprehensive Plan having been reviewed by the Board of County Commissioners of St. Mary's County, Maryland, and it appearing that all requirements under the State law, supra, have been complied with;

BE IT THEREFORE RESOLVED, this 12th day of December, 1979, that the Comprehensive Water and Sewerage Plan for St. Mary's County, Maryland, is hereby adopted by the Board of County Commissioners of St. Mary's County, Maryland and it is FURTHER RESOLVED that said County Plan be submitted to the Maryland State Department of Health and Mental Hygiene.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*George H. Aud*  
George H. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVAL AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

MARY R. BELL, CLERK

*Del. to Co. Comm.*

JAN 04 1980

BOOK 002 163

RECORDED  
 MARY R. BELL  
 CLERK, CIRCUIT COURT  
 '80 JAN 8 AM 9 16

MS-8-80 # 24267 \*\*\*\*\*00  
 MS-8-80 R 24267 \*\*\*\*\*00  
 ZONING DECISION RESOLUTION  
 NO : 1-79-19  
 SUBJ: JONES, IRVIN K.;  
 LEONARD, HARRY;  
 BATES ASSOCIATES, INC.  
 CASE NO. ZA 79-159

ZONING AMENDMENT

WHEREAS, on July 20, 1979, Irvin K. Jones, Harry Leonard and Bates Associates, Inc., owners of Parcel 422, cited on Tax Map 34, located at the intersection of Maryland Route 235 and St. Andrews Church Road in the Eighth Election District, St. Mary's County, Maryland, containing a total of approximately 1.26 acres, made application to have the subject property rezoned from R-1, Residential, to C-2, Commercial, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on November 21, 1979 at 1:30 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said Irvin K. Jones, Harry Leonard and Bates Associates, Inc., and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The subject property consists of 1.260 acres in an elongated, narrow shape. The St. Mary's County Office of Planning and Zoning staff reports that it does not meet the St. Mary's County Zoning Ordinance minimum dimensional requirements for a C-2, Commercial, zoning lot.

2. The subject property is bounded on one side by Maryland Route 235, on one side by St. Andrews Church Road, on one side by a utility corridor and on the remaining side by commercially developed and utilized property.

3. The St. Mary's County Planning Commission has designated the boundaries of the neighborhood for this request as that area within a one-half mile radius of the intersection of Maryland Route 235 and St. Andrews Church Road. The predominant use of property therein is residential, with the exception of a few isolated parcels commercially developed prior to the adoption of comprehensive zoning. Separated from the subject property only by the utility corridor is a residential mobile home park.

4. A significant change in the neighborhood is the construction of Maryland Routes 2 and 4 which will intersect with Maryland Route 235 and St. Andrews Church Road.

Considering the above, the Board of County Commissioners finds that the subject property is unsuited for the uses permitted under its present zoning classification. The Board of County Commissioners also finds that the subject property is not reasonably suited for intensive commercial development as would be allowed under a C-2, Commercial, zoning classification. This is evidenced by several factors:

BOOK 002 164

ZONING DECISION RESOLUTION  
NO. 3-79-19  
SUBJ: JONES, IRVIN K.;  
LEONARD, HARRY;  
BATES ASSOCIATES, INC.  
CASE NO. ZA 79-159

PAGE 2 of 2

1. The subject property is located at one of the major road intersections in St. Mary's County and intensive commercial development would generate increased vehicular traffic to conflict with the traffic flow at the intersection.

2. The predominant nature of the surrounding area is residential.

3. Commercial development of the subject property will increase strip commercial development along Maryland Route 235 in a location which is contrary to the St. Mary's County Comprehensive Land Use Plan.

4. There is some question as to whether the subject property meets the minimum dimensional requirements for a C-2, Commercial, zoning lot.

The issue to be resolved in passing on this case is that identified by the St. Mary's County Planning Commission in its recommendation; namely, the balancing of the unsuitability of the subject property for C-2, Commercial development, with the rights of the property owners to be afforded the opportunity to make reasonable use of their property. Accordingly, the Board of County Commissioners denies the requested rezoning for C-2, Commercial, but grants a zoning amendment to C-1, Commercial. Such action is based on the changes that have occurred in the original property parcel that were affected by the acquisition of a portion thereof for the dualization of Maryland Route 235 and the additional impact to be wrought by the location and construction of Routes 2 and 4.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, that the subject property described above is hereby rezoned C-1, Commercial, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE: 1/3/80

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Larry Hillison*  
Larry Hillison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL  
SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to County Commissioners*

JAN 17 1980

MARY R. BELL, CLERK

002 165

JM-8-80 24268 \*\*\*\*\*00  
JM-8-80 24268 \*\*\*\*\*00RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURTZONING DECISION RESOLUTION  
NO : 8-79-18  
SUBJ: MARTIN A BARLEY  
CASE NO. ZA 79-169

'89 JAN 8 AM 9 11

ZONING AMENDMENT

WHEREAS, on July 31, 1979 Martin A. Barley, owner of Parcel 203, cited on Tax Map 43, located on Maryland Route 235 in the Eighth Election District, St. Mary's County, Maryland, containing a total of approximately 0.9 acres, made application to have the subject property rezoned from R-1, Residential, to C-1, Commercial, and

WHEREAS, the subject property currently exists as a non-conforming use in a Residential zoning district, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on November 21, 1979 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland, to consider the rezoning application of the said Martin A. Barley, and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The subject property consisting of approximately 0.9 acres is currently zoned R-1, Residential, and is improved by a building in which is housed a dental office which was in operation prior to 1974 and is thus non-conforming.
2. The stated purpose by the applicant for the requested rezoning is to enlarge the existing dental office facility by 100% more than the existing facility. The addition is to be constructed to the rear of the existing structure.
3. The State Highway Administration will require the construction of an improved commercial entrance if the addition is built.
4. The subject property is located on the north-bound lane of Maryland State Route 235 adjacent to the commercially-zoned property of the Esperanza Shopping Center. Across Maryland Route 235 from the subject property is commercially-zoned property. To the north is commercially-zoned and developed property at the intersection of Maryland Route 235 and Chancellors Run Road. The subject property is in fact situated within an almost totally commercial area.
5. The St. Mary's County Planning Commission recommends in favor of the rezoning.

Based on the above, the zoning amendment requested is approved on the finding of a mistake in the original zoning and secondarily on the fact that the requested rezoning will not significantly alter the situation that currently exists at the subject location.

BOOK 002 166

ZONING DECISION RESOLUTION  
NO. 8-79-18  
SUBJ. MARTIN A. BARLEY  
CASE NO. ZA 79-169  
PAGE 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland, that the subject property described above is hereby rezoned C-1, Commercial, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE: 1/2/80

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Larry Hillman*  
Larry Hillman, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del to County Commissioners* JAN 17 1980 MARY R. BELL, CLERK

BOOK 002 167 NO: 80-03  
SUBJ: BOND REQUIREMENT FOR HOME PLUMBERS

RESOLUTION

WHEREAS, it is the desire of the Board of County Commissioners of St. Mary's County, Maryland to insure compliance with the provisions of the St. Mary's County Plumbing Code, and

MAR 22-80 # 24855 \*\*\*\*\*00  
MAR 22-80 B 224855 \*\*\*\*\*00

WHEREAS, it is deemed necessary and desirable by the Board of County Commissioners to require a cash bond from all persons who do not possess a Plumbing License issued by the State Board of Commissioners of Practical Plumbing but have obtained a Plumbing Permit from the St. Mary's County Plumbing Board for work on their own homes, and

WHEREAS, it is the recommendation of the St. Mary's County Plumbing Board pursuant to its meeting of March 14, 1979 that a cash bond in the amount of Fifty Dollars (\$50.00) be required in such cases.

NOW THEREFORE, BE IT RESOLVED, that the terms of the attached Plumbers Bond be, and the same are, hereby approved for use by the St. Mary's County Plumbing Board, effective this date.

WITNESS the hands and seals of the Board of County Commissioners of St. Mary's County, Maryland this 9th day of January, 1980.

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
GEORGE R. AUD, President

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

LARRY MILLISON, Vice-President

*Richard D. Arnold*  
RICHARD D. ARNOLD, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph A. Deasford*  
Joseph A. Deasford  
Assistant County Attorney

*Ford L. Dean*  
FORD L. DEAN, Commissioner

*David F. Sayre*  
DAVID F. SAYRE, Commissioner

RECORDED  
MARY R. BELL  
CLERK, COUNTY CLERK  
9th JAN 22 AM 10 15

*Del. Co. Comm's*

FEB 19 1980

MARY R. BELL, CLERK

BOOK 002 Pg 165

NO.: 79-87  
SUBJ.: Sotterley Manor  
Sec. II

TIME 3:55 P. M.  
DAVE S. WILK, CLERK  
PL. BOARD'S OFF.

JAN 22-80 \* 24900 \*\*\*\*\*00  
JAN 22-80 B 224900 \*\*\*\*\*00

RESOLUTION

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, and Kenneth W. Sumner are desirous of entering into a Public Works Agreement and a Cash Performance Agreement, pursuant to St. Mary's County Road Ordinance No. 76-7, Section 5.3, to secure the obligations of the said Kenneth W. Sumner under the said Public Works Agreement to construct Whiskey Creek Road in Sotterley Manor Subdivision, Section II, and

WHEREAS, upon due consideration of the public interest in the prompt completion of Whiskey Creek Road, it appears that adequate security for performance of the obligations of the said Kenneth W. Sumner is herewith offered,

THEREFORE, BE IT RESOLVED, that the terms of the attached Public Works Agreement and Cash Performance Agreement be, and the same hereby are, approved.

AND FURTHER BE IT RESOLVED, that President of the Board of County Commissioners and the County Engineer for St. Mary's County be, and they hereby are, authorized and directed to do all acts and execute all documents required to give force and effect to the said Agreements, including the release of security previously tendered and accepted for the purpose of substitution of security in conformity with the Agreements approved herein,

AND FURTHER BE IT RESOLVED, that upon execution by the said Kenneth W. Sumner of the said Agreements and the tender of the security called for therein, the ORDER of the Board of County Commissioners of St. Mary's County, Maryland, dated



RESOLUTION  
Page 2

002 169

July 25, 1979, and pertaining to the subdivision referred to herein, be, and the same hereby is, rescinded.

WITNESS the hands and seals of the County Commissioners of St. Mary's County, Maryland, this 28th day of November, 1979.

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George K. Aud  
George K. Aud, President

Larry Hillison, Vice-President  
Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean, Commissioner  
David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Kempf  
County Attorney

Mary R. Bell

FEB 19 1980

MARY R. BELL, CLERK

BOOK 002 170 NO: 80-08  
 SUBJ: ORDINANCE 80  
 SUPPLEMENTAL APPROPRIATION

ORDINANCE

JAN 29-80 \* 25243 \*\*\*\*\*00  
 JAN 29-80 A 25243 \*\*\*\*\*00

WHEREAS, unforeseen circumstances have caused expenditures heretofore not budgeted in the approved County Budget for the fiscal year of 1979-1980; and

WHEREAS, the Board of County Commissioners is required by Chapter 27 of the St. Mary's County Code to enact an ordinance to make supplementary appropriations for fiscal year 1979-1980; and

WHEREAS, the Board of County Commissioners has received a certification of funds for supplemental appropriation from the Budget Officer and after due notice conducted a public hearing on January 2, 1980, to present and to explain the unbudgeted items of expenditure and the sources of revenue to meet said expenditures;

NOW, THEREFORE BE IT ORDAINED, that the following summary of supplemental appropriations is hereby made effective for fiscal year 1979-1980:

SUMMARY OF SUPPLEMENTAL APPROPRIATIONS

PROJECT	INCREASE IN REVENUE (1)	INCREASE IN BUDGET AUTHORITY (2)	DECREASE IN SURPLUS (3)
Sch District Elementary School	--	\$ 157,328	\$157,328
Special Ed. School	--	50,250	50,250
Laurel Grove-Hillville	--	78,076	78,076
Spring Valley Tax. Dist.	--	214,377	214,377
Airport Development	\$ 309,375	309,375	--
Nursing Home Access Rd.	17,952	17,952	--
Mattapan Road	28,000	299,500	271,500
East Essex Subdivision	25,000	62,000	37,000
Hollywood Community Park	117,600	117,600	--
Sch Dist. Community Park	66,127	66,127	--
Watershed Site No. 2	125,000	150,000	25,000
Interviews of the Elderly	9,000	9,000	--
Forrest Landing	25,000	25,000	--
C.E.T.A. Work Program	494,568	494,568	--
TOTALS	\$1,217,622	\$2,051,153	\$833,153

NOTE: Columns 1 + 3 = 2

BOARD OF COUNTY COMMISSIONERS  
 ST. MARY'S COUNTY, MARYLAND

*George H. Aud*  
 George H. Aud, President  
*Larry McIlroy*  
 Larry McIlroy, Vice-President  
*Richard D. Arnold*  
 Richard D. Arnold, Commissioner  
*Ford L. Dean*  
 Ford L. Dean, Commissioner  
*David F. Sayre*  
 David F. Sayre, Commissioner

RECORDED  
 MARY R. BELL  
 COUNTY CLERK  
 JAN 29 AM 9 27

Attest:  
*Edward V. Cox*  
 Edward V. Cox, County Administrator  
 Approved as to Legal Sufficiency:  
*Joseph E. Bell, Jr.*  
 Joseph E. Bell, Jr., County Attorney

*Mel: Co Comm's*

FEB 19 1980

MARY R. BELL, CLERK

BOOK 002 171

JAN 29-80 # 2524 \*\*\*\*\*00  
JAN 29-80 A 2524 \*\*\*\*\*00ZONING DECISION RESOLUTION  
NO : Z-80-01  
SUBJ: MARK IV ASSOCIATES  
JACK E. GREER  
CASE NO. ZA 79-141ZONING AMENDMENT

WHEREAS, on June 29, 1979 Jack E. Greer, doing business as Mark IV Associates, owner of Parcel 7, cited on Tax Map 51, located on Maryland Route 246 in the Eighth Election District, St. Mary's County, Maryland containing a total of approximately 1.62 acres, made application to have the subject property rezoned from R-2, Residential, to C-2, Commercial, and

WHEREAS, after due notice a Public Hearing was held by the Board of County Commissioners of St. Mary's County, Maryland on January 2, 1980 at 1:00 p.m. at the Governmental Center, Leonardtown, Maryland to consider the rezoning application of the said Jack E. Greer, and

WHEREAS, at said Hearing all those who desired to be heard were in fact heard and their testimony recorded, and

WHEREAS, all testimony, reports, exhibits and other evidence entered into the record have been carefully considered, and the following facts determined:

1. The Office of Planning and Zoning has defined the neighborhood in this case as that area located along Maryland Route 246 (Great Mills Road) from Willows Road to Suburban Drive.
2. The Office of Planning and Zoning has determined that increased commercial rezoning in this neighborhood has resulted in a change in the neighborhood.
3. The subject property was, at one time, part of a larger parcel which has heretofore been rezoned to C-2, Commercial.
4. The neighborhood, as defined above, is primarily Commercial.

After careful consideration of the facts set forth above, the Board of County Commissioners grants the requested rezoning from R-2, Residential, to C-2, Commercial, on the basis of a mistake in the original zoning which zoned the larger parent parcel C-2, Commercial, and failed to take into account the extensive Commercial zoning and development in the neighborhood.

*Mark IV Associates*

BOOK 002 172

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
JAN 29 AM 9 28

ZONING DECISION RESOLUTION  
NO : 2-80-01  
SUBJ: MARK IV ASSOCIATES  
JACK E. GREER  
CASE NO. ZA 79-141  
PAGE 2 of 2

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, that the subject property described above is hereby rezoned C-2, Commercial, as defined by the St. Mary's County Zoning Ordinance.

THIS DATE:  
January 22, 1980

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Larry M. Gibson*  
Larry M. Gibson, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Bel. Co. Commis*

FEB 19 1980

MARY R. BELL, CLERK

NO: 80-29

BOOK 002 173

SUBJECT: Hollywood Shores  
Subdivision Taxing  
District Ordinance

ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151, of the Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County Maryland, have been petitioned by a majority of the residents in the Hollywood Shores Subdivision requesting the County to reconstruct and improve the streets in the Hollywood Shores Subdivision which is located in the Sixth Election District of St. Mary's County, Maryland, as shown on a Plat I of said subdivision that is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book CBG 2, Folio 100, and as shown on Plat II of said subdivision that is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book CBG 2, Folio 50. The following streets as shown on the aforementioned plats of said subdivision shall be improved for the approximate lengths and widths indicated herein:

Hollywood Drive at a 20 foot width for 1110 L.F. from Jones Wharf Road to Meadow Road, and at a 12 foot width for 260 L.F. from Meadow Road North; Meadow Road at an 18 foot width for 650 L.F. from Hollywood Drive to Manor Drive, and a 16' width for 415' from Manor Drive to Riverside Drive; Manor Drive at an 18 foot width for 880 L.F. from Meadow Road to Riverside Drive; Riverside Drive at a 16 foot width

RECORDED  
MARY R. DELL  
CLERK, CIRCUIT COURT  
'80 APR 9 AM 8 58

APR-9-80 \* 28163 \*\*\*\*\*00  
APR-9-80 A 28163 \*\*\*\*\*00

BOOK 002 174

for 1672 L.F. from Hillandale Road to the Association property entrance, and at a 12 foot width for 215 L.F. from Hillandale Road Southeast; Hillandale Road at a 16 foot width for 1155 L.F.; Fielding Road at a 16 foot width for 1200 L.F.; Skyview Drive at an 18 foot width for 380 L.F. from Hollywood Drive to Plainview Drive, and at a 16 foot width for 1728 L.F. from Plainview Drive to Cole's Drive; Plainview Drive at a 16 foot width for 650 L.F.; Riverview Drive at a 12 foot width for 310 L.F. from Plainview; Cole's Drive at a 18 foot width for 1335 L.F. from Hollywood Drive to Penninsular Drive, and at a 16 foot width for 180 L.F. North of Penninsular Drive, and an additional 360 L.F. North at a width of 12 feet; Pleasant Court at a 12 foot width for 308 L.F.; Penninsular Drive at a width of 16 feet for 452 L.F. from Cole's Drive to Cole's Court, and at a 12 foot width for 606 L.F. from Cole's Court North; and Island View at a width of 12 feet for 232 L.F.; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on March 18, 1980 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 1st day of April, 1980, that the petition of the residents of Hollywood Shores for the reconstruction and improvement of streets in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accord with specifications approved by the County Engineer and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County System of Roads; and

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IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for \$290,000.00 of the construction costs. This sum represents the property owners share of the cost required to bring the said streets in the condition required by the approved set of plans. Said share being equivalent to the cost of improving the roads to a condition that would have been acceptable for inclusion within the County Road System at the time the subdivision was recorded in November of 1953.

2. The property owners are responsible for the interest, whatever that rate shall be, based on the County's participation in "Consolidated Transportation Bond Issue of 1980" under authority of Transportation Article No. 3-301, Annotated Code of Maryland.

3. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

4. The County is responsible for all in-house design and engineering costs.

5. The lot owners are responsible for all utility relocation costs.

6. The balance of construction costs shall be borne by the County.

7. The County shall be responsible for all costs associated with improving the roads to standards in excess of those

BOOK 002 176

required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

8. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a fifteen year period by an annual benefit assessment levied against said properties with the exception of those owned by the Hollywood Shores Civic Association; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements to be borne by the 239 "contiguous lot" owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, and is the total of the aforementioned items. For purposes of computing this total, sale or transfer of a lot that is part of a "contiguous lot" as hereinafter defined shall be considered further subdivision as the term is used above.
2. The "total benefit assessment" shall be divided by 15 to determine the "annual benefit assessment" to be levied against all of the "contiguous lot" owners for fifteen years.
3. The "annual benefit assessment" shall be divided by the number of "contiguous lot" owners in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.
4. A "contiguous lot" shall be defined as a single lot of record, or two or more contiguous lots of record under common



BOOK 002 177

ownership and improved by no more than one residential dwelling.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the "contiguous lots" in the subdivision shall not exceed Thirty Four Thousand Two Hundred Seventy-three Dollars (\$34,273.00) per year, nor shall it exceed the property owners aforementioned share of the actual costs of said improvements and reconstruction; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next fifteen succeeding fiscal years and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which they are assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978 of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that no deed or conveyance of real property subject to said lien shall be transferred by the

BOOK 002 E178

Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Block A, Lots 1-35; Block B, Lots 1-22; Block C, Lots 1-26; Block D, Lots 1-32; Block E, Lots 1-20; Block F, Lots 1-44; Block G, Lots 1-16; Block H, Lots 1-15; Block I, Lots 1-34; Block J, Lots 1-20; Block K, Lots 1 and 1A; Block K, Lots 2-16; Block L, Lots 1-9 and Lots 16-22; Block M, Lots 1-19, as shown on the aforesaid plats of the sub-

division; and

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

This Date: April 1, 1980

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice President

Ford L. Dean  
Ford L. Dean, Commissioner

Richard D. Arnold  
Richard D. Arnold, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

APPROVED AS TO  
LEGAL SUFFICIENCY

J. Ernest Bell, II  
J. Ernest Bell, II  
County Attorney

*Del. Co Comm's*

APR 30 1980

MARY R. BELL, CLERK

DECLARATION

MAY 22-80 \* 2 154 \*\*\*\*\*00  
MAY 22-80 B 2 154 \*\*\*\*\*00

This Declaration is made this 13th day of May, 1980 by the County Commissioners for St. Mary's County, Maryland.

WHEREAS, the County Commissioners of St. Mary's County, Maryland have acquired and are developing two parks, one located in the Hollywood area and the other in the Fifth Election District,

WHEREAS, both parks are being developed with Program Open Space funds pursuant to Section 5-902 of the Natural Resources Article of the Annotated Code of Maryland,

WHEREAS, the Board of County Commissioners, in compliance with requirements of the law just mentioned, declare that the two tracts of the land noted above shall be subject to the operation and effect of the below:

Retention and Use. Property acquired or developed with assistance from the Program shall be retained and used for public outdoor recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the Secretary of Natural Resources and the Secretary of State Planning. Such approval will be given only upon such conditions as the Secretaries deem necessary to assure the substitution of other outdoor recreation and/or open space properties of at least equal fair market value and of reasonably equivalent usefulness, quality and location.

Changes in Recreational Use. The use of property acquired or developed with assistance from the Program may not be changed from that contemplated and approved when assistance was obtained, unless prior approval is obtained from the Secretary of Natural Resources and the Secretary of State Planning.

This Declaration shall be recorded among the Land Records of St. Mary's County, Maryland, thereby subjecting the Hollywood park and the Fifth Election District park property to the operation and effect of its terms.

WITNESS the hand and seal of the County Commissioners of St. Mary's County, Maryland the day and year first above written.

ATTEST:  
Edward V. Cox  
Edward V. Cox  
Administrator

George R. Aud (SEAL)  
George R. Aud, President

Richard D. Arnold (SEAL)  
Richard D. Arnold

Ford L. Dean (SEAL)  
Ford L. Dean

Larry Millison (SEAL)  
Larry Millison

BOOK 002 PAGE 180

*David F. Sayre* (SEAL)  
David F. Sayre

APPROVED AS TO FORM:

*Joseph Ernest Bell, II*  
Joseph Ernest Bell, II  
County Attorney

NO: 80-43  
SUBJ: PROGRAM OPEN SPACE  
COMMITMENT  
Page 2

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
98 MAY 22 AM 10 06

*Mel. Paul Raley*

5-22-80

MARY R. BELL, CLERK

NO: 80-49

SUBJ: 1980-81 OPERATING  
AND CAPITAL BUDGETS  
AND PROPERTY TAX  
RATE

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT C

'80 MAY 28 PM 12 21

MAY 28-80 \* 2 461 \*\*\*\*\*.00  
MAY 28-80 A #2 461 \*\*\*\*\*.00

RESOLUTION

WHEREAS, Chapter 27, Section 6 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 and impose the property tax rate for the ensuing fiscal year;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the County's Operating Budget is approved in the amount of \$20,814,480, the Capital Budget in the amount of \$4,209,096 and the County's property tax rate is hereby assessed at \$1.99 per \$100.00 of assessed valuation.

This Date: May 27, 1980

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Larry Millison*  
Larry Millison, Vice President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:  
*Joseph P. O'Dell*  
Joseph P. O'Dell  
Budget Officer

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to County Admin*

MAY 28 1980

MARY R. BELL, CLERK

NO: 80-47

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
'80 MAY 28 PM 12 22

SUBJECT: Golden Beach  
Special Taxing  
District Ordinance

ORDINANCE

MAY 28-80 # 2 462 \*\*\*\*\*00  
MAY 28-80 A # 2 462 \*\*\*\*\*00

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151, of the Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County Maryland, have been petitioned by a majority of the residents in a portion of the Golden Beach Subdivision requesting the County to reconstruct and improve the streets in that portion of the Golden Beach Subdivision which is located in the Fifth Election District of St. Mary's County, Maryland, as shown on Plat I, Section 3 of said subdivision that is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 3, Folio 59, and Plat 2, Section 3 of said subdivision that is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book CBG 3, Folio 60. The following streets as shown on the aforementioned plats of said subdivision shall be improved to the approximate limits indicated herein:

Boundary Drive - from Alison Circle to its end 100'± south of Golden Beach Road;

Alison Circle - from Boundary Drive to Sky View Drive;

Hillview Drive - from Alison Circle to Golden Beach Road;

Sky View Drive - from Alison Circle to Golden Beach Road; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on May 6, 1980 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 20th day of May, 1980, that the petition of the residents of that portion of Golden Beach for the reconstruction and improvement of streets in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accord with specifications approved by the County Engineer and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County System of Roads; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for \$75,019.35 of the construction costs. This sum represents the property owners' share of the cost required to bring the said streets in the condition required by the approved set of plans. Said share being equivalent to the cost of improving the roads to a condition that would have been acceptable for inclusion within the County Road System at the time the subdivision was recorded in November of 1953.

2. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The balance of construction costs shall be borne by the County.

6. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

7. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a fifteen-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements to be borne by the 37 "contiguous lot" owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, and is the total of the aforementioned items. For purposes of computing this total, sale or transfer of a lot that is part of a "contiguous lot" as hereinafter defined shall be considered further subdivision as the term is used above.



2. The "total benefit assessment" shall be divided by 15 to determine the "annual benefit assessment" to be levied against all of the "contiguous lot" owners for fifteen years.

3. The "annual benefit assessment" shall be divided by the number of "contiguous lot" owners in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

4. A "contiguous lot" shall be defined as a single lot of record, or two or more contiguous lots of record under common ownership and improved by no more than one residential dwelling.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the "contiguous lots" in the subdivision shall not exceed Five Thousand One Dollars and Twenty-Nine Cents (\$5,001.29) per year, nor shall it exceed the property owners aforementioned share of the actual costs of said improvements and reconstruction; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next fifteen succeeding fiscal years and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which they are assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978 of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that no deed or conveyance of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Lot Nos. 922-954, except Lots 935 and 943;

Lot Nos. 964-967;

Lot Nos. 992-999, as shown on the aforesaid plats of the subdivision; and

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice President

Ford L. Dean  
Ford L. Dean, Commissioner

Richard D. Arnold  
Richard D. Arnold, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

APPROVED AS TO  
LEGAL SUFFICIENCY

J. Ernest Bell, II  
J. Ernest Bell, II  
County Attorney

Del to County Admin Off

MAY 28 1980

MARY R. BELL, CLERK

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
80 JUN 10 AM 9 02

ZONING DECISION RESOLUTION  
NO : Z-80-2  
SUBJ: JOSEPH D. WEINER  
(HERMANVILLE ESTATES)  
CASE NO: ZA 79-262

ZONING AMENDMENT

WHEREAS, Joseph D. Weiner, the owner of a five-acre tract of land located on Maryland Route 235, Hermanville Estates, being Lots 1 through 8, Section A, in the Eighth Election District of St. Mary's County, Maryland, the same being identified on Tax Map 52, in Block 7 as Parcel 144.

WHEREAS, Joseph D. Weiner has made application for reclassification of the property from R-1, Residential, to C-2, Commercial, the same being Case No. 79-262.

WHEREAS, after notice by publication, a February 26, 1980 public hearing on the reclassification and open discussion on the merits of the request the County Commissioners find as fact:

1. That a reclassification of the property will create an increased tax base in an area where additional commercial property is desired.
2. That a commercialized use of the property will provide needed employment opportunities.
3. That a reclassification of the property will have no adverse effect on neighboring properties.
4. That prior to the adoption of comprehensive zoning in St. Mary's County, Maryland in May 1974, the Weiner-owned parcel was subject to the limited zoning then in the County and that under the previous ordinance, the property was classified as commercial.
5. That a mistake was made when the 1974 comprehensive Zoning Ordinance was adopted in 1974 by not continuing the property in its commercial category.
6. That the Weiner-owned parcel lies within the AICUZ and is more compatible with the textual provisions of the present Zoning Ordinance if put to a commercial rather than a residential use.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners this 3rd day of June, 1980 that the application of Joseph D. Weiner for reclassification of his property from R-1 to C-2 is approved. The zoning map for St. Mary's County, Maryland is hereby amended accordingly.

Witness the hand and seal of the County Commissioners of St. Mary's County, Maryland

This Date: 6-3-80

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del to County Commissioners*

JUN 10 1980

MARY R. BELL, CLERK

BOOK 002 188

JUN 18-80 \* 21355 \*\*\*\*\*.00  
JUN 18-80 B #21355 \*\*\*\*\*.00

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT

'80 JUN 18 AM 9 36

ZONING DECISION RESOLUTION  
NO : 2-80-03  
SUBJ: JOSEPH ABEL CLARKE AND  
JUDITH A. CLARKE  
CASE NO: ZA 79-252

ZONING AMENDMENT

WHEREAS, Joseph Abel Clarke and Judith A. Clarke, his wife, owners of a 2.27 acre tract of land located opposite Leonardtown High School on Route 5 south of Leonardtown, Maryland, have made application for reclassification of the property from residential to commercial, the same being Case No. ZA No. 79-252. The tract of land consists of two parcels, they being numbers 22 and 23 on Tax Map 41. The land adjoins the County Fairgrounds.

A public hearing on the zoning change was held by the County Commissioners on January 22, 1980. A public discussion of the merits of the request was conducted by the County Commissioners on February 26, 1980.

The County Commissioners find as fact:

1. That land has been used commercially for a number of years.
2. That the commercial uses are many and varied, but mainly light, retail and consumer oriented.
3. That the land was used commercially prior to adoption on May 23, 1974 of the comprehensive zoning for St. Mary's County.
4. No objection to the request was registered by the Technical Advisory Committee or adjoining property owners.
5. The property is suitable for commercial use and reclassification of the property as commercial is compatible with development in the vicinity.
6. A mistake was made when the property was initially zoned in 1974.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 10<sup>th</sup> day of June 1980 that the property of Joseph Abel Clarke and Judith A. Clarke, his wife known generally as GREEN ACRES DRIVE-IN be and the same is reclassified to C-2, Commercial.

Witness the hand and seal of the County Commissioners of St. Mary's County, Maryland, the day and year last mentioned.

THIS DATE:

June 10, 1980

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Wilson  
Larry Wilson, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

Attest:

Edward V. Cox  
Edward V. Cox  
County Administrator

Approved as to Legal Sufficiency:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

*Del. to County Commissioners*

JUN 18 1980

MARY R. BELL, CLERK

ZONING DECISION RESOLUTION  
 NO: Z-80-05  
 SAFEWAY STORES, INC.  
 CASE NO. ZA 80-1407

RECORDED  
 MARY R. BELL  
 CLERK CIRCUIT COURT

'80 JUL 10 AM 9 14 ZONING RESOLUTION

AL 10-80 \* 22297 \*\*\*\*\*00  
 AL 10-80 B 22297 \*\*\*\*\*00

WHEREAS, Safeway Stores, Incorporated has made application to rezone from R-1, Residential, to C-2, Commercial, a 2.1120 acre parcel of land located on the Northeast corner of the intersection of Essex Road and Shangri La Drive in Lexington Park, Eighth Election District, St. Mary's County, Maryland, being a portion of Parcel 98, Tax Map 43A, the same being ZA 80-1407.

WHEREAS, A Public Hearing on the request has been held by the Planning Commission, which has recommended approval of the reclassification, with certain stipulations hereinafter set forth.

WHEREAS, after due notice, the County Commissioners held a Public Hearing on the request on May 27, 1980.

The County Commissioners find as fact:

1. That the "neighborhood", as the term is used in zoning, in this case is the general area within one mile of the parcel sought to be reclassified.
2. That the subject parcel is located within the designated Urban Center of Lexington Park in the County's Comprehensive Land Use Plan.
3. That the subject parcel is commercially developed as a retail grocery outlet and is a recognized and legally existing non-conforming use under the County's Zoning Ordinance.
4. That within the "neighborhood" of the subject parcel there is a mixture of commercially zoned and developed properties, together with single and multi-family residentially zoned tracts of land.
5. That since the adoption of comprehensive zoning in St. Mary's County in May, 1974, there has been an expansion of commercial activity in the "neighborhood" of the subject parcel as well as a change in the marketing area served by Lexington Park businesses.
6. That installation of traffic control devices at the intersection of Great Mills Road and Essex Drive has provided an increased level of traffic control and safety for vehicles entering and exiting the subject parcel.
7. That the subject parcel adjoins Commercially designated and Garden Park designated zoning districts.
8. That a mistake was made when the subject parcel was zoned for single family residential development.
9. That there has been a significant change in the "neighborhood" to justify a reclassification to Commercial.

ZONING DECISION RESOLUTION  
NO: Z-80-04  
SAFEWAY STORES, INC.  
CASE NO. ZA 80-1407

NOW, THEREFORE, but subject to the changes in the submitted concept plan of development herein set forth, the Board of County Commissioners RESOLVE AND ORDAIN this 8th day of July, 1980 that the application for rezoning of Safeway Stores, Incorporated, be and the same is granted and approved. The property is reclassified at C-2, Commercial.

This reclassification is subject to the following stipulations:

- (1) That the entrance to the property on Great Mills Road be moved in a northerly direction to a point near the intersecting boundary of the parcel.
- (2) That a four foot wide sidewalk be installed along the Great Mills Road and Essex Drive sides of the property.
- (3) That the parcel have at least 149 parking spaces.
- (4) That the eleven parking spaces designated for the rear of the property be moved to the area designated on the concept plan as "wood and brush", thus allowing for more effective screening of the rear portion of the property.
- (5) That the area designated as "surplus property" on the concept plan dated March 21, 1980, amounting to 38,400 sq. ft. not be reclassified to C-2, thus retaining its R-1 classification.
- (6) Effective screening be provided.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George S. Aud  
George S. Aud, President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph Ernest Bell, II  
Joseph Ernest Bell, II  
County Attorney

Del to Lela Rogers, County Comm

JUL 10 1980

MARY-R. BELL, CLERK

RECORDED  
 MARY R. BELL  
 CLERK, CIRCUIT COURT

ZONING DECISION RESOLUTION  
 NO : Z-80-04  
 SUBJ: LA GRANDE CAMPING RESORT  
 CASE NO: ZA 80-1899

'80 JUL 10 AM 9 15

ZONING AMENDMENT

XL 10-80 \* 22298 \*\*\*\*\*00  
 XL 10-80 B 22298 \*\*\*\*\*00

WHEREAS, Edward A. Smith and Kathleen Smith, his wife, T/A La Grande Camping Resort, have made application to rezone a 33 acre parcel of land located on Maryland Route 5, about one-half mile North of Whirlwind Road in the Third Election District of St. Mary's County, Maryland. The request seeks reclassification of the land, the same being Parcel 101, Block 3, Tax Map 49, from AR-2, Agricultural-Residential, to CP, Camper Park. The case is numbered 80-1899.

WHEREAS, the Planning Commission has held a public hearing on the request and has recommended approval of the requested zoning reclassification.

WHEREAS, after public notice, the County Commissioners held a public hearing on the request on June 3, 1980.

The County County Commissioners find as fact as follows:

1. That the subject parcel is currently developed in part as a campground and camper park, being considered a legal "non-conforming" use under the Zoning Ordinance.
2. That the requested reclassification is to allow for the expansion and intensification of the existing campground use.
3. That the site plan for use of the subject property as a camper park was approved in June 1973, nearly one year prior to the adoption of the comprehensive zoning in St. Mary's County.
4. That the original Zoning Ordinance for St. Mary's County, Maryland made no provision for a zoning district classification limited to "Camper Parks." There was a zoning district designation of "Trailer Park" (TP) in the original ordinance in which camper parks, or campgrounds, were a permitted use.
5. That by later amendment to the Zoning Ordinance, the zoning district, "Camper Park" (CP), was added.
6. That unrebutted testimony of record by persons directly involved in drafting the original Zoning Ordinance reveals that the Ordinance framers intended that the subject property be zoned to accommodate its intended purpose, that classification to have been "Trailer Park" (TP).

ZONING DECISION RESOLUTION  
NO : 2-80-04  
SUBJ: LA GRANDE CAMPING RESORT  
CASE NO: ZA 80-1899  
PAGE 2 OF 2

7. That the original and official zoning map on which the subject parcel is depicted reveals that the property is designated as "TP."

8. That a mistake was made when the property was initially zoned AR-2.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the County Commissioners of St. Mary's County, Maryland this 8th day of July, 1980 that the tract of land above mentioned be and the same is reclassified from AR-2, Agricultural-Residential, to CP, Camper Park.

AND BE IT FURTHER RESOLVED AND ORDAINED that the accompanying Concept Plan be approved as the Concept Development Plan pursuant to Section 38.02 and 53.02 of the St. Mary's County Zoning Ordinance.

This Date: 7-8-80

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George E. Aud  
George E. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Del to Lela Rogers, County Comm.

JUL 10 1980

MARY R. BELL, CLERK



JUL 18 80 \* 22652 \*\*\*\*\*.00  
JUL 18 80 A #22652 \*\*\*\*\*.00

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
80 JUL 18 AM 9 45

NO : 80-55  
SUBJ: AGRICULTURAL LAND  
PRESERVATION DISTRICT -  
GEORGE BRADFORD REEVES AND  
WILLMA M. REEVES, HIS WIFE  
(FOURTH ELECTION DISTRICT)

ORDINANCE

WHEREAS, the Agricultural Article, Sections 2-501 through 2-515, of the Annotated Code of Maryland, established the Maryland Agricultural Land Preservation Program; and

WHEREAS, St. Mary's County, Maryland contains productive agricultural land and its Board of County Commissioners appointed a St. Mary's County Agricultural Land Preservation Advisory Board in accordance with the Agricultural Article, Section 2-504.1, on March 15, 1978, thus satisfying County eligibility requirements for the voluntary participation of St. Mary's County landowners whose land meets eligibility criteria established by Maryland Agricultural Land Preservation Foundation Regulations and any locally adopted criteria; and

WHEREAS, St. Mary's County wishes to provide for the voluntary establishment of Agricultural Land Preservation Districts and for the voluntary sale of development rights and easements on eligible agricultural lands with the County; and

WHEREAS, a public hearing for the establishment of an Agricultural Land Preservation District for the land of George Bradford Reeves and Willman M. Reeves, his wife, was conducted on January 9, 1980 according to legal requirements. No objections were raised to said establishment.

NOW, THEREFORE, BE IT ORDAINED, that an Agricultural Land Preservation District is hereby established for the subject property containing 339.5 acres, more or less, and which is located in the Fourth Election District of St. Mary's County, Maryland.

This Date: July 15, 1980

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George Robert And*  
George B. And, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II  
County Attorney

*Del: Co Commis*

*7-18-80*

MARY R. BELL, CLERK

NO: 80-58

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT

SUBJ: TAXATION CREDIT -  
ST. GEORGE'S ISLAND  
IMPROVEMENT ASSOCIATION,  
INCORPORATED

'80 AUG 18 AM 9 09

RESOLUTION

WHEREAS, Article 81, Section 9C of the Annotated Code of Maryland permits the governing bodies of the several jurisdictions mentioned therein to grant and to authorize tax credits; and

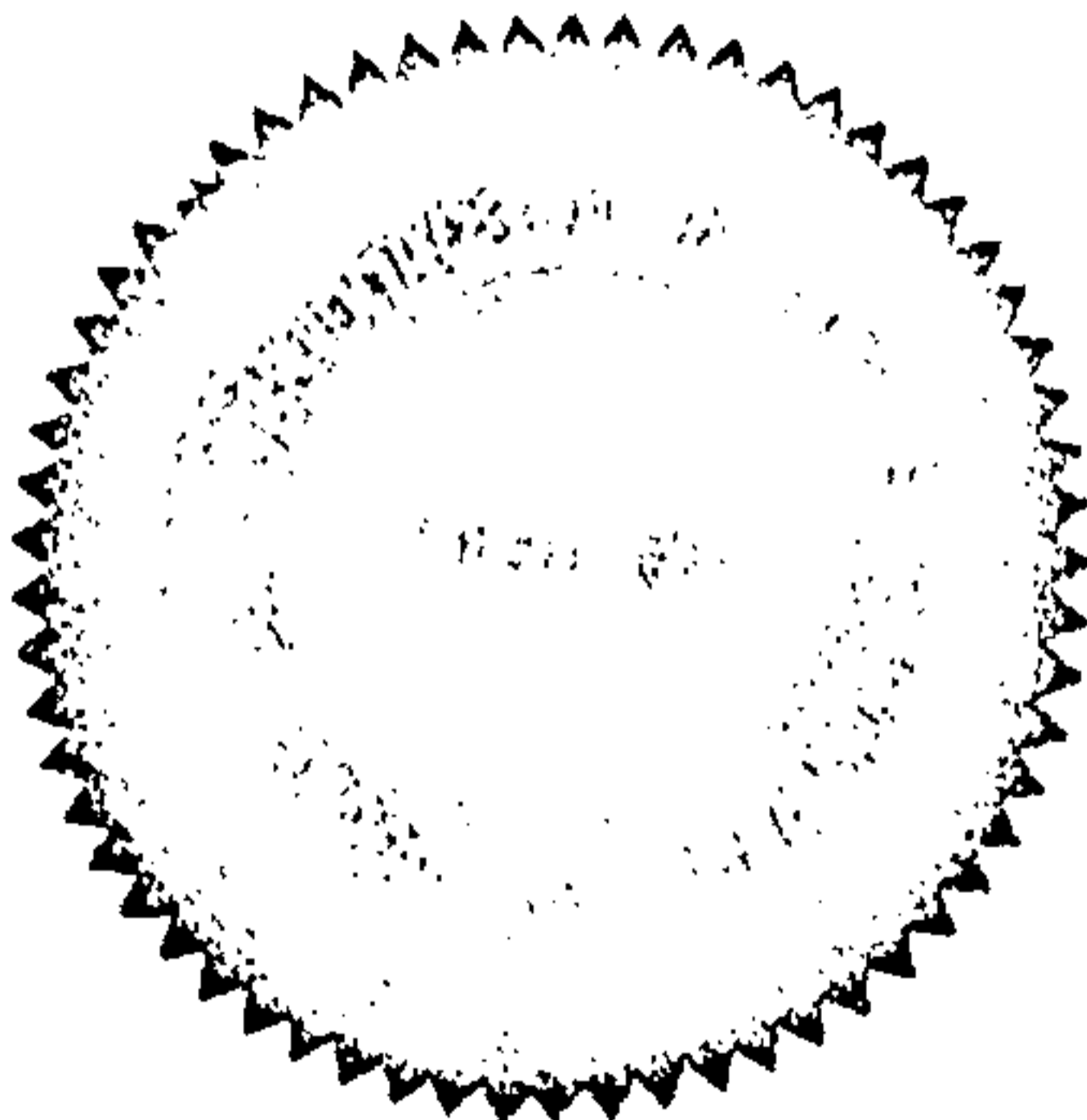
WHEREAS, the 1979 Maryland General Assembly enacted H.B. 65, Chapter 308, by adding to Article 81, Section 9C (n) of the Annotated Code of Maryland which reads:

"In St. Mary's County, the Board of County Commissioners may by Ordinance or Resolution grant a credit against local taxation only for real and tangible personal property owned by the St. George's Island Improvement Association, Incorporated and used exclusively for community or civic purposes."

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners grants a credit against local taxation only for real and tangible property owned by St. George's Island Improvement Association, Inc., and used exclusively for community or civic purposes for as long as the conditions exist which caused the enactment of Article 81, Section 9C (n).

This Date:  
August 5, 1980

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*George R. Aud*  
George R. Aud, President

Larry Willison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del to County Comm.*

AUG 18 1980

MARY R. BELL, CLERK

2.3

LEGIS. SESSION: 1980  
 PROPOSED BY : Commissioner Dean  
 INTRODUCED ON: 7/22/80

RESOLUTION NO. 80-57  
 SUBJ: MIDFA  
 Financing (Aquafoods  
 International, Inc.)

RESOLUTION

of the

COUNTY COMMISSIONERS OF  
 ST. MARY'S COUNTY

A RESOLUTION approving the terms and provisions [some of which modify the terms and provisions of Resolution No. 79-63 passed by the County Commissioners of St. Mary's County (the "Commissioners") on October 3, 1979 to wit: (a) an increase in the principal amount of the subject financing from \$420,000.00 to \$500,000.00; (b) a 100% allocation of financing proceeds to the Real Estate Portion thereof [and removal of any allocation of financing proceeds for equipment financing]; (c) a clarification of the actual acreage involved in the Project, i.e., 65,803 acres, more or less; and (d) a restatement of the guarantors of the financing, i.e., Gordon T. Yamada and Westmoreland Associates, and the collateral securing said guaranties] and form and substance of certain documents to be entered into by the Commissioners, all in connection with the borrowing by the Commissioners of a sum of money not to exceed Five Hundred Thousand Dollars (\$500,000.00) in accordance with the Maryland Industrial Development Financing Authority Act, for the benefit of Aquafoods International, Inc., a Virginia corporation.

WHEREAS, the County Commissioners of St. Mary's County (the Commissioners) is empowered to issue notes to

RECORDED  
 MARY R. BELL  
 CLERK, CIRCUIT COURT  
 '80 AUG 19 PM 2 59

finance the construction and acquisition of industrial projects in St. Mary's County, which, in its judgment promote the economic development and expansion of St. Mary's County; and

WHEREAS, Aquafoods International, Inc. (the Borrower) has requested the Commissioners to undertake sponsorship of the acquisition, construction and equipping of eel processing plant (the Project) in St. Mary's County, Maryland, to be owned by the Borrower which will be of the character and will accomplish the purpose of Title 13, Financial Institutions Article, Annotated Code of Maryland, as amended (the Act), and the Commissioners have agreed to do so; and

WHEREAS, the Commissioners propose to finance the cost of the Project by the issuance of its promissory note in the aggregate principal amount of Five Hundred Thousand Dollars (\$500,000.00) to be secured by, inter alia, a Mortgage of the Project as defined in the MIDFA Financing Agreement (as hereinafter defined); and

WHEREAS, the Commissioners believe this Project will further the economic and industrial development of St. Mary's County and is in the public interest by expanding the industrial base of St. Mary's County, will provide additional employment opportunities for its citizens and will increase the tax base of St. Mary's County; and

WHEREAS, there have also been presented to this meeting the form of the following instruments which the Commissioners propose to execute to carry out the transactions described above, copies of which instruments shall be filed with the records of the Commissioners:

(a) MIDFA Financing Agreement, dated as of \_\_\_\_\_, 1980 (the MIDFA Financing Agreement), among the Com-

missioners, the Borrower, Maryland National Bank (the Bank), Gordon T. Yamada and Westmoreland Associates (the Personal Guarantors) and James A. Delligatti and B. Kennedy Abell, Jr. (the Project Fund Trustees).

(b) Deed of Trust by the Borrower to Dominic S. Palmisano and James A. Delligatti, as Trustees, dated as of \_\_\_\_\_, 1980 (the Deed of Trust).

(c) Loan Agreement dated as of \_\_\_\_\_, 1980 between the Commissioners and the Borrower (the Loan Agreement).

(d) The Commissioner's \$500,000.00 Promissory Note (Aquafoods International, Inc.), dated the date of its issuance bearing interest from the date thereof at rates, and with principal payable in amounts, set forth in Exhibit A (the Note); and

WHEREAS, the matter of the foregoing financing came before the Commissioners and certain action was taken thereon by the Commissioners, all as is set forth more particularly in Resolution No. 79-63 passed by the Commissioners on October 3, 1979; and

WHEREAS, the Commissioners wish hereby to evidence their consent and approval to the said financing, as modified (said modification consisting of, inter alia: (a) an increase in the principal amount of the subject financing from \$420,000.00 to \$500,000.00; (b) a 100% allocation of financing proceeds to the Real Estate Portion thereof [and removal of any allocation of financing proceeds for equipment financing]; (c) a clarification of the actual acreage involved in the Project, i.e., 65,803 acres, more or less; and (d) a restatement of the guarantors of the financing, i.e., Gordon T. Yamada and Westmoreland Associates, and the collateral securing said guaranties).

BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

1. That the President of the Commissioners is hereby authorized and directed to execute, the County Administrator is authorized and directed to affix and attest the seal of the Commissioners, and either is authorized and directed to deliver the MIDFA Financing Agreement to the other parties thereto.

2. That the President or of the Commissioners is hereby authorized and directed to execute, the County Administrator is authorized and directed to affix and attest the seal of the Commissioners, and either is authorized and directed to deliver the Loan Agreement to the Bank.

3. That the President of the Commissioners is hereby authorized and directed to execute, the County Administrator is authorized and directed to affix and attest the seal of the Commissioners, and either is authorized and directed to deliver the Note to the Bank upon the terms provided in the MIDFA Financing Agreement.

4. That the MIDFA Financing Agreement, the Deed of Trust, the Loan Agreement and the Note shall be substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officers executing them, their execution to constitute conclusive evidence of their approval of any such omissions, insertions and changes.

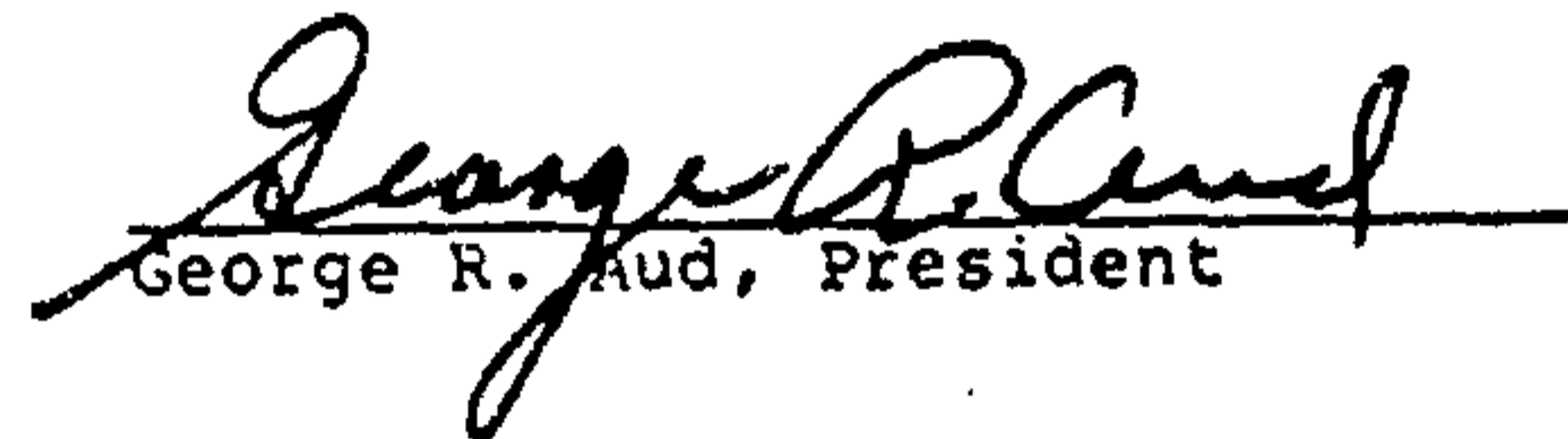
5. That the officers of the Commissioners and the County Administrator are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Note and the undertaking of the Project.

6. That George R. Aud, President of the Commissioners is hereby designated to serve as Authorized Subdivision Representative (as that term is defined in the MIDFA Financing Agreement and that a sample of his signature shall be as appears hereinbelow.

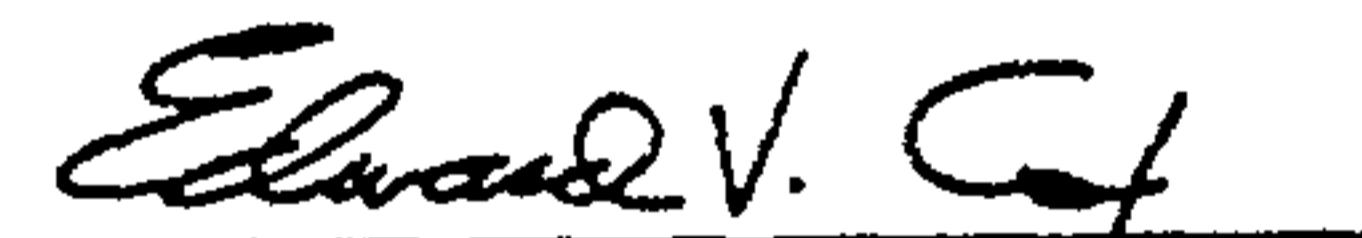
7. That all other acts of the officers of the Commissioners which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Note and the undertaking of the Project are hereby approved and confirmed.

BE IT FURTHER RESOLVED that the Commissioners hereby authorizes its attorney, Joseph Ernest Bell, II, Esquire, to take such other appropriate action as may be necessary to consummate this financing of the acquisition, construction and equipping of the aforesaid Project.

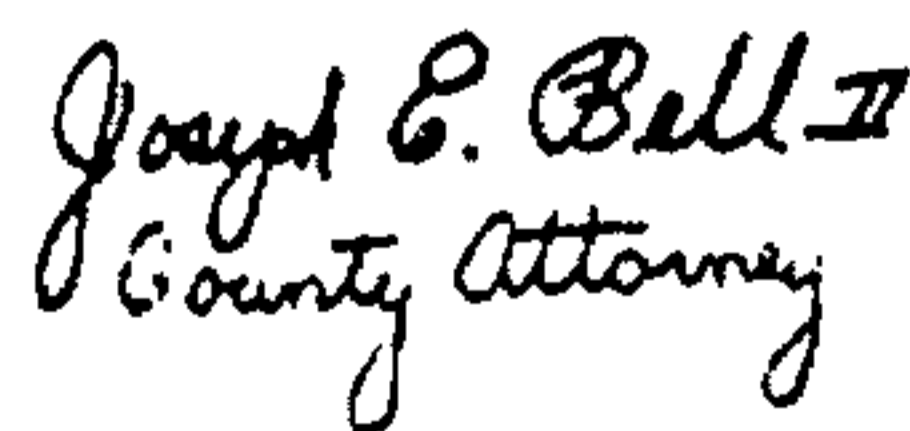
GIVEN under my hand this 22nd day of July,  
1980.

  
George R. Aud, President

Attest:

  
Edward V. Cox,  
County Administrator

(County Seal)

  
Joseph E. Bell II  
County Attorney

LIBER 002 200

EXHIBIT A

PROMISSORY NOTE

Dated as of August \_\_, 1980

Made By

County Commissioners of St. Mary's County

Payable to the Order of

Maryland National Bank

Evidencing a

\$500,000.00 Loan

Made By

Maryland National Bank

to

County Commissioners of St. Mary's County

For the Benefit of

Aquafoods International, Inc.

Pursuant to the

Maryland Industrial Development  
Financing Authority Act

(MIDFA LOAN NO. 10008)

MELROD, REISMAN  
& GARTLAN  
1801 K STREET, N.W.  
WASHINGTON, D.C. 20006



LIBER 002 201

PROMISSORY NOTE

MIDFA LOAN NO. 10008

\$500,000.00

Leonardtown, Maryland

August \_\_, 1980

FOR VALUE RECEIVED, County Commissioners of St. Mary's County, a "public body" within the meaning of the Act (hereinafter defined) (the "Maker"), hereby promises to pay (but only from the sources hereinafter referred to), to the order of Maryland National Bank, a national banking association, (the "Lender"; and the Lender, its successors and assigns, and any subsequent holder of this Note, is herein sometimes referred to as the "Holder"), at the Lender's principal office in Leonardtown, Maryland, or at such other place as the Holder may from time to time designate, and at the time and in the manner hereinafter set forth, the principal sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) (the "Principal Sum"), and to pay interest on the unpaid balance of the Principal Sum from the date hereof, until paid in full, at the rate of eight percent (8%) per annum (except as hereinafter provided) payable at the times and in the manner hereinafter set forth.

The principal of and interest on this Note shall be payable in lawful money of the United States, which shall be legal tender in payment of all debts and dues, public and private, at the time of payment, in the following manner:

(a) commencing on the first day of September, 1980, and on the first day of each and every month thereafter, continuing to and including the first day of August, 1995, the Principal Sum, together with interest thereon, shall be paid by One Hundred Eighty (180) consecutive, equal monthly installments of Four Thousand Seven Hundred Seventy-Eight and 26/100 Dollars (\$4,778.26) each (except as hereinafter provided); and

(b) this Note shall mature and the entire unpaid balance of the Principal Sum and all accrued and unpaid interest thereon shall be due and payable, on the \_\_\_\_ day of August, 1995.

Notwithstanding any other provision of this Note, during any period in which the interest payable hereon is for any reason includible in the gross income (as defined in Section 61 of the Internal Revenue Code of 1954, as amended) of the Holder, the rate of interest payable hereon shall be increased to the rate of twelve percent (12%) per annum (the "Taxable Rate"); and, the Maker agrees to make all payments due hereon during any such period in an amount adjusted (retroactively and prospectively) to include interest at the Taxable Rate, together with any penalty or interest thereon, and the monthly installments of principal and interest as stated above shall be adjusted accordingly during any such period.

Notwithstanding any other provision of this Note, if any payment of interest or of principal and interest remains unpaid for a period of twenty (20) days after the date on which such payment is due, such payment of interest or of principal and interest shall bear interest until paid in full at the Taxable Rate.

LIBER 002 202

The Maker shall pay, solely from the sources hereinafter referred to, (a) a late charge equal to five percent (5%) of any aggregate monthly payment of interest or of principal and interest as set forth above which is made more than twenty (20) days after the date on which the same is due and payable, and (b) all costs of collection, including attorneys' fees equal to fifteen percent (15%) of the outstanding balance of the Principal Sum, if this Note is referred to an attorney for collection after default.

Interest on this Note will be calculated on the basis of a 360-day year factor applied to actual days elapsed.

All payments made hereunder, including all prepayments, shall be applied first to accrued and unpaid interest and the remainder to principal.

This Note is subject to prepayment as provided in the MIDFA Financing Agreement (hereinafter defined).

This Note evidences a loan made by the Lender to the Maker in the amount of the Principal Sum, under and pursuant to the Constitution and laws of the State of Maryland, particularly Title 13, the Financial Institutions Article, the Annotated Code of Maryland, as amended (the "Act"), and under and pursuant to the Subdivision Legislation, as defined in the MIDFA Financing Agreement, for the purpose of lending the proceeds hereof to Aquafoods International, Inc., a Virginia corporation (The "Borrower") pursuant to the terms and provisions of the Loan Agreement of even date herewith (the "Loan Agreement"), by and between the Maker and the Borrower, for the purpose of financing, with the proceeds hereof, the acquisition of a certain "industrial project" (as defined in the Act), to be located within the geographical boundaries of the Maker, State of Maryland (the "Project"), as more particularly described in the Loan Agreement and in the MIDFA Financing Agreement. Pursuant to the Act, Maryland Industrial Development Financing Authority ("MIDFA") has approved (a) a mortgage loan for the Project, (b) the issuance and sale of this Note, and (c) the loan of the proceeds hereof to the Borrower.

This Note is secured by, *inter alia*, and is the Note referred to in the MIDFA Financing Agreement of even date herewith (the "MIDFA Financing Agreement"), by and among the Maker, the Lender, The Borrower, James A. Delligatti and B. Kennedy Abell, Jr., as Project Fund Trustees (the "Project Fund Trustees"), and the other Parties described therein, pursuant to which the Maker has assigned to the Lender (among other things) all of the Maker's right, title and interest in and to and remedies under the Loan Agreement and the MIDFA Financing Agreement.

In accordance with the MIDFA Financing Agreement and the Loan Agreement, the proceeds hereof have been paid over to the Project Fund Trustees and deposited by the Project Fund Trustees into the Project Fund created under Article VIII of the MIDFA Financing Agreement, to be held and disbursed by the Project Fund Trustees as provided in the MIDFA Financing Agreement.

By its acceptance of this Note, the Holder agrees that the proceeds hereof shall be advanced in accordance with the terms, provisions and conditions of the MIDFA Financing Agreement.

As permitted by the Act, the payments of the principal of and interest on this Note, and all other "mortgage payments" (as defined in the Act) in connection with the Loan are insured by

002 12203

MIDFA, to the extent provided in the MIDFA Insurance Agreement of even date herewith by and between MIDFA and the Lender.

The maturity of this Note is subject to acceleration as provided in the MIDFA Financing Agreement.

Neither this Note nor the interest payable hereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Maker within the meaning of any constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the Maker. This Note is a limited obligation of the Maker, payable by the Maker from the "Receipts and Revenues of the Subdivision from the Loan" as defined in the MIDFA Financing Agreement, and from any other moneys made available to the Maker for that purpose.

The Maker, and any and all guarantors and endorsers hereof, severally waive presentment, demand for payment, protest, notice of protest, notice of dishonor and non-payment of this Note, and expressly agree that this Note, or the due date of any payment hereunder, may be extended from time to time without in any way affecting the liability of the Maker or any guarantor or endorser hereof.

This Note, having been made, executed, sealed and delivered in the State of Maryland, shall be construed, interpreted and enforced in accordance with the laws of the State of Maryland as the same are in effect from time to time.

All acts, conditions and things required by the Constitution and statutes of the State of Maryland, and by the Subdivision Legislation to exist, to have happened and to have been performed precedent to and in connection with the execution and delivery of this Note, do exist, have happened and have been performed.

No covenant or agreement contained in this Note, the MIDFA Financing Agreement or the Loan Agreement shall be deemed to be a covenant or agreement of any officer, agent or employee of the Maker in his individual capacity, and neither the members of the legislative body of the Maker nor any official of the Maker executing this Note shall be liable personally on this Note or be subject to any personal liability or accountability by reason of the execution and delivery of this Note.

IN WITNESS WHEREOF, the Maker has caused this Note to be executed in its name and on its behalf by the President of the Maker, by his manual signature, and has caused its official seal to be impressed or otherwise reproduced hereon, and attested by the Administrator of the Maker by his manual signature, all as of the date first above written.

ATTEST: County Commissioners of St. Mary's County  
By: George R. Aud, President

[SEAL]

APPROVED FOR TO FORM AND LEGAL SUFFICIENCY THIS DAY OF \_\_\_\_\_, 19\_\_\_\_.

*Mary R. Bell*

8-19-80

MARY R. BELL, CLERK

Resolution No. 80-66

## RESOLUTION

SEP 23-80 \* 26007 \*\*\*\*\*.00  
SEP 23-80 A 26007 \*\*\*\*\*.00

WHEREAS, the Board of County Commissioners has been requested by Seafarers International Union on behalf of Seafarers Piney Point Corporation to close and abandon a 50' x 18' foot portion of GIDDINGS STREET located in ANDOVER ESTATES, Second Election District, St. Mary's County, Maryland. The particular part of GIDDINGS STREET in question is that portion contiguous to Lot Numbered Twenty-one (21) Block Lettered "D" and Lot Numbered Twenty-five (25) in Block Lettered "E" as shown on the record plat of the affected part of ANDOVER ESTATES that is duly recorded among the Land Records of St. Mary's County, Maryland. The request to close and abandon is to enable the Seafarers Union to install a stockade fence to encapsulate the residential dwellings owned by the union located on Lots 20, 21 and 25 in Block D of ANDOVER ESTATES.

WHEREAS, for two weeks in advance of July 8, 1980 the County Commissioners caused to be published in the Beacon and Enterprise, newspapers of general circulation in St. Mary's County, notice of the request hereinabove mentioned.

WHEREAS, on July 8, 1980 at the regularly scheduled meeting of the County Commissioners a public hearing was held on the request. No one appeared in opposition.

WHEREAS, the County Commissioners find that granting the request will in no way adversely affect the County.

NOW, THEREFORE, be it RESOLVED this 26<sup>th</sup> day of August, 1980 by the Board of County Commissioners of St. Mary's County, Maryland, that the portion of GIDDINGS STREET above described be and the same is hereby closed and abandoned as a public thoroughfare, title to same vesting in the owner of the lots adjoining same.

The authority for this action is Chapter 109, ROADS, of the County Code, page 10901 and Article 25, Section 25 (Page 435) of the Annotated Code of Maryland.

Witness the hand and seal of the Board of County Commissioners of St. Mary's County, Maryland.

Edward V. Cox

Edward V. Cox,  
County Administrator

George E. Aud  
George E. Aud, President

John B. Morris, Jr.

John B. Morris, Jr.,  
P.E. County Engineer

Larry Millison  
Larry Millison, Vice-President

Approved as to form:

Richard D. Arnold  
Richard D. Arnold, Commissioner

Joseph Ernest Bell, II

Joseph Ernest Bell, II  
County Attorney

David F. Sayre  
David F. Sayre, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

RECORDED  
MARY R. BELL  
CLERK  
1980 SEP 23 PM 12 51

*hll: Co. Admin*

9-23-80

MARY R. BELL, CLERK

NO: 80-72

SUBJECT: Golden Beach

Special Taxing

District No. 2

Ordinance

ORDINANCE

SEP 23-80 \* 26008 \*\*\*\*\*.00  
SEP 23-80 A #26008 \*\*\*\*\*.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151, of the Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County Maryland, have been petitioned by a majority of the residents in a portion of the Golden Beach Subdivision requesting the County to reconstruct and improve the streets in that portion of the Golden Beach Subdivision which is located in the Fifth Election District of St. Mary's County, Maryland, as shown on Plat I, Section 3 of said subdivision that is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 3, Folio 59. The following streets as shown on the aforementioned plats of said subdivision shall be improved to the approximate limits indicated herein:

Alison Circle - from its intersection with the south side of County Oak Road, southwest to the intersection with Roof Top Circle.

Scott Circle - from its intersection with County Oak Road, south to the intersection with Alison Circle.

RECORDED  
MARY R. BELL  
SEP 23 1980  
80 SEP 23 PM 12 52

LIBER 002 207

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on September 2, 1980 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this September 16, 1980 that the petition of the residents of that portion of Golden Beach for the reconstruction and improvement of streets in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accord with specifications approved by the County Engineer and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County Highway Maintenance System; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for \$39,933.00 of the construction costs. This sum represents the property owners' share of the cost required to bring the said streets in the condition required by the approved set of plans. Said share being equivalent to the cost of improving the roads to a condition that would have been acceptable for inclusion within the County Highway Maintenance System at the time the subdivision was recorded in November, 1953.

LIBER 002 208

2. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The balance of construction costs shall be borne by the County.

6. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

7. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a fifteen-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements to be borne by the lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, and is the total of the aforementioned items.



2. The "total benefit assessment" shall be divided by 15 to determine the "annual benefit assessment" to be levied against all of the lot owners for fifteen years.

3. The "annual benefit assessment" shall be divided by the number of lot owners in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

4. A lot shall be defined as a single lot of record.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the lots in the subdivision shall not exceed Two Thousand Six Hundred Sixty-two Dollars and Twenty Cents (\$2,662.20) per year, nor shall it exceed the property owners aforementioned share of the actual costs of said improvements and reconstruction; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next fifteen succeeding fiscal years and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which they are assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978 of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that no deed or conveyance of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Lot Nos. 908 - 920

Lot Nos. 970 - 976

Lot No. 981, and Lot Nos. 983 - 990, as shown on the aforesaid plat of the subdivision; and

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

This Date:  
September 16, 1980

Edward V. Cox  
Edward V. Cox  
County Administrator

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

George R. Aud, President

Larry Millison, Vice President

Ford L. Dean  
Ford L. Dean, Commissioner

Richard D. Arnold  
Richard D. Arnold, Commissioner

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

J. Ernest Bell II  
J. Ernest Bell, II  
County Attorney

David F. Sayre  
David F. Sayre, Commissioner

RECORDED  
MAYOR BELL  
CLERK

OCT 14 PM 1 42

NO: 80-63  
SUBJ: Department of Trans-  
portation - County  
Transportation Bonds -  
First Issue, Third SeriesORDINANCE

AN ORDINANCE authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal of the interest on bonds to be issued by the Department of Transportation of Maryland pursuant to Sections 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof, to be designated "Department of Transportation-County Transportation Bonds-First Issue, Third Series" (the "Bonds"); and authorizing St. Mary's County to participate in the proceeds of the Bonds; and authorizing the officers of St. Mary's County to take such further action as may be necessary and proper to consummate the execution and delivery of the Participation Agreement and the issuance and sale of the Bonds.

WHEREAS, pursuant to Sections 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof (the "Act") the Department of Transportation of Maryland (the "Department") is authorized to issue bonds in order to enable the several counties of the State and Mayor and City Council of Baltimore to accelerate programs of construction and reconstruction, to provide local participating funds for federally aided transportation projects, to provide funds generally to finance the capital cost of transportation facilities, to make major repairs of county roads; and

WHEREAS, St. Mary's County (the "County") has notified the Department of its desire to participate in the sale of Department of Transportation-County Transportation Bonds-First Issue, Third Series (the "Bonds") to be issued during the fiscal year beginning July 1, 1980; and

WHEREAS, the Department has approved County's participation in the proceeds of the Bonds in an amount not to exceed \$1,570,000; and

WHEREAS, Section 3-307 of the Act requires that the Department and the County enter into an agreement as more particularly described therein; and

WHEREAS, the County has determined that it would be in the public interest to enter into such an agreement and participate in the proceeds of the Bonds in order to provide the County with funds to undertake roads and transportation projects for which there is a current need but for which funds are not currently available.

NO: 80-63

SUBJ: Department of Transportation - County  
Transportation Bonds -  
First Issue, Third Series

Page 2 of 2

SECTION 1. Be it enacted by the Board of County Commissioners that the proposed Participation Agreement be entered into between the County and the Department, in substantially the form attached hereto and made a part hereof as Exhibit "A", be and it is hereby approved; and that the President of the Board of County Commissioners is hereby authorized and directed to execute the proposed Participation Agreement on behalf of the County, in substantially the form attached hereto and made a part hereof, with such changes and insertions as he shall deem to be in the best interests of the County, and his execution of the proposed Participation Agreement shall constitute conclusive evidence of his approval of the final form thereof.

SECTION 2. And be it further enacted, that the President of the Board of County Commissioners and the other officers of the County are hereby authorized to take such other and further action as may be necessary and proper to consummate the transaction contemplated by the proposed Participation Agreement, including the issuance and sale by the Department of the Bonds.

SECTION 3. And be it further enacted, that the County is hereby authorized to participate in the proceeds of the Bonds in an aggregate principal not to exceed \$1,570,000.

SECTION 4. And be it further enacted, that this Ordinance shall take effect from the date of October 7, 1980.

BOARD OF COUNTY COMMISSIONERS,  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell II  
Joseph E. Bell  
County Attorney

LDCR 002 PAGE 213

DEPARTMENT OF TRANSPORTATION OF MARYLAND  
 COUNTY TRANSPORTATION BONDS  
 FIRST ISSUE, THIRD SERIES

PARTICIPATION AGREEMENT

THIS PARTICIPATION AGREEMENT (the "Agreement") is made as of this 7th day of October, 1980, by and between the DEPARTMENT OF TRANSPORTATION OF MARYLAND (the "Department") and COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND (the "Participant").

ARTICLE IDefined Terms and Rules of Construction

Section 1.1 Defined Terms. Unless the context clearly indicates otherwise, whenever used in this Agreement, the following terms shall have the meanings set forth in this Section:

A. "Act" means Section 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended, to the effective date of this Agreement.

B. "Arbitrage Regulations" means Treasury Regulations Sections 1.103-13 through 1.103-14 (1979).

C. "Bonds" means Department of Transportation -- County Transportation Bonds -- First Issue, Third Series.

D. "Code" means the Internal Revenue Code of 1954, as amended to the effective date of this Agreement, and regulations promulgated thereunder.

E. "Department" means the Department of Transportation of Maryland.

F. "Fiscal Officer of Participant" means the Director of Finance of St. Mary's County, Maryland.

G. "Highway User Revenues" means the funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund, as those terms are defined in the Transportation Article, except the net proceeds of that part of the motor vehicle gasoline tax collected under Article 56, Section 136(h) of the Annotated Code of Maryland, as amended to the effective date hereof, all as more particularly provided in Sections 8-401 to 8-413 of the Transportation Article.

H. "Ordinance" means Ordinance No. 80-63, enacted by the Participant, effective on October 7, 1980, approving (i) the Participant's participation in the proceeds of the Bonds and (ii) the execution and delivery of this Agreement.

I. "Participant" means St. Mary's County Commissioners.

J. "Participant's Share" means \$1,570,000.00, that portion of the proceeds of the Bonds approved by the Department in accordance with the Act, or such different amount determined in accordance with Section 3.4 hereof.

K. "Secretary" means the Secretary of Transportation of Maryland.

L. "Sinking Fund" means a separate account maintained in the name of the Department on the books of the State Treasury Department designated "County Transportation Bonds - First Issue, Third Series Sinking Fund" as a part of the sinking fund maintained to pay the principal of and interest on the bonds issued pursuant to the Act as such sinking fund is more particularly described in Section 3-307(b) (3) of the Act.

M. "State" means the State of Maryland.

N. "Subdivision" means any one or more of the Mayor and City Council of Baltimore and the several counties of the State of Maryland.

O. "Transportation Article" means the Transportation Article of the Annotated Code of Maryland, as amended to the effective date of this Agreement.

Section 1.2 Rules of Construction.

A. Unless otherwise specified, the words "hereof", "herein", "hereunder", "hereto", "thereof", "therein", "thereunder", "thereto", and other words of similar import, when used in this Agreement, refer to this Agreement, and when used in each of the other documents, refer to each of the other documents in their entireties.

B. The terms "agree" and "agreements" are intended to include and mean "covenant" and "covenants".

C. References to Articles, Sections and other subsections of each document are to the designated Articles, Sections and other subsections of each respective document as originally executed.

D. The headings of the Articles, Sections and other subsections of each document are provided only for convenience of reference and shall not be considered in any way in construing the contents of any of the documents or any part thereof.

E. All references made in the neuter, masculine or feminine gender shall be deemed to have been made in all such genders; and in the singular or plural number shall be deemed to have been made, respectively in the plural or singular number as well.

ARTICLE II

Explanatory Statement

Section 2.1 Authority of Department. Subject to the limitations set forth therein, the Act authorizes the Department to issue bonds on behalf of one or more Subdivisions in order to enable the Subdivisions to:

A. Accelerate programs of road construction and reconstruction;

B. Provide local participating funds for federally aided transportation projects;

C. Make major road repairs as necessary to eliminate damage caused to county roads by severe and unforeseen weather conditions; and

D. Finance the capital cost of transportation facilities as defined in Section 3-101 of the Transportation Article.

Section 2.2 Department Obligations. The Act provides that the bonds issued thereunder are obligations of the Department and may not be considered to constitute a debt of the participating Subdivision for the purpose of determining its debt limitations.

Section 2.3 Applicable Provisions. The Bonds shall be in substantially the form and manner and subject to the same general provisions and tax exemption applicable to consolidated transportation bonds under Sections 3-203 to 3-297, inclusive, and 3-212 and 3-213 of the Transportation Article. Debt service on the Bonds shall be payable from the Sinking Fund by making deductions in each year from Highway User Revenues allocated in accordance with Section 8-404 of the Transportation Article, as more particularly described in Article IV hereof.

Section 2.4 Participation in the Bonds. The Department prepared and distributed to the Subdivisions information concerning participation in the proceeds of the Bonds. Thereafter, the Participant submitted to the Department a request to participate in the proceeds of the Bonds contemplated to be issued during the fiscal year beginning July 1, 1980. Pursuant to the Act, the Department approved the Participant's request to the extent of the Participant's Share.

Section 2.5 Purpose of this Agreement. This Agreement is entered into pursuant to Section 3-307 of the Act for the purpose of securing repayment of the Participant's Share of the Bonds in the event they are issued.

ARTICLE III

The Bonds; Use of Proceeds

Section 3.1 Offering of Bonds. During the fiscal year beginning July 1, 1980, the Department will offer the Bonds at public sale in an aggregate principal amount equal to the total of the shares of all Subdivisions approved by the Department for participation in the proceeds of the Bonds. The aggregate principal amount of the Bonds may be reduced by the Department in the event and to the extent that any Subdivision making such request does not enter into an agreement with the Department substantially identical to this Agreement.

Section 3.2 Form of Bonds. The Bonds shall be dated as of a date within thirty (30) days from the date of sale, shall mature within fifteen (15) years after the date of their issue, shall bear interest, payable semi-annually, accounting from the date of the Bonds, at the rate or rates designated by the successful bidder for the Bonds and accepted by the Secretary, and may be subject to prior redemption by the Department in the circumstances and at prices specified by it prior to issuance thereof and subject to the provisions of this Agreement.

Section 3.3 Department's Discretion. The obligation of the Department to issue any of the Bonds is subject to its absolute discretion to determine when and under what conditions the Bonds shall be issued, the form and contents thereof and of any official statement issued with respect thereto, and to accept or reject any or all bids received therefor. The express purpose of this reservation is that this Agreement is at all times subject to the paramount need for preserving the credit of the Department and the security of the Bonds.

Section 3.4 Use of Proceeds. In the event the Bonds are issued, then promptly after settlement therefor and delivery thereof, the Department will cause the proceeds to be applied as follows:

notice from the Department that the Participant has failed to make the necessary deposit into the Sinking Fund at the times and in the amounts necessary to assure payment of the principal of and interest on the Bonds for the current fiscal year and the next succeeding fiscal year.

Section 4.3 Sinking Fund.

A. Withholdings for each fiscal year authorized by the Participant under this Agreement and other agreements for bonds issued under the Act shall be deposited in the sinking fund authorized by Section 3-307 of the Act. The Department shall cause to be established separate sinking fund accounts, including the Sinking Fund, for each series of bonds issued pursuant to the Act. Withholdings for each fiscal year shall be divided pro-rata among the sinking fund accounts; withholdings for debt service on the Bonds shall be credited to the Sinking Fund.

B. All payments on account of debt service payable by the Department on the Bonds shall be made by the State Treasurer from the Sinking Fund upon warrants of the Comptroller as requested by the Department. The Department shall keep accurate records of the total deposits and disbursements credited and charged to the Sinking Fund, and of the deposits and disbursements made on behalf of the Participant.

Section 4.4 Investment of Sinking Fund. In the discretion of the Department, any and all monies credited to the Sinking Fund may, from time to time, be invested in accordance with Section 22 of Article 95 of the Annotated Code of Maryland, as amended to the effective date of this Agreement. Any interest or income realized from such investment shall be credited to the Sinking Fund and any loss resulting from such investment shall be charged to the Sinking Fund.

Section 4.5 Application of Net Profit from Investments. In the event, for any fiscal year, the interest or income from investments described in Section 4.4 hereof exceeds the loss from such investments, such net profit shall be applied as follows:

A. If the Participant's share of the Sinking Fund shall at any time be less than the amounts required for payment of the Participant's proportionate share of debt service on the Bonds, the Department shall first apply the Participant's share of such net profit in reduction of the Participant's accrued liability to the Sinking Fund.

B. The balance of such net profits remaining after application in accordance with Section 4.5A hereof may, at the discretion of the Department, be applied:

1. As a credit to reduce the amount of the withholding of the Participant's share of Highway User Revenues or
2. To bond redemptions as described in Section 4.7 hereof.

C. After the final payment of principal and interest on the Bonds has been made upon maturity, redemption or otherwise, and after payment of all costs and fees in connection therewith, or upon provision having been made to the satisfaction of the Department for payment of all of the foregoing, the Participant shall be entitled to payment of its proportionate share of any balance remaining in the Sinking Fund.



A. There shall first be deducted from the proceeds and credited to the Sinking Fund all monies received from the purchaser of the Bonds on account of accrued interest and premium, if any.

B. From the remainder of the proceeds there shall be paid all expenses incurred by the Department in the issuance and sale of the Bonds, including, but not limited to, expenses of printing, advertising, delivery and financial, administrative and legal fees.

C. The balance of the proceeds shall be divided in the proportions that the respective approved shares in the proceeds of the Bonds of each participating Subdivision bear to the total aggregate issue of the Bonds.

D. The Participant's Share shall be remitted to the Fiscal Officer of the Participant, or as directed by appropriate ordinance resolution or other act of the Participant filed with the Department prior to the distribution of the proceeds. The Department will cause the Participant's Share to be applied on account of expenditures for road construction and reconstruction, for local participation in federally aided transportation projects, for making major repairs of the highways of the Participant and for providing funds generally to finance the capital cost of transportation facilities, as defined in Section 3-101 of the Transportation Article.

#### ARTICLE IV

##### Repayment of Bonds

##### Section 4.1 Withholding from Participant's Highway User Revenues.

A. Unless the Participant elects to proceed under Section 4.2 hereof, it is understood that the Comptroller of the State shall, after first providing for sinking fund requirements on outstanding and unpaid county highway construction bonds, issued pursuant to Chapter 657 of the laws of 1953, withhold from Highway User Revenues allocable to or held for the credit of the Participant, an amount equal to the Participant's proportionate share of debt service on bonds issued pursuant to the Act, including the Bonds.

B. In the fiscal year in which the Bonds are issued the Comptroller shall withhold such Highway User Revenues until an amount equal to the Participant's proportionate share of such debt service payable in the current fiscal year and the next succeeding fiscal year is accumulated.

D. In each fiscal year thereafter (or in the discretion of the Department in the six month period immediately preceding the beginning thereof) the Comptroller shall withhold such Highway User Revenues until an amount equal to the Participant's proportionate share of such debt service payable in the next succeeding fiscal year is accumulated.

Section 4.2 Payment by County. In the event the Participant shall elect, pursuant to Section 3-307(b) (4) of the Act, to pay its proportionate share of debt service on the Bonds from the proceeds of taxes to be levied by it directly, the Participant shall notify the Comptroller, in writing, not later than the first day of January in the calendar year in which the Participant proposes to make such payments and, upon receipt of such notice, the Comptroller shall not withhold, pursuant to Section 4.1 hereof, any of the Highway User Revenues allocated to or held for the credit of the Participant after the first day of July in such year, unless and until the Comptroller shall receive further written

**Section 4.7 Termination and Redemption.**

A. The Participant may, in its discretion, terminate at any time its entire liability hereunder and the withholding of Highway User Revenues as provided in Section 4.1 hereof, by serving written notice of termination of this Agreement upon the Department, accompanied by a certified or bank cashier's check drawn to the order of the Treasurer of the State of Maryland in an amount determined by the Department to be equal to the Participant's share of the principal and interest then due and to be come due on the Bonds until the final maturity thereof, less the sum of the Participant's share of debt service accumulated in the Sinking Fund's and Participant's share of funds held by the Treasurer for the payment of the Bonds and coupons which are then due, but which have not, at the date of such termination, been presented for payment.

1. The sum tendered by the Participant as provided in Section 4.7A hereof shall be recorded on the books of the State Treasury Department as a separate account and shall be invested by the Treasurer in the same manner as is provided for the investment of monies in the Sinking Fund. Simultaneously with making Sinking Fund deposits in accordance with Section 4.3 hereof, the Comptroller shall cause to be withdrawn from the separate account and credited to the Sinking Fund the Participant's share of debt service then due. The Treasurer shall, if so requested by the Department, remit to the Participant, during the next succeeding fiscal year, all or any portion of net profits from investments realized during the immediately preceding fiscal year on investment of funds in the separate account.
2. Any balance in the separate account, after the final payment of principal, interest and expenses on account of the Bonds has been made, as provided in Section 4.6C hereof, shall be paid to the Participant.
3. If, after termination by the Participant in accordance with this Section 4.7A, the Department shall elect to redeem the Bonds in whole or in part in accordance with the provisions thereof, the separate account may be charged with so much as may be necessary of the Participant's share of the redemption price paid and the Participant shall remit to the Department the amount by which such separate account is insufficient for payment of the Participant's share of the redemption price.

B. If, in the issuance of the Bonds, the Department shall reserve the right to redeem the Bonds in whole or in part at a price in excess of par, it shall not thereafter obligate or commit any funds of the Participant in the Sinking Fund or elsewhere, in the exercise of such right without the prior written consent of the Participant.

**ARTICLE V****Covenants and Representations of Participant**

**Section 5.1 Liens, Pledges, Taxes, Debt Limitations and Use of Proceeds.** The Participant hereby covenants and represents that, as of the date hereof and as of the date of issuance of the Bonds:

A. Except as described in Section 4.1 hereof, there are no liens upon, or pledges of, the Participant's share of Highway User Revenues allocated to, or held for the credit of, the Participant under Sections 8-401 to 8-413, inclusive, of the Transportation Article prior or superior to the withholding for sinking fund purposes herein agreed to, which impair or interfere with such withholdings.

B. The Participant will not pledge any revenues nor create or permit the creation of any liens thereon prior, superior, or equal to the commitments made by it hereunder, and will not do or suffer to be done any act or thing which will impair or interfere with the security of the bonds or which will impair or interfere with its ability or the ability of the Department, the Comptroller and the Treasurer to perform in accordance with this Agreement.

C. In each of its fiscal years the Participant will levy ad valorem taxes upon all property within its jurisdiction subject to assessment for taxation, or other tax within the meaning of Section 8-406 of the Transportation Article, at such rates as will be sufficient for it to collect in tax revenue a minimum of one dollar per capita of population, and will certify its annual tax levy in each year to the Comptroller, it being the intent and purpose of this covenant to insure that the Participant will not impair its performance of this Agreement by failure to comply with the applicable provisions of Subtitle 4 of Title 8 of the Transportation Article.

D. By the issuance of the Bonds by the Department on behalf of the Participant, no debt limit or referendum requirements will be exceeded or violated and the Participant's participation in such bond issue will be within any such limitation and will not require approval by its qualified voters.

E. The net proceeds received by the Participant from the bonds will be expended by or for the Participant for the purposes as set forth in the Act and for no other purpose whatsoever.

**Section 5.2 Relating to Arbitrage Regulations.**

A. As of the date hereof, the Participant reasonably expects that:

1. Within six months after the date of issue of the Bonds, the Participant will incur binding obligations to expend, with respect to the project or projects to be financed with the proceeds of the Bonds, an amount at least equal to the lesser of:
  - (a) 2 1/2 percent of the portion of the estimated total project financed by the Bonds and prior bonds; or
  - (b) \$100,000.00
2. After incurring the binding obligation described in Section 5.2A hereof, work on the projects will proceed with due diligence to completion.
3. At least 85% of the "spendable proceeds", as that term is defined in Section 1.103-14(b) (2) (iii) of the Arbitrage Regulations, of the Participant's Share of the proceeds of the Bonds will be expended on the project or projects within three years after the date of issue of the Bonds.

4. Participant's Share, if any, of the proceeds of the Bonds remaining upon expiration of three years from the date of delivery of the Bonds to the purchaser, will be less than a "major portion", as that term is defined in Section 1.103-13(b) (1) (ii) of the Arbitrage Regulations, of the Participant's Share of the original face amount of the Bonds.
5. None of the projects financed with the proceeds of the Bonds will be sold or otherwise disposed of, in whole or in part, prior to the last maturity of the Bonds.

B. On the basis of the reasonable expectations of the Participant, the proceeds of the Bonds paid to the Participant will not be used in a manner that would cause the Bonds to be "Arbitrage Bonds" under Section 103(c) of the Code and the Arbitrage Regulations. To the best of the knowledge and belief of the undersigned, there are no other facts, estimates or circumstances that would materially change the foregoing conclusion.

C. At the time of sale of the Bonds, the Participant agrees to execute a certificate or other documentation satisfactory to the Department confirming the matters contained in this Section 5.2.

Section 5.3 Fiscal Officer of Participant. The Participant represents that the Fiscal Officer of Participant is authorized by law to receive and hold custody of all monies due and payable to the Participant under this Agreement and to certify as provided in Section 5.2 hereof. Any payments hereunder shall be deemed to have been made to the Participant, if made to the Fiscal Officer of Participant.

Section 5.4 The Ordinance. The execution of this Agreement has been duly authorized by the Ordinance, which has been duly enacted and is in full force and effect. The Ordinance has been properly recorded in the minutes of the legislative body of the Participant and in such other place as may be customary or as may be provided by law.

#### ARTICLE VI

Section 6.1 Agreement for Benefit of Bondholders. It is hereby agreed that the provisions of this Agreement shall and are intended to be for the benefit and security of the bonafide holders from time to time of the Bonds and coupons attached thereto and that the covenants herein contained shall be enforceable by the holders to the same extent as though they were parties hereto.

Section 6.2 Validity. It is hereby agreed that the parties hereto will take all action within their respective delegated powers to assure the legal validity of this Agreement and of the Bonds and that, in the event further legislation by the General Assembly of Maryland should at any time be deemed necessary to assure such validity, they will use their best efforts to obtain the passage of such legislation.

#### Section 6.3 Approvals.

A. This Agreement shall become effective when executed by the parties hereto.

B. Approval by the Board of Public Works of the State of Maryland of the issue of the Bonds is necessary prior to the sale thereof.

Section 6.4 Effect Upon Prior Agreements. Nothing herein shall be construed to alter, modify or supersede any agreements pertaining to all prior series of county highway construction bonds and Department of Transportation-County Transportation Bonds - First Issue, authorized by the Act, but the provisions hereof shall be cumulative to all such prior agreements.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERS,  
ST. MARY'S COUNTY, MARYLAND

George P. Aud  
George P. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

*Handwritten notes:* MARY R. PELL, CLERK 10-14-80

NO: 80-81

SUBJ: Change No. 3 to the Manual of Personnel Policies and Procedures

RESOLUTION

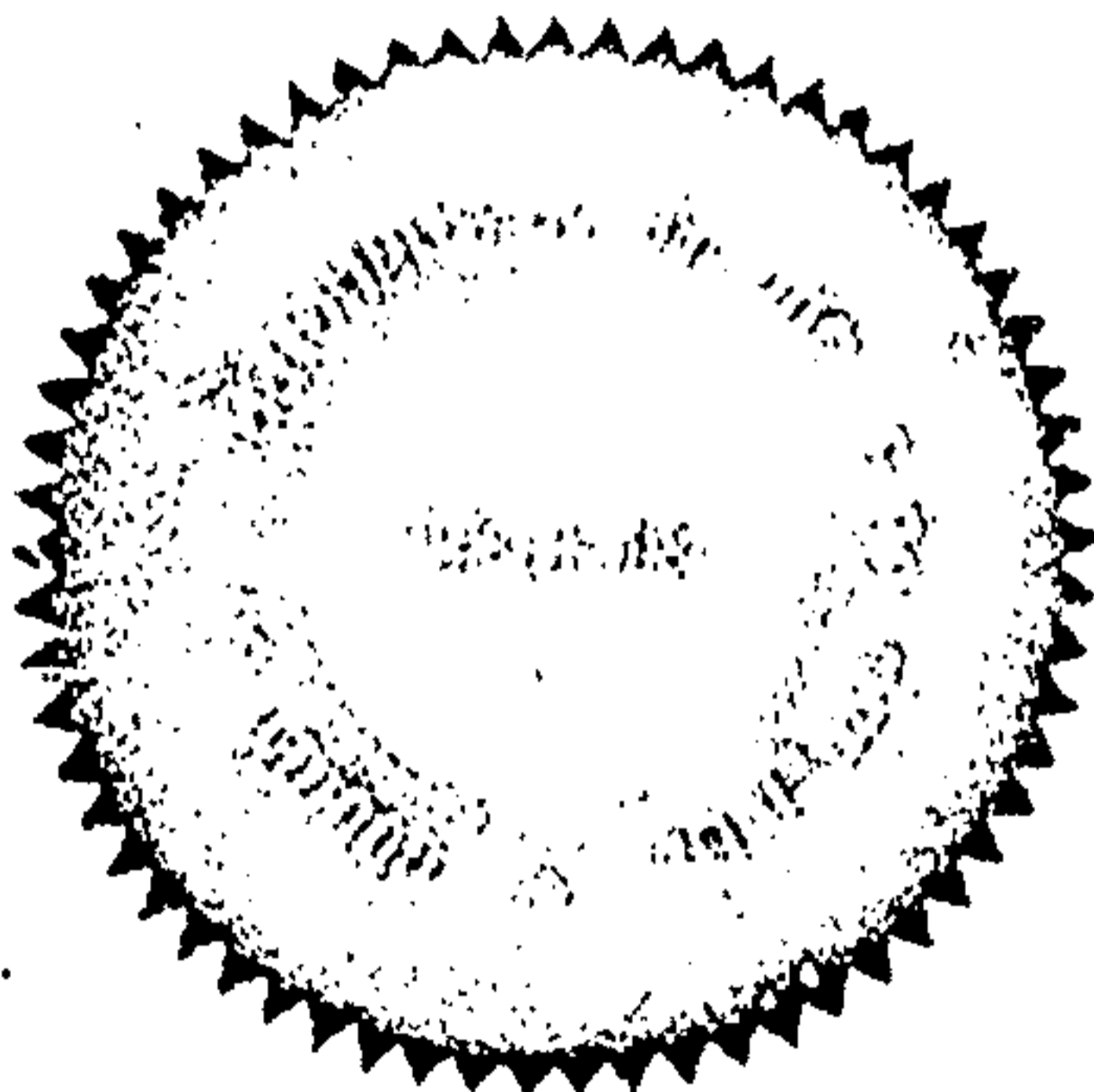
WHEREAS, The County Commissioners of St. Mary's County have adopted a Manual of Personnel Policies and Procedures under authority of Article 25, Section 3(f) of the Annotated Code of Maryland; and

WHEREAS, Certain amendments are now deemed to be proper and necessary for the effective administration of the policies and procedures contained in said Manual; and

WHEREAS, Said amendments were proposed and discussed at a Public Hearing on September 30, 1980;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, that these amendments entitled "Change Number Three to the Manual of Personnel Policies and Procedures" are adopted and made effective.

This Date:  
October 28, 1980



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George A. Aud  
George A. Aud, President  
Larry Millison  
Larry Millison, Vice-President  
Richard D. Arnold  
Richard D. Arnold, Commissioner  
Ford H. Dean  
Ford H. Dean, Commissioner  
David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox,  
County Administrator

TIME 8:30 A. M.  
MARY R. BELL CLERK  
ST. MARY'S CO.

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Attest: Co. Commis.

11-7-80

MARY R. BELL, CLERK

RECORDED  
 MARY R. BELL  
 CLERK, CIRCUIT COURT  
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 NOV 17-80 A #20623 \*\*\*\*\*00

ZONING DECISION RESOLUTION  
 NO : Z-80-6  
 SUBJ: RONALD R. PAYNE AND  
 JOHN W. STONE, JR.  
 CASE NO: ZONE #80-1933

ZONING AMENDMENT

WHEREAS, Ronald R. Payne and John W. Stone, Jr. have made application to rezone a 2.40 acre parcel of land (Tax Map 51, Parcels 20 and 327) located in the Eighth Election District of St. Mary's County, Maryland, from R-15, Residential, to C-2, Commercial.

WHEREAS, After published notice, the Planning Commission held a public hearing on the request on April 28, 1980. Concerned with the potential for an unfavorable impact on traffic patterns on Great Mills Road if the rezoning request was granted, the Planning Commission recommended that the application be denied. After published notice, the County Commissioners held a public hearing on September 9, 1980.

The Commissioners find as fact that:

1. The subject property is situated on Maryland Route 246 (Great Mills Road), about one quarter mile East of Chancellors Run Road.
2. The neighborhood established for this case is the vicinity of the Great Mills - Chancellors Run Road intersection and extending Southwest to the intersection of Great Mills Road and Maryland Route 5.
3. Since the adoption of comprehensive zoning in 1974, no less than eight parcels within the defined neighborhood have been rezoned from various residential categories to either C-1 or C-2, Commercial.
4. The subject property is not of sufficient size to accommodate the residential density and structures contemplated by its present classification.
5. There exists no less than eleven non-conforming uses in and about the neighborhood.
6. The subject property is situated in the Urban Development District of the Comprehensive Land Use Plan, which district is designated more intensive commercial and residential development.

In consideration of the above facts and the record in this case, the Board finds and concludes that:

All of Route 246, from the approximate location of where it narrows from four lanes to two lanes to Great Mills is best described as a neighborhood in transition from what was at one time predominately single-family residential to a pattern of more intensive type of development, as evidenced by existence of mobile home parks, commercial establishments and multi-family housing. This changing pattern is attributed in large measure to the outward expansion from Lexington Park as the Naval Air Test Center has grown and the population has increased- and with it, the need for community support facilities.

ZONING DECISION RESOLUTION  
 NO : Z-80-6  
 SUBJ: RONALD R. PAYNE AND  
 JOHN W. STONE, JR.  
 CASE NO: ZONE #80-1933  
 PAGE 2

The pattern of development along Route 246 was emerging prior to the adoption of comprehensive zoning in 1974, as evidenced by the eleven non-conforming uses alluded to in this case. The facts evidenced in this case and the prior rezoning cases in the designated neighborhood should indicate that pressures for continued, more intensive development will occur through time along the Route 246 corridor. The Board finds no significant differences in the pertinent factors in the subject case than were in evidence in other cases in the neighborhood and accordingly grants the requested rezoning based on changes that have occurred both prior to and since 1974. In so granting, the applicants are reminded of the constraints imposed by the small sizes of the individual parcels.

The Board additionally feels that it must go beyond this one particular case and recognize that:

1. Route 246 is a major transportation route between Lexington Park and Great Mills, Chancellors Run Road and points beyond. Traffic flow during peak periods is already reaching major proportions.
2. It is reasonable to expect that through time there will evolve the need and pressure for additional commercial and multi-family development.
3. In view of the above, if the resulting pattern of land uses is to be a compatible mix and if the viability of Route 246 as a major and safe transportation corridor is to be assured, it is evident that a more comprehensive and planned approach is needed - as opposed to the haphazard piece by piece rezonings that have occurred since 1974.
4. The Board therefore directs that the Office of Planning and Zoning, with the requested assistance of the Planning Commission, undertakes a comprehensive evaluation of the development patterns along the Route 246 corridor from the point of transition from four to two lanes to the intersection of Routes 246 and State Route 5. The goal of such an evaluation to be the development of the means to accomplish the results embodied in No. 3 above. It is essential that such an evaluation address present needs and future improvement needs to Route 246.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED By the County Commissioners for St. Mary's County, Maryland, this 28<sup>th</sup> day of October, 1980 that subject parcels be and the same are rezoned from R-15, Residential, to C-2, Commercial.

ATTEST:

Edward V. Cox  
 Edward V. Cox  
 County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph C. Bell II  
 Joseph C. Bell, II  
 County Attorney

BOARD OF COUNTY COMMISSIONERS  
 ST. MARY'S COUNTY, MARYLAND

George R. Aud  
 George R. Aud, President

Larry Milligan  
 Larry Milligan, Vice-President

Richard D. Arnold  
 Richard D. Arnold, Commissioner

Ford L. Dean  
 Ford L. Dean, Commissioner

David F. Sayre  
 David F. Sayre, Commissioner

Mary R. Bell

11-17-80

MARY R. BELL, CLERK



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ZONING DECISION RESOLUTION  
NO : Z-80-07  
SUBJ: LILLIE D. HARDING  
ZONE #80-2474

ZONING AMENDMENT

WHEREAS, Lillie D. Harding, widow, owner of a 1.3 acre parcel of land known as Parcel 30, Block 21, Tax Map 14, has made application to reclassify the tract which is located in the Sixth Election District from R-1, Residential, to C-1, Commercial Limited.

WHEREAS, A public hearing on the request was held by the Planning Commission on July 28, 1980. The Planning Commission, with one member abstaining, unanimously recommended the reclassification.

WHEREAS, The County Commissioners held a hearing on the request for reclassification on October 28, 1980. No one appeared in opposition to the request.

The Commissioners find as fact that:

1. The subject parcel, which is located on the eastern corner of intersection of Maryland Routes 235 and 247, was used as a family-owned grocery store from 1936 until 1975.
2. The large structure located on the parcel is designed for commercial use.
3. The store had ceased operation in 1975 due to the illness of Leonard Harding, late husband of the applicant.
4. The property is not suited for residential use.
5. Had the commercial limited category existed when comprehensive zoning was adopted in May 1974, the subject parcel would in all likelihood have been designated as CL.
6. A mistake was made when the property was classified residential.
7. The neighborhood for this case can be defined as precominately residential in nature with several non-conforming uses.

In considering the above facts, the Board finds that:

1. At the time of the comprehensive zoning of the County in 1974, the property was classified as a non-conforming commercial use. To date the property does not enjoy that status because its use as a store has been discontinued for a period greater than one year.
2. The present zoning classification of the property, and its size and proximity to roads essentially limit the property to single-family residential use.
3. The building located on the subject property is quite large, having been designed to serve as a store and home.

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT  
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ZONING DECISION RESOLUTION

NO : Z-80-07

SUBJ: LILLIE D. HARDING

ZONE #80-2474

PAGE 2

4. The size of the building and its close proximity to roads and the fact that it is situated in front of another store all combine to make it highly unlikely that the property could be sold or occupied solely as a single family residence.

5. The subject property is not located within any of the commercial service centers identified in the County's Comprehensive Land Use Plan, but at the same time the County recognized in subsequent revisions of the 1974 County Zoning Ordinance that there exists the need for convenience-type commercial services for residents who reside some distance from the designated commercial centers. To meet this need, there has been created a Limited Commercial zoning category (CL). The long standing historical use of the subject property and the property's physical location provide a classical and "textbook" example of the Commercial Limited (CL) zoning district.

The Board grants the requested zoning amendment on the basis that the uses permitted for the subject property under its present zoning classification and further limited by the property's size, building design and size, and location constitute a mistake in zoning. At the same time uses for the property as permitted under the CL category would be entirely in keeping with the property's long standing historical use, its location within the neighborhood and philosophy and intent of the Commercial Limited (CL) zoning district contained in the Zoning Ordinance.

The Commissioners are of the opinion that the requested reclassification should be granted.

NOW, THEREFORE, be it resolved and ordained by the County Commissioners of St. Mary's County, Maryland this 19th day of November 1980 that the land of Lillie D. Harding mentioned above be and the same is hereby reclassified from R-1 to CL.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

Approved as to form:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Del. Co. Com.

11-24-80

MARY R. BELL, CLERK

DEED BY RESOLUTION FOR THE PURPOSE OF ACCEPTING CERTAIN STREETS  
IN HOLLYWOOD SHORES, SIXTH ELECTION DISTRICT, ST. MARY'S COUNTY,  
MARYLAND INTO THE COUNTY'S HIGHWAY MAINTENANCE SYSTEM

WHEREAS, beginning in the Year 1953 and continuing through  
1955 there were approved and recorded among the Land Records of  
St. Mary's County, Maryland plats depicting a layoff of lots,  
roads and streets within the subdivision known as HOLLYWOOD SHORES  
which is located in the Sixth (6) Election District of St. Mary's  
County, Maryland.

WHEREAS, the developer of the subdivision, Oyster Harbor,  
Inc., having heretofore dedicated the roads and streets in the  
subdivision to public use, dissolved its corporate charter by  
proclamation of the Governor of this State on December 11, 1957.

WHEREAS, Oyster Harbor, Inc., much less any successor corpora-  
tion or individual, other than the property owners at HOLLYWOOD  
SHORES, has any proprietary interest in the roads and streets in  
said subdivision.

WHEREAS, the roads and streets, while open to the public,  
have remained private for over twenty five years in the sense  
that they have not been improved and maintained by the County.

WHEREAS, by Ordinance dated the first day of April, 1980,  
the County Commissioners, pursuant to Article 19, Section 151  
of the Public Local Laws of Maryland, have created a special  
taxing district in the Hollywood Shores subdivision for the expressed  
purpose of improving these roads and streets for inclusion into the  
County's Highway Maintenance System.

WHEREAS, the work contemplated to be undertaken so that the  
roads and streets can be accepted into the County's maintenance

system has now been completed.

WHEREAS, the County is now prepared to accept these roads and streets into the road maintenance system.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 25th day of November, 1980, that the below described portions of the roads and streets at HOLLYWOOD SHORES be and the same are hereby accepted into the County's Highway Maintenance System, to wit:

HILLENDALE ROAD from its intersection with Hollywood Drive to its intersection with Riverside Drive, for a distance of 1,154 feet;

Fielding Road from its intersection with Hollywood Drive to its intersection with Riverside Drive for a distance of 1,207 feet;

Meadow Road from its intersection with Hollywood Drive to its intersection with Riverside Drive, for a distance of 1,076 feet;

Manor Drive from its intersection with Meadow Road to its intersection with Riverside Drive, for a distance of 871 feet;

Riverside Drive from approximately 150 feet west of its intersection with Manor Drive to approximately 215 feet east of its intersection with Hillendale Road, for a distance of 1,938 feet;

Skyview Drive from its intersection with Coles Drive to its intersection with Hollywood Drive, for a distance of 2,141 feet;

Riverview Drive from its intersection with Plainview Drive to approximately 310 feet southwest of that intersection, for a distance of 273 feet;

Plainview Drive from its intersection with Skyview Drive to its intersection with Coles Drive, for a distance of 673 feet;

Coles Drive from its intersection with Hollywood Drive to approximately 330 feet northwest of its intersection with Penninsular Drive, for a distance of 1,702 feet;

Pleasant Court from its intersection with Coles Drive to approximately 300 feet northeast of that intersection, for a distance of 300 feet;

Hollywood Drive from approximately 350 feet north of its intersection with Meadow Road to Jones Wharf Road, for a distance of 1,457 feet;

Island View from its intersection with Penninsular Drive to approximately 250 feet west from that intersection, for a distance of 231 feet;

Penninsular Drive from its intersection with Coles Drive to approximately 220 feet north of its intersection with Island View, for a distance of 1,074 feet.

THIS DEED OF RESOLUTION accepting said streets shall be recorded among the deed records of St. Mary's County, Maryland, indexed as follows:

GRANTOR: Oyster Harbor, Inc.

GRANTEE: County Commissioners of St. Mary's County, Maryland

SUBJECT: Hollywood Shores

Witness the hand and seal of the County Commissioners the day and year just above written.

ATTEST:

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

Edward V. Cox  
Edward V. Cox  
County Administrator

George R. Aud  
George R. Aud, President

Larry Milligan  
Larry Milligan, Vice President

Recommended:  
John B. Norris, Jr.  
John B. Norris, Jr.  
County Engineer

Ford L. Dean  
Ford L. Dean

Approved as to Form:

Richard D. Arnold  
Richard D. Arnold

J. Ernest Bell, II  
J. Ernest Bell, II  
County Attorney

David F. Sayre  
David F. Sayre

RECORDED  
MARY R. BELL  
CLERK, CIRCUIT COURT

80 DEC 4 PM 3 17

Del. Co. Comm.

12-4-80

MARY R. BELL, CLERK

NO: 80-85

SUBJ: TAX ABATEMENT (ST.  
MARY'S GARDEN  
APARTMENTS)

RESOLUTION

DEC -4-80 \* 29519 \*\*\*\*\*00  
DEC -4-80 A #29519 \*\*\*\*\*00

WHEREAS, pursuant to the authority of Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, the Secretary of Defense of the United States, by his duly designated agent, for the purpose of Section 408, has made a determination for the taxable year 1979/1980, of the sum of \$279,139.88 to be the amount equal to the sum of payments made by the United States Government with respect to Title VIII, Wherry Housing Project, known as "St. Mary's Garden Apartments", FHA No. 000-80003-4-6; and

WHEREAS, because of said determination Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation have duly applied to the County Commissioners of St. Mary's County, Maryland (through Ralph M. Cestone, Secretary of Verona Housing Corporation of Verona, New Jersey) for a credit of subject corporation's 1979/1980 real estate taxes in accordance with the provisions of Article 81 of the Annotated Code of Maryland, prior to the date of finality; and,

WHEREAS, the aforesaid determination made by the Secretary of Defense is an estimate of the credit to be applied against the 1979/1980 taxes; and,

WHEREAS, the actual payment under Capital Improvements and Maintenance Operation with respect to the Title VIII (Wherry) Housing expenditures made by the lessee will exceed the real estate taxes (of Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation) for the year 1979/1980;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, in regular meeting assembled on the 25th day of November, 1980:

1. That the real estate taxes for the year 1979/1980 are abated in the amount of \$52,339.75.

2. That said determination of the Secretary of Defense is made pursuant to Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, relating to the Housing Project known as "St. Mary's Garden Apartments" in St. Mary's County, Maryland, provided that such determinations are found to be valid, legal and accurate by the County Commissioners of St. Mary's County, Maryland, and provided further that the above corporations, or their successors, strictly comply with the applicable provisions of Article 81 of the Annotated Code of Maryland, and other applicable laws.

RECORDED

MARY R. BELL

CLERK, COUNTY COMMISSIONERS

'80 DEC 4 PM 3 :18

UNDER 002 REG 231

NO: 80-85

SUBJ: TAX ABATEMENT (ST.  
MARY'S GARDEN  
APARTMENTS)

Page 2 of 2

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

This Date:  
December 2, 1980

George R. Aud  
George R. Aud, President

Larry Mullison  
Larry Mullison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean, Commissioner

David P. Sayre  
David P. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Copy:

Mr. William S. Lawrence, Supervisor of Assessments, St. Mary's  
County, Maryland

Mr. Ralph M. Cestone, Secretary, Verona Housing Corporation  
Verona, New Jersey

Captain J. A. D'Emidio, CEC, USN, Washington, D. C.

Mr. L. C. Nash, Director, Housing Division, Building 57,  
Washington Navy Yard, Washington, D. C. 20374

Mr. John Mastrodone, Chief, Multi-family Mortgage - FHA  
L'Enfant Plaza South West, Washington, D. C. 20620

Del. to Com

12-4-80

MARY R. BELL, CLERK

LIBR 002 PAGE 232

NO: 80-86

RECORDED  
MARY R. BELL

SUBJ: TAX ABATEMENT (ST.  
MARY'S GARDEN  
APARTMENTS)

DEC 4 PM 3 19

RESOLUTION

DEC -4-80 \* 29520 \*\*\*\*\*00  
DEC -4-80 A 29520 \*\*\*\*\*00

WHEREAS, pursuant to the authority of Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, the Secretary of Defense of the United States, by his duly designated agent, for the purpose of Section 408, has made a determination for the taxable year 1980/1981, of the sum of \$221,010.70 to be the amount equal to the sum of payments made by the United States Government with respect to Title VIII, Wherry Housing Project, known as "St. Mary's Garden Apartments", FHA No. 000-80003-4-6; and

WHEREAS, because of said determination Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation have duly applied to the County Commissioners of St. Mary's County, Maryland (through Ralph M. Cestone, Secretary of Verona Housing Corporation of Verona, New Jersey) for a credit of subject corporation's 1980/1981 real estate taxes in accordance with the provisions of Article 81 of the Annotated Code of Maryland, prior to the date of finality; and,

WHEREAS, the aforesaid determination made by the Secretary of Defense is an estimate of the credit to be applied against the 1980/1981 taxes; and,

WHEREAS, the actual payment under Capital Improvements and Maintenance Operation with respect to the Title VIII (Wherry) Housing expenditures made by the lessee will exceed the real estate taxes (of Patuxent Section I Corporation, Patuxent Section II Corporation, Patuxent Section III Corporation and Patuxent Section IV Corporation) for the year 1980/1981;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, in regular meeting assembled on the 25th day of November, 1980:

1. That the real estate taxes for the year 1980/1981 are abated in the amount of \$51,886.59.

2. That said determination of the Secretary of Defense is made pursuant to Section 408 of the Housing Amendments of 1955, as amended by Public Law 10/20 84th Congress, relating to the Housing Project known as "St. Mary's Garden Apartments" in St. Mary's County, Maryland, provided that such determinations are found to be valid, legal and accurate by the County Commissioners of St. Mary's County, Maryland, and provided further that the above corporations, or their successors, strictly comply with the applicable provisions of Article 81 of the Annotated Code of Maryland, and other applicable laws.



NO. 002-233

NO: 89-86  
SUBJ: TAX ABATEMENT (ST. MARY'S GARDEN APARTMENTS)  
Page 2 of 2

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

This Date:  
December 2, 1980

George P. Land  
George P. Land, President

Raymond Williams  
Raymond Williams, Vice-President

Richard B. Arnold  
Richard B. Arnold, Commissioner

David V. Sayce  
David V. Sayce, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

James P. Bell, II  
James P. Bell, II  
County Attorney

Copy:

Mr. William S. Lawrence, Supervisor of Assessments, St. Mary's County, Maryland

Mr. Ralph N. Coetens, Secretary, Verona Housing Corporation, Verona, New Jersey

Captain J. A. D'Amadio, CDC, USU, Washington, D.C.

Mr. L. C. Bush, Director, Housing Division, Building 37, Washington, Navy Yard, Washington, D. C. 20374

Mr. John Mastrosano, Chief, Multi-family Mortgage - FHA, 5th and P Street South West, Washington, D. C. 20420

*Del. Co. Comm.*

*12-4-80*

*Del. Co. Comm.*

*12-4-80*

MARY R. BELL, CLERK

LEER 002 #234

DEC 10-88 \* 29782 \*\*\*\*\*

DEC 10-88 A #29782 \*\*\*\*\*

ORDINANCE NO: 80-88

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE COUNTY OF ST. MARY'S, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, The County Commissioners deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the County to enact such an ordinance; and

WHEREAS, The County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code as amended, have appointed a planning commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein; and,

WHEREAS, The Planning Commission has divided the County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of population; to facilitate the adequate provision of transportation, water and sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning Commission has given reasonable consideration among other things to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County; and

WHEREAS, The Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the County Commissioners; and

WHEREAS, the County Commissioners have given due public notice of hearings related to zoning districts, regulations, and restrictions, and have held such public hearings; and

WHEREAS, All requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the report of the Planning Commission and subsequent action of the County Commissioners have been met;

NOW, THEREFORE, BE IT ORDAINED By the County Commissioners of St. Mary's County, Maryland, that the aforementioned Zoning Ordinance, as amended, is hereby adopted and enacted in its entirety. Said Amendments are contained on replacement pages, and including Zoning Map Numbers 43, 44, 51, and 52 and

RECORDED

MARY BELL

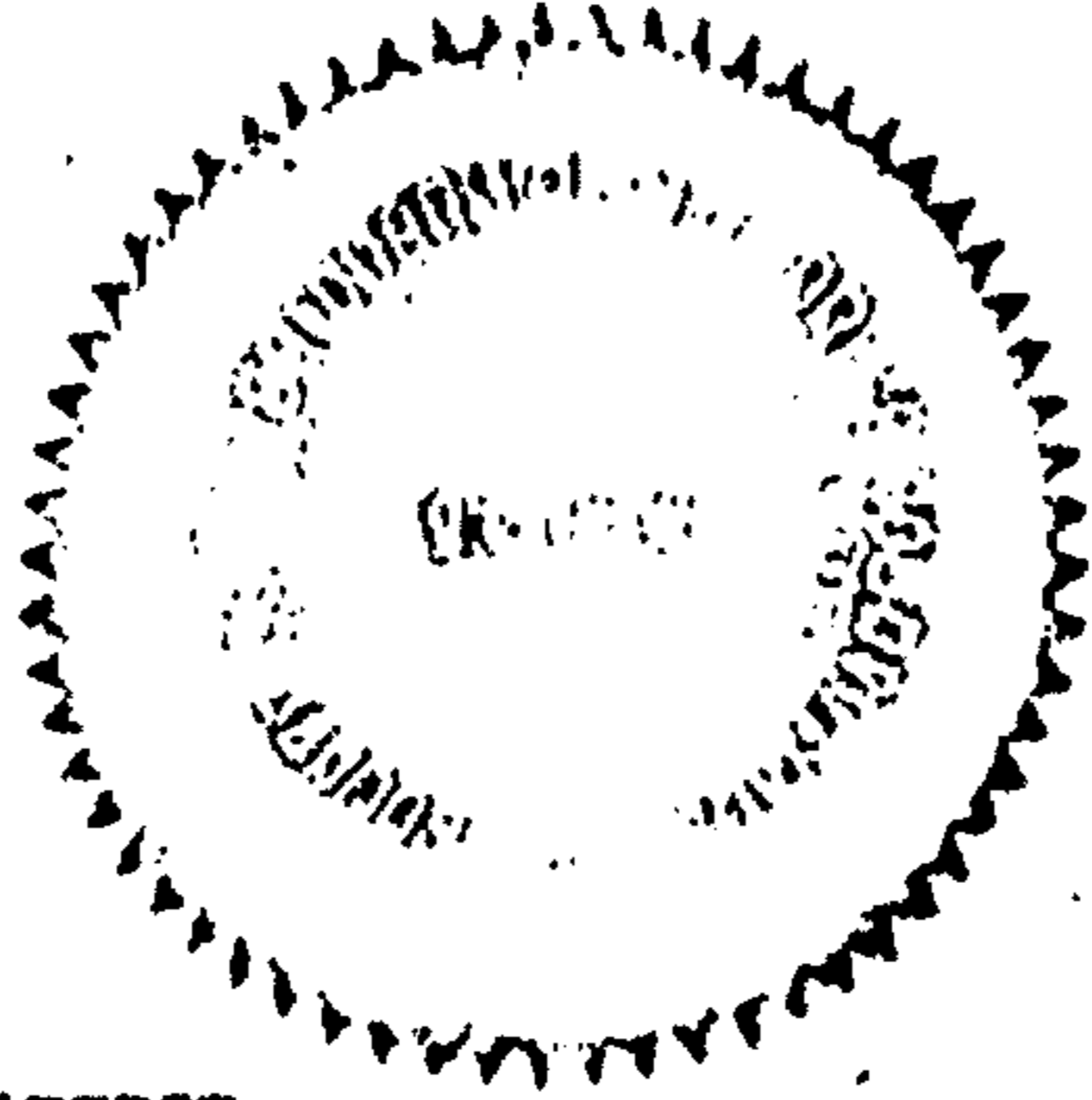
789 DEC 10 PM 12 37

made a part hereof by reference and attached hereto:

Replacement Pages:	1-2	3-60
	2-1	3-61
	2-2	3-62
	3-55	3-63
	3-56	3-64
	3-57	3-65
	3-58	6-28
	3-59	8-2

THIS DATE:

December 9, 1980



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George K. Aud*  
George K. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

Approved as to Legal Sufficiency:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

to provide for economic and efficient land development, encourage the most appropriate use of land, provide convenient and safe movement of people and goods, control the distribution and density of population to areas where necessary public service can be provided, protect historic and environmental areas, encourage good civic design, and provide for adequate public utilities, facilities, and services.

10.04 INTERPRETATION

1. The regulations set by this Ordinance within each district shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, environment and natural resources, and general welfare, and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.
2. Where the conditions imposed by a provision of this Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
3. Notwithstanding the above, where boundaries of Aircraft Overflight Areas are shown on any platted lot, provisions of the more restricted district shall apply; or
  - a. Where boundaries are shown on unsubdivided property less than .5 acres in area, provisions of the more restricted district shall apply; or
  - b. Where boundaries are shown on unsubdivided property .5 or more acres in area, the location shall be determined by scale shown on the map unless dimensions are given on the map.

DISTRICTS AND DISTRICT MAPS

20.01 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established in order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population.

District Designation	District Name
<b>Agricultural:</b>	
<b>Section 31</b>	
31.00-AR-2	Agricultural-Residential
<b>Residential:</b>	
<b>Section 32</b>	
32.02-R-1	Rural-Residential
32.03-R-2	Low Density Urban Residential
32.04-R-4	Medium Density Urban Residential
32.05-R-15	Townhouse and Garden Apartment
32.06-R-30	High Density Urban Residential
<b>Commercial:</b>	
<b>Section 34</b>	
34.02-CL	Commercial Limited
34.03-C-1	Commercial
34.04-C-2	Commercial
34.05-CM	Commercial Marine
34.06-RSC	Rural Service Center
<b>Military:</b>	
<b>Section 35</b>	
35.01-M	Military District

**Industrial:**

**Section 36**

36.01-I-1	General Industrial
36.02-IM	Industrial Marine

**Special Districts**

**Section 38**

38.01	Aircraft Overflight Area
-------	--------------------------

The various AOA Zones are coded as follows:

- 1 - Air Field
- 2 - Glide Zone
- 3 - Rendezvous - Dispersion Zone
- 4 - Sound Level Reduction
  - a. Considerable - 75+  $L_{dn}$  (SLR 35 dB)
  - b. Moderate - 70-75  $L_{dn}$  (SLR 30 dB)
  - c. Minor - 65-70  $L_{dn}$  (SLR 25 dB)

**Airports Affected**

The following airport is affected by the provisions of this Article:

NATC/NAS	Patuxent River Maryland	Military Precision
----------	----------------------------	-----------------------

SECTION 38 - SPECIAL DISTRICTS

38.01 AIRCRAFT OVERFLIGHT AREAS (AOA)

1. PURPOSE

AOA zones are created to protect persons living and working in the vicinity of airports as well as to protect these valuable facilities from intrusion by construction by way of height, clearance, or complaints arising from their proper operations. It is the intent of these zones to provide for the safety of the public by appropriate provision of height of construction, intensity of development, and sound level reduction in new construction.

2. ACA ZONE 1 - AIR FIELD

ACA Zone 1 is for the purpose of providing an area clear of any development in the Air Field area as shown on the Zoning Maps. In this area, aircraft can be expected to operate at an altitude approaching ground level and this is the area of the greatest aircraft accident potential.

a. Permitted Uses

- (1) This zone shall be clear of any construction and no use shall be permitted which in any way obstructs aircraft operations.
- (2) Underground utilities.

b. Zones Allowed

- (1) AP

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3. AOA ZONE 2 - GLIDE ZONE

AOA Zone 2 is provided beginning at the outer edge of the air field. It is the area to which the aircraft is transitioning to commit to touch-down or takeoff with high power settings in a climbing attitude. It is an area of high concentration of air traffic and noise and represents the second greatest accident potential.

a. Permitted Uses

- (1) Industrial
- (2) Underground utilities
- (3) Agricultural
- (4) Airport activities
- (5) Retail

b. Zones Allowed

- (1) PD-IP
- (2) PD-SC

4. AOA ZONE 3 - RENDEZVOUS-DISPERSION ZONE

AOA Zone 3 is located where military aircraft traffic begins to concentrate at the outer limits of the takeoff/landing patterns and may fly as low as 500 ft. The aircraft over this zone are normally in a vulnerable flight attitude with variable power settings on landing and high power settings on takeoff and represents the least potential for aircraft accidents, within AOA Zones 1, 2, and 3.



a. Permitted Uses

- (1) Agricultural
- (2) Residential, limited to 2 DU net per acre
- (3) Commercial, retail sales, offices
- (4) Industrial

b. Zones Allowed

- (1) PDR
- (2) R-2
- (3) PD-SC
- (4) PD-IP

5. AOA ZONE 4 - SOUND LEVEL REDUCTION

AOA Zone 4 is provided where concentration of aircraft traffic is anticipated to be in such volume and altitude to produce discomfort, annoyance, or potentially unhealthy environment by way of noise so as to warrant increased construction requirements for Sound Level Reduction to produce an acceptable interior environment.

AOA-4 is divided into three sub-zones: AOA-4A, AOA-4B, and AOA-4C.

a. Permitted Uses

Those uses as shown in Table 38.01.5.c.

b. Zones Allowed

- (1) AOA-4A - PD-IP and PD-SC
- (2) AOA-4B - PD-IP and PD-SC
- (3) AOA-4C - PDR-2, PD-SC, and PD-IP.

6. IMAGINARY SURFACE (HEIGHT LIMITS OF CONSTRUCTION)

U. S. Department of Transportation Height Limits of Construction and Notification Requirements, Federal Aviation Regulations, Part 77, dated January 1975, is adopted by reference.

7. GENERAL PROVISIONS OF AOA ZONES

Concept plan review of PD plans in AOA Zones shall require all proposed uses to be in accordance with the guidelines of the St. Mary's County Comprehensive Plan, and Figure A, pages 3-59 through 3-62.

FIG. A. LAND USE COMPATIBILITY IN AIRCRAFT OVERFLIGHT AREAS

LAND USE CATEGORY	COMPATIBILITY <sup>1</sup>		
	AOA-1	AOA-2	AOA-3
<b>RESIDENTIAL</b>			
Single family			
2-4 family			
Multi-family dwellings			
Group quarters			
Residential hotels; transient lodging (motels, etc)			
Mobile home parks or courts			
Other residential			
<b>INDUSTRIAL/MANUFACTURING<sup>3</sup></b>			
Food and kindred products			
Textile mill products			
Apparel			
Lumber and wood products			
Furniture and fixtures			
Paper and allied products			
Printing, publishing			
Chemicals and allied products			
Petroleum refining and related ind.			
Rubber and misc. plastic products			
Stone, clay, and glass products			
Primary metal industries			
Fabricated metal products			
Prod., scientific & controlling instr.			
Misc. manufacturing			
<b>TRANSPORTATION, COMMUNICATIONS &amp; UTILITIES</b>			
Railroad, rapid rail transit (on-grade)	5	4	
Highway and street right-of-way	5		
Auto parking (Long-term)	5		
Communication	5		
Utilities	5	4	
Other trans., commun. and utilities	5		
<b>COMMERCIAL/RETAIL TRADE</b>			
Wholesale trade			
Building materials-retail			
General merchandise-retail			
Food-retail			
Automotive, marine, aviation-retail			
Apparel and accessories-retail			
Furniture, homefurnishing-retail			
Eating and drinking places			
Other retail trade			

LAND USE CATEGORY	COMPATIBILITY <sup>1</sup>		
	AOA-1	AOA-2	AOA-3
<b>PERSONAL AND BUSINESS SERVICES<sup>6</sup></b>			
Finance, insurance and real estate	////	////	////
Personal services	////	////	////
Business services	////	////	////
Repair services	////	////	////
Professional services	////	////	////
Contract construction services	////	////	////
Indoor recreation services	////	////	////
Other services	////	////	////
<b>PUBLIC AND QUASI-PUBLIC SERVICES</b>			
Government services	////	////	6
Educational services	////	////	6
Cultural activities	////	////	6
Medical and other health services	////	////	7
Cemeteries	////	////	7
Non-profit organization, incl. churches	////	////	7
Other public and quasi-public services	////	////	7
<b>OUTDOOR RECREATION</b>			
Playgrounds, neighborhood parks	////	////	8
Community and regional parks	////	8	8
Nature exhibits	////	////	8
Spectator sports, incl. arenas	////	////	8
Golf courses, riding stables <sup>10</sup>	////	////	8
Water-based recreational areas	////	////	8
Resort and group camps	////	////	8
Entertainment assembly	////	////	8
Other outdoor recreation	////	8	8
<b>RESOURCE PRODUCTION, EXTRACTION AND OPEN LAND</b>			
Agriculture (except livestock)	////	////	5
Livestock farming, animal breeding	////	////	5
Forestry activities	5	////	5
Fishing activities and related services	////	////	5
Mining activities	////	3	5
Permanent open space	////	////	5
Water areas <sup>8</sup>	////	////	5



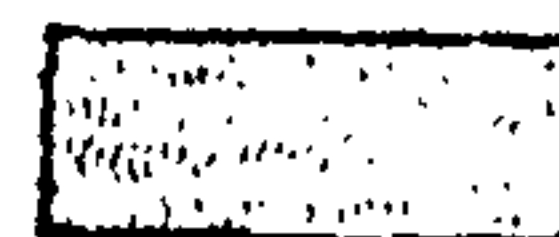
Clearly  
Compatible



Normally  
Compatible



Normally  
Incompatible



Clearly  
Incompatible

**CLEARLY COMPATIBLE:** Exposure to accident potential is such that the activities associated with the land use may be carried out with essentially no interference or substantial loss of life and property.

**NORMALLY COMPATIBLE:** Exposure to accident potential is great enough to be of some concern, but density of people and structures, when properly planned, will allow the accident potential environment to be acceptable.

**NORMALLY INCOMPATIBLE:** The exposure to accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property.

**CLEARLY INCOMPATIBLE:** The exposure to accident potential at the site is so severe, due to potential loss of life and property, that performance of land use activities is not advisable.

#### FOOTNOTES

1. Within each land use category, uses exist where further definition may be needed due to the variation of densities in people and structures.
2. Maximum density 2 dwelling units per acre.
3. Factors to be considered: labor intensity, structural coverage, explosive characteristics, air pollution.
4. No passenger terminals and no major above-ground transmission lines in AOA-1.
5. The placing of structures, buildings or above-ground utility lines in the AOA-1 is subject to severe restrictions. In a majority of the clear zones, these items are prohibited.

6. Low-intensity office uses only. Meeting places, auditoriums, etc., not recommended.
7. Excludes chapels.
8. Facilities must be low intensity.
9. Clubhouse not recommended.
10. Concentrated rings with large classes not recommended.

TABLE 36.01.3.c - MINIMUM SOUND LEVEL REDUCTION REQUIREMENTS FOR STRUCTURES \*

ACTIVITIES AND/OR LAND USES **	AOA-4 DISTRICTS		
	A Ldn 75+ (SLR 35 dB)	B Ldn 70-75 (SLR 30 dB)	C Ldn 65-70 (SLR 25 dB)
Residential (1)	Not Allowed	Not Allowed	Permitted with SLR 25
Residential (2), Educational and Institutional (3)	Not Allowed	Permitted with SLR 30	Permitted with SLR 25
Auditoriums, Concert Halls	Not Allowed	Not Allowed	Permitted with SLR 35
Outdoor Amphitheatres, Music Shells	Not Allowed	Not Allowed	Not Allowed
Offices, Personal, Business and Professional Services; Commercial - Retail, Movie Theatres, Restaurants (4)	Permitted with SLR 30 except movie theaters and restaurants	Permitted with SLR 25	Permitted
Transient Lodging - Hotels, Motels	Not Allowed	Permitted with SLR 30	Permitted with SLR 25
Sports Arena, Outdoor Spectator Sports	Not Allowed	Not Allowed	Permitted
Playgrounds, Neighborhood Parks	Not Allowed	Not Allowed	Permitted
Golf Courses, Driving Ranges, Water Recreation, Cemeteries (5)	Permitted	Permitted	Permitted
Commercial - Wholesale and Selected Retail, Industrial/Manufacturing, Transportation, Communications & Utilities (6)	Permitted	Permitted	Permitted
Animal-related Services (7)	Not Allowed	Permitted	Permitted
Agricultural (8)	Permitted	Permitted	Permitted

\* THIS TABLE ONLY RELATES TO SOUND LEVEL REDUCTION FOR USES OTHERWISE PERMITTED  
 \*\* SEE ACCOMPANYING NOTES FOR EXPANDED LIST OF ACTIVITIES AND LAND USES

TABLE 38.01.5.c - ContinuedNOTES:

(1) "Standard Land Use Coding Manual", Urban Renewal Administration Housing and Home Finance Agency and Bureau of Public Roads, Department of Commerce, First Edition, 1965.

(2) Triplex, fourplex, apartment houses, multi-family dwellings, rooming houses, boarding houses, old persons' homes, sorority and fraternity houses, dormitories, boarding schools, convalescent homes.

(3) School classrooms, libraries, churches, hospitals.

(4) Professional and financial offices, banks, savings and loan associations, mortgage bankers, insurance offices, real estate offices, architects, engineers, attorneys-at-law, decorators, medical and dental clinics and labs, funeral homes and mortuaries, retail stores, clothing stores, department stores, food and dairy markets, cafes, restaurants (enclosed and drive-in), cafeterias, barber shops, beauty shops, new and used car sales, country clubs.

(5) Swimming pools, shooting ranges, miniature golf courses.

(6) Auto salvage and wrecking yards, industrial metal and waste salvage yards, manufacturing facilities, gasoline service stations, ambulance services, automobile repair garages, public storage garages, taxi dispatch offices, automobile washing stations, lumber yards, warehousing, motor freight terminals, railway passenger and freight stations, airport services.

(7) Animal grooming services, dog kennels, veterinarians and veterinarian hospitals.

(8) Farms, orchards, nurseries, greenhouses.



PLANNED UNIT DEVELOPMENT DISTRICTS \*\*

PARENT ZONING DISTRICT'S	PDR	PD-CP Neighborhood	PD-CP Community	PD-CP Regional	PD-IP
AR-2 - AGRICULTURAL RESIDENTIAL					
R-1, Rural Residential	*	*			*
R-2, Low Density Urban Residential	*	*	*		
R-4, Medium Density Urban Residential	*	*	*		
R-15, Townhouse and Garden Apartment	*	*	*		
R-30, High Density Residential	*	*	*		
CL, Commercial Limited		*			
C-1, Commercial Intensive		*	*	*	
C-2, Commercial Extensive		*	*	*	
CM, Commercial Marine	*	*	*		
M, Military					
I-1, General Industrial					*
IM, Industrial Marine					*

\* ALLOWED IN PARENT DISTRICTS.

\*\* AIRCRAFT OVERFLIGHT AREA DISTRICT REGULATIONS SHALL GOVERN.

hensive Plan, and to protect public facilities and utilities. An approved Development Plan, when recommended by the Planning Commission and approved by the County Commissioners, may serve as an approved subdivision concept plat.

65.01 CERTIFICATION AND DISCLAIMER STATEMENTS

- a. Certification statements and disclaimer statements may be required by the Zoning Administrator where necessary in the enforcement of this Ordinance.
- b. Certification statements and disclaimer statements shall be required in the enforcement of the Aircraft Overflight Area requirements.
- c. The format and utilization of disclaimer statements and certifications shall be as approved by the Board of County Commissioners.

comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the principal use.

ADVERTISING DEVICE is any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed. It does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

ADVERTISING STRUCTURES - See definition of "Sign".

AGGREGATE AREA OR WIDTH is the sum of two (2) or more designated areas or widths to be measured, limited, or determined under the provisions of this Ordinance.

AGRICULTURE is the use of land for agricultural purposes including soil tillage for the production of crops, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, and animal and poultry husbandry, and the necessary accessory use of packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AIRPORT is any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant accessory areas which are used or intended for use for airport buildings or other airport facilities of rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary building and open spaces.

ALLEY is a public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street.

AOA - Aircraft Overflight Areas. Areas created to protect persons living and working in the vicinity of airports.

APARTMENT (See DWELLING UNIT)

NO : 80-89

ORDINANCE: AIRCRAFT OVERFLIGHT AREA DISTRICTS:  
CONSTRUCTION STANDARDS

WHEREAS, Section 38.01 of the Zoning Ordinance of St. Mary's County provides for sound level reduction in new construction in Aircraft Overflight Areas (AOA); and

WHEREAS, In order to accomplish sound level reduction in new construction certain construction standards must be established;

NOW, THEREFORE, BE IT ORDAINED By the Board of County Commissioners of St. Mary's County pursuant to Transportation Article, Title 5 (Aviation), Subtitle 6 (Airport Zoning), and Article 66B of the Annotated Code of Maryland that AOA Construction Standards, Article I through Article X, are hereby adopted and made a part hereof by reference and are attached hereto.

This Date:

December 9, 1980



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President  
*Larry Hillison*  
Larry Hillison, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Ford L. Dean*  
Ford L. Dean, Commissioner  
*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

Approved as to Legal Sufficiency:

*Joseph C. Bell II*  
Joseph C. Bell, II  
County Attorney

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MARTIN BELL  
EX. 614 UNIT 0000  
PRO DEC 10 PM 12 40

LEER 002 PAGE 253

AOA CONSTRUCTION STANDARDS ORDINANCE

AN ORDINANCE RELATING

TO

AIRCRAFT OVERFLIGHT AREA ZONES

AND

SOUND ISOLATION OF BUILDINGS

ST. MARY'S COUNTY

MARYLAND

AOA CONSTRUCTION STANDARDS ORDINANCE

AN ORDINANCE RELATING TO AIRCRAFT OVERFLIGHT AREA DISTRICTS  
AND SOUND ISOLATION OF BUILDINGS

ARTICLE I - PURPOSE AND SCOPE

Section 1-1 PURPOSE

The purpose of Sections 1-1 through 10-9 is to provide for the health and welfare of the general public by establishing standards for building construction to isolate against exterior noise for areas of the County where a certain long-term average sound level exceeds limits specified herein, and to require buildings in such areas to be so designed and constructed as to isolate them appropriately from the exterior noise produced by the legal and normal operations of the airports in St. Mary's County.

Section 1-2 SCOPE

It is not intended by this Ordinance to repeal, abrogate, annul, or in any respect impair or interfere with existing provision of other laws or ordinances or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this Ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants, or agreements, the provisions of these greater regulations shall govern. Where other ordinances of St. Mary's County impose a greater restriction than is imposed herein, the provision of such other ordinances shall govern.

ARTICLE II - DEFINITIONS

Section 2-1 DEFINITIONS

Word and phrases not defined in this Ordinance shall derive their meaning from nationally-approved agencies, publications, common usage, and court cases.

For the purpose of this Ordinance, certain terms or words found herein shall be interpreted and defined as follows:

A-Weighted Sound Levels: See Sound Level.

Adjusted Sound Level Reduction (ASLR): See Sound Level Reduction.

Sound level reduction outside-to-inside a designated room that has been adjusted as if the room when furnished contained an amount of sound absorption equal to the floor area of the room.<sup>1</sup> The adjustment is accomplished by adding to a measured sound level reduction ten times the common logarithm off the ratio of the floor area of the room to the measured sound absorption of the room. No adjustment is added if the sound level reduction measurement is made in a room that is furnished by its intended usage.

Airports:

Naval Air Test Center/Naval Air Station  
Patuxent River, Maryland

Classification - Military Precision

ANSI Specifications:

Specifications by the American National Standards Institute adopted by reference herein. Such references to decibels, frequency bands and others as referred to in such specifications are inclusive as definitions within the meaning of this Ordinance.

ASTM Specifications:

Specifications by the American Society for Testing Materials adopted by reference herein. Such references to decibels, frequency bands and others as referred to in such specifications are inclusive as definitions within the meaning of this Ordinance.

Day-Night Average Sound Level (Ldn)

A scale that is obtained by energy-averaging noise levels over a 24 hour period, with a 10dB penalty to night-time noise levels. Recommended by the Environmental Protection Agency as a noise descriptor appropriate for all noise sources.

<sup>1</sup> \_\_\_\_\_

In many living rooms the sound absorption therein is equal to the floor area, or 10 to 20 percent more, so the adjusted sound level reduction measured in an unfurnished room is expected to be nearly equal to the sound level reduction that will exist when the room is normally furnished.

Decibel (dB):

The physical unit commonly used to describe noise levels; the unit of level such as the sound pressure level. One decibel is the level of the squared sound pressure that is  $10^{1/10} = 1.259$  times the squared reference sound pressure; also, one decibel is the level of the sound pressure that is  $10^{1/20} = 1.122$  times the reference pressure.

Enforcing Officer:

The person designated by properly constituted authority to enforce the regulations contained herein.

Frequency:

Number of complete oscillation cycles per unit of time. The unit of frequency often used is the Hertz (Hz).

Frequency Band:

Difference in Hertz between the upper and lower frequencies that delimit a band, or the interval in octaves between the two frequencies. The band is located frequency-wise by the geometric mean frequency between the two band-edge frequencies. Examples are: "an octave band centered at 500 Hz", or, more simply, "the 500 Hz octave band".

Hertz:

Unit of frequency equal to one cycle per second.

Noise Level:

Same as sound level, for airborne sound, unless specified otherwise.

Noise Reduction (NR):

Reduction, in decibels, of the sound pressure levels between two designated locations or rooms, for a stated frequency or frequency band.

Noise Zone:

An area of the County subjected to a degree of exterior noise as specified in Part 2 of this Ordinance.

Occupied Rooms:

Rooms within enclosed structures which are, or may reasonably be expected to be used for human activities which involve speech communication, sleeping, eating, listening to live, recorded or broadcast music or speech, or regular usage of telephones.



Person:

Individual, firm, partnership, corporation, company, association, joint stock association, or body politic, includes the trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Qualified Acoustical Consultant:

A person who, by reason of his training and experience in the science and technology of acoustics and his knowledge of construction methods and materials, is considered qualified to pass judgment on acoustical design, materials, and methods of construction for the attenuation of noise, and who is acceptable to the enforcing officer.

Reverberation Time:

Time that would be required for sound pressure level in a room to decay 60 decibels, after a sound source in the room is stopped.

Sound Absorption:

Capacity of materials and furnishings in a room to absorb sound. For the purposes of this Ordinance, the sound absorption is equal to 0.05 times the room volume in cubic feet divided by the measured reverberation time in seconds determined with an octave band of noise centered at 500 Hertz.<sup>1</sup>

Sound Level:

In decibels, the quantity measured by an instrument satisfying requirements of American National Standard Specification for Sound Level Meters S1.4-1971, or the latest revision thereof. Unless explicitly described otherwise, the sound level shall be the frequency-weighted sound pressure level obtained with the frequency weighting A and the standardized dynamic characteristic SLOW.<sup>2</sup>

Sound Level Reduction (SLR):

Difference in decibels, between the sound level outside a building and the sound level inside a designated room in the building that was caused by exterior noise.

<sup>1</sup>In many normally furnished rooms, the sound absorption is roughly equal, numerically, to the floor area of the room. Sound absorption measured in a room, either empty or furnished, can be obtained from measurements of the reverberation time and the volume of the room.

<sup>2</sup>In this Ordinance, the sound level is to be understood to be the A-weighted sound level (meter response - slow). With the A-weighting, the sound-level meter is relatively less sensitive to low-frequency sound, somewhat in the way the ear is progressively less sensitive to sounds of frequency below 1000 Hertz (cycles per second).

Sound Pressure Level:

In decibels, 20 times the logarithm to base ten of the ratio of a sound pressure to the reference sound pressure. The reference pressure for airborne sound is 20 micronewtons per square meter (0.002 microbar).

Sound Transmission Class (STC):

A single-figure rating of the sound insulating properties of a partition as determined by methods described in "Determination of Sound Transmission Class", American Society of Testing and Materials Designation E413-73.

Sound Transmission Loss:

The noise reduction between two rooms, in a specified frequency band, plus ten times the common logarithm of the ratio of the area of the partition to the total sound absorption in the receiving room, as determined by methods described in "Measurement of Airborne Sound Insulation in Building", American Society of Testing and Materials Designation E90-70 or latest revision thereof.<sup>1</sup>

ARTICLE III - AIRCRAFT OVERFLIGHT AREA ZONES .

Shall be as established in the St. Mary's County Zoning Ordinance and on the official St. Mary's County zoning maps.

ARTICLE IV - NONCOMPLYING STRUCTURES

Section 4-1 NONCOMPLYING STRUCTURES

The regulations prescribed by this Ordinance shall not be construed to require the sound conditioning or other changes or alteration of any structure not complying to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any non-complying use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration for which a permit was issued prior to the effective date of this Ordinance, and started within 120 days.

REQUIREMENTS FOR BUILDINGS AND STRUCTURES

ARTICLE V - APPLICATION

Section 5-1 SCOPE OF REQUIREMENTS

The provisions of this Ordinance shall apply to the construction, alteration, moving, demolition, repair, and use of any building or structure within the County, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this Ordinance, and hydraulic flood control structures.

Additions, alterations, repairs, and changes of use or occupancy in all buildings and structures shall comply with the provisions of this Ordinance, except as otherwise provided in Section 5-2.

Section 5-2 APPLICATION TO EXISTING BUILDINGS

A. General. Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements of this Ordinance except as specifically provided in this Section.

B. Additions, Alterations, and Repairs. More than 50 percent. When additions, alterations, or repairs within any 12-month period exceed 50 percent of the value of an existing building or structure, as determined by the County, such entire building or structure shall be made to conform to the requirements of this Ordinance.

C. Additions, Alterations, and Repairs. 25-50 percent. Additions, alterations, and repairs between 25 and 50 percent of the value of an existing building or structure, as determined by the County, and complying with all of the requirements of this Ordinance may be made to such building or structure within any 12-month period without making the entire building or structure comply. The new construction shall conform to the requirements of this Ordinance for a new building of like area, height, and occupancy.

D. Additions, Alterations, and Repairs. 25 percent or less.

Structural additions, alterations, and repairs to any portion of an existing building or structure, within any 12-month period, not exceeding 25 percent of the value of the building or structure, as determined by the County, shall comply with all of the requirements of this Ordinance, except that minor structural additions, alterations, or repairs, when approved by the enforcing officer, may be made with the same material of which the building or structure is constructed.

E. Nonstructural Alterations and Repairs. 25 percent or less.

Alterations or repairs, not exceeding 25 percent of the value of an existing building or structure, and which are nonstructural, may be made with the same materials of which the building or structure is constructed.

F. Repairs. Roof covering. Not more than 25 percent of the roof

covering of any building or structure shall be replaced in any 12-month period unless the new roof covering is made to conform to the requirements of this Ordinance.

G. Existing Occupancy. Buildings in existence at the time of the passage of this Ordinance may have their existing use or occupancy continued if such use or occupancy was legal at the time of the passage of this Ordinance, provided such continued use is not dangerous to life.

Section 5-3 MOVED BUILDINGS

Buildings or structures moved into or within the County shall comply with applicable provisions of this Ordinance.

Section 5-4 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION

The provisions of this Ordinance are not intended to prevent the use of any material or method of construction not specifically prescribed by this Ordinance, provided any such alternate has been approved.

The Enforcing Officer may approve any such alternate provided he finds that the proposed design is satisfactory for the purpose intended and at least the equivalent of that prescribed in this Ordinance.

The Enforcing Officer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

ARTICLE VI - SLR DESIGN REQUIREMENTS

Section 6-1 GENERAL REQUIREMENTS

The SLR requirements of Table 38.01.5.c may be achieved by any suitable combination of building design, choice of building materials, and execution of construction details in accordance with established architectural and acoustical principles. The SLR requirements shall apply to all occupied rooms having one or more exterior walls or ceiling, when furnished in accordance with the intended final usage of the rooms.

Section 6-2 MEETING WITH SLR REQUIREMENTS

No building or structure, for which an SLR 25, SLR 30, or SLR 35 is required by Table 38.01.5.c of the Zoning Ordinance may be constructed, altered, moved, or repaired unless and until a building permit therefore has been issued by the Enforcing Officer. No such permit shall be issued unless and until conformance with the requirements contained in Part 3 of this Ordinance is indicated by plans and specifications for the building or structure, or if such plans and specifications do not indicate conformance by a supplementary written statement from a Qualified Acoustical Consultant certifying that the construction of the building as indicated in the plans and specifications, will result in a Sound Level Reduction for the applicable room(s) at least as great as the SLR value specified in Table 38.01.5.c for the particular usage involved.

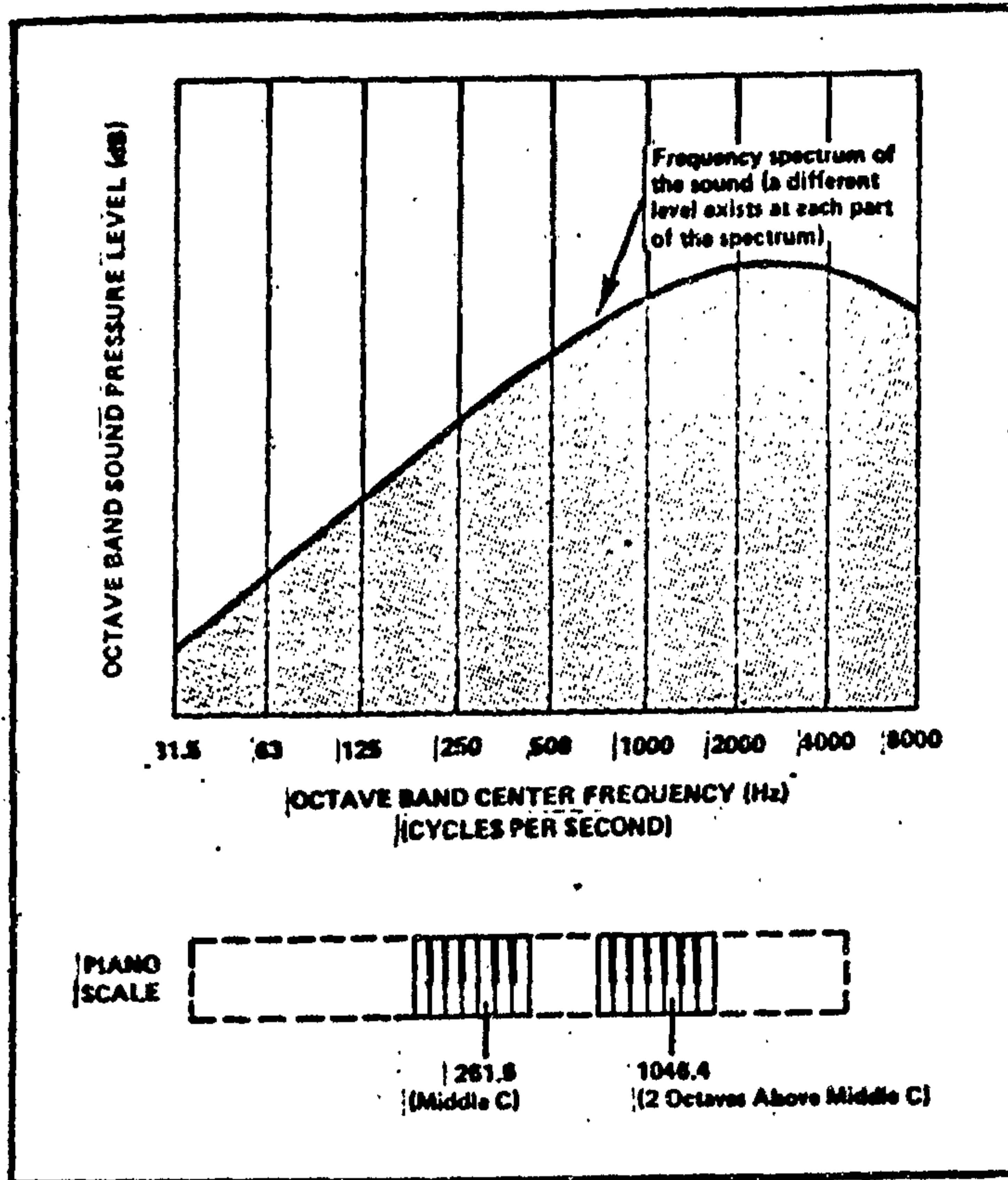
Section 6-3 SLR DESIGN INFORMATION - THIS INFORMATION SHALL SERVE AS REQUIREMENTS TO BE MET UNDER SECTION 6-4 FOR ALTERNATE METHODS OF CONSTRUCTION

For calculations undertaken for purposes of meeting the requirements of Section 6-2 and 6-3, the Qualified Acoustical Consultant may use the assumed outside noise spectrum shown in Figure 6-4, attached and made a part of this Ordinance. Such calculations shall take into account the rate of exposed room surfaces, the sound transmission loss characteristics of exposed room surfaces and the amount of sound absorption in the room. For rooms in residential structures, it can be assumed that the ratio of the sound absorption in each room to the room floor area is as follows:

Fig. 6-4	<u>Octave Frequency Band, Hz</u>	<u>Sound Absorption</u>
	63	0.30
	125	0.50
	250	0.75
	500 & higher	1.0

In the calculations, allowance shall be made for a decrement of at least two decibels for sound leaks and flanking sound transmission paths.

FIGURE 6-4 TYPICAL FREQUENCY SPECTRUM OF JET EXHAUST NOISE



ARTICLE VII - BUILDING REQUIREMENTS FOR A MINIMUM  
SOUND LEVEL REDUCTION OF 25dB

Section 7-1 COMPLIANCE

Compliance with the following standards shall be deemed to meet the requirements of the various noise zones of this Ordinance in which an SLR 25 is specified.

Section 7-2 GENERAL

A. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

B. At the penetration of exterior walls by pipes, ducts, or conduits the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

C. Window and/or through-the-wall ventilation units shall not be used in an occupied room.

D. Through-the-wall/door mail boxes shall not be used.

Section 7-3 EXTERIOR WALLS

A. Exterior walls other than as described in this section shall have a laboratory sound transmission class rating of at least STC-39.

B. Masonry walls having a surface weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.

C. Stud walls shall be at least 4" in nominal depth and shall be furnished on the outside with siding-on-sheathing, stucco, or brick veneer.

1. Interior surface of the exterior walls shall be of gypsum board or plaster at least 1/2" thick, installed on the studs.

2. Continuous composition board, plywood or gypsum board sheathing at least 1/2" thick shall cover the exterior side of the wall studs behind wood, or metal siding. Asphaltic or wood shake shingles are acceptable in lieu of siding.

3. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

4. Insulation material at least 2" thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation will be glass fiber or mineral wool.

Section 7-4 WINDOWS

- A. Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.
- B. Glass shall be at least 3/16" thick.
- C. All operable windows shall be weatherstripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
- D. Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.
- E. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153.
- F. The total area of glass in both windows and doors in sleeping spaces shall not exceed 20% of the floor area.

Section 7-5 DOORS

- A. Doors, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-28.
- B. All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least 1-3/4" thick and shall be fully weatherstripped.
- C. Exterior sliding doors shall be weatherstripped with an efficient airtight gasket system with performance as specified in Section 7-4.C. The glass in the sliding doors shall be at least 3/16" thick.
- D. Glass in doors shall be sealed in an airtight nonhardening sealant, or in a soft elastomer gasket or glazing tape.
- E. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section 7-4.E.

Section 7-6 ROOFS

- A. Combined roof and ceiling construction other than described in this section and Section 7-7 shall have a laboratory sound transmission class rating of at least STC-39.
- B. With an attic or rafter space at least 6" deep, and with a ceiling below, the roof shall consist of closely butted 1/2" composition board, plywood or gypsum board sheathing topped by roofing as required.



C. If the underside of the roof is exposed, or if the attic or rafter spacing is less than 6", the roof construction shall have a surface weight of at least 25 pounds per square foot. Rafters, joists or other framing may not be included in the surface weight calculation.

D. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-28.

Section 7-7 CEILINGS

A. Gypsum board or plaster ceilings at least 1/2" thick shall be provided where required by Paragraph 7-6.B above. Ceilings shall be substantially airtight, with a minimum number of penetrations.

B. Glass fiber or mineral wool insulation at least 2" thick shall be provided above the ceiling between joists.

Section 7-8 FLOORS

A. Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed 2% of the floor area of the occupied rooms.

Section 7-9 VENTILATION

A. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms, as specified in B.O.C.A., without the need to open any windows, doors, or other openings to the exterior.

B. Gravity vent openings in attic shall not exceed BOCA minimum in number and size.

C. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20-gauge steel, which shall be lined with 1/2" thick coated glass fiber, and shall be at least 5 ft. long with one 90° bend.

D. All vent ducts connecting the interior occupied space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a 5-ft. length of internal sound absorbing duct lining. Each duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross section.

E. Duct lining shall be coated glass fiber duct liner at least 1" thick.

F. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination

which allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

G. Fireplaces shall be provided with wall-fitted dampers.

ARTICLE VIII - BUILDING REQUIREMENTS FOR A MINIMUM  
SOUND LEVEL REDUCTION OF 30 dB.

Section 8-1 COMPLIANCE

Compliance with the following standards shall be deemed to meet the requirements of the various noise zones of this Ordinance in which an SLR 30 is specified.

Section 8-2 GENERAL

A. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

B. At the penetration of exterior walls by pipes, ducts or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

C. Window and/or through-the-wall ventilation units shall not be used in occupied rooms.

D. Operational vented fireplaces shall not be used.

E. All sleeping spaces shall be provided with either a sound-absorbing ceiling or a carpeted floor.

F. Through-the-wall/door mailboxes shall not be used.

Section 8-3 EXTERIOR WALLS

A. Exterior walls other than as described below shall have a laboratory sound transmission class rating of at least STC-44.

B. Masonry walls having a surface weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.

C. Stud walls shall be at least 4" in nominal depth and shall be furnished on the outside with siding-on-sheathing, stucco, or brick veneer.

1. Interior surface of the exterior walls shall be of gypsum board or plaster at least 1/2" thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior is siding-on-sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.

2. Continuous composition board, plywood or gypsum board sheathing shall cover the exterior side of the wall studs behind wood, or metal siding. The sheathing and facing shall weigh at least four pounds per square foot.

3. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

4. Insulation material at least 2" thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

#### Section 8-4 WINDOWS

A. Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

B. Glass of double-glazed windows shall be at least 1/8" thick. Panels of glass shall be separated by a minimum 3" air space.

C. Double-glazed windows shall employ fixed sash or efficiently weatherstripped operable sash. The sash shall be rigid and weatherstripped with material that is compressed airtight when the window is closed so as to conform to an infiltration test not to exceed 0.5 cubic feet per minute per foot of crack length in accordance with ASTM E-283-65-T.

D. Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.

E. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-8-00227, TT-8-00230, or TT-5-00153.

F. The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed 20% of the floor area.

#### Section 8-5 DOORS

A. Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

B. Double door construction is required for all door openings to the exterior. Openings fitted with side-hinged doors shall have one solid-core wood or insulated hollow metal core door at least 1-3/4" thick separated by an airspace of at least 4" from another door, which can be a storm door. Both doors shall be tightly fitted and weatherstripped.

C. The glass of double-glazed sliding doors shall be separated by a minimum 4" airspace. Each sliding frame shall be provided with an efficiently airtight weatherstripping material as specified in Section 8-4.C.

D. Glass of all doors shall be at least 3/16" thick. Glass of double sliding doors shall not be equal in thickness.

E. The perimeter of door frames shall be sealed airtight to the exterior wall construction as indicated in Section 8-4.E.

F. Glass of doors shall be set and sealed in an airtight non-hardening sealant, or a soft elastomer gasket or glazing tape.

Section 8-6 ROOFS

A. Combined roof and ceiling construction other than described in this section and Section 8-7 shall have a laboratory sound transmission class rating of at least STC-44.

B. With an attic or rafter space at least 6" deep, and with a ceiling below, the roof shall consist of closely butted 1/2" composition board, plywood or gypsum board sheathing topped by roofing as required.

C. If the underside of the roof is exposed, or if the attic or rafter spacing is less than 6", the roof construction shall have a surface weight of at least 40 pounds per square foot. Rafters, joists or other framing may not be included in the surface weight calculation.

D. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

Section 8-7 CELLINGS

A. Gypsum board or plaster ceilings at least 1/2" thick shall be provided where required by Paragraph 8-6.B above. Ceilings shall be substantially airtight, with a minimum number of penetrations.

B. Glass fiber or mineral wool insulation at least 2" thick shall be provided above the ceiling between joists.

Section 8-8 FLOORS

The floor of the lowest occupied rooms shall be slab on grade, below, or over a fully enclosed basement. All door and window openings in the fully enclosed basement shall be tightly fitted.

Section 8-9 VENTILATION

A. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms as specified in the B.O.C.A. Code, without the need to open any windows, doors, or other openings to the exterior.

B. Gravity vent openings in attic shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least 3 ft. in length containing internal sound absorbing duct lining. Each duct shall have a lined 90° bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

C. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with 1" thick coated glass fiber, and shall be at least 5 ft. long with one 90° bend.

D. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a 10 ft. length of internal sound absorbing duct lining. Each duct shall be provided with a lined 90° bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross-section.

E. Duct lining shall be coated glass fiber duct liner at least 1" thick.

F. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

G. Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.

H. Doors between occupied space and mechanical equipment areas shall be solid core wood or 20 gauge steel hollow metal at least 1-3/4" thick and shall be fully weatherstripped.

ARTICLE IX - BUILDING REQUIREMENTS FOR A MINIMUM  
SOUND LEVEL REDUCTION OF 35 dB

Section 9-1 COMPLIANCE

Compliance with the following standards shall be deemed to meet the requirements of the various noise zones of this Ordinance in which an SLR 35 is specified.

Section 9-2 GENERAL

A. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

B. At the penetration of exterior walls by pipes, ducts or conduits the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

C. Window and/or through-the-wall ventilation units shall not be used in occupied rooms.

D. Operational vented fireplaces shall not be used.

E. All sleeping spaces shall be provided with either a sound absorbing ceiling or a carpeted floor.

F. Through-the-wall/door mailboxes shall not be used.

G. No glass or plastic skylight shall be used.

Section 9-3 EXTERIOR WALLS

A. Exterior walls other than as described below shall have a laboratory sound transmission class rating of at least STC-49.

B. Masonry walls having a surface weight of at least 75 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.

C. Stud walls shall be at least 4" in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.

1. Interior surface of the exterior walls shall be of gypsum board or plaster at least 1/2" thick, installed on studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer. If the exterior is stucco or siding-on-sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.

2. Continuous composition board, plywood or gypsum board sheathing shall cover the exterior side of the wall studs behind wood, or metal siding. The sheathing and facing shall weigh at least four pounds per square foot.

3. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

4. Insulation material at least 3-1/2" thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

Section 9-4 WINDOWS

A. Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-38.

B. Double-glazed windows shall employ fixed sash. Glass of double-glazed windows shall be at least 1/8" thick. Panes of glass shall be separated by a minimum 3" air space and shall not be equal in thickness.

C. Glass of windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.

D. The perimeter of door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153.

E. The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed 20% of the floor space.

Section 9-5 DOORS

A. Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-38.

B. Double-door construction is required for all door openings to the exterior. The door shall be side-hinged and shall be solid-core wood or insulated hollow metal, at least 1-3/4" thick, separated by a vestibule at least 3 ft. in length. Both doors shall be tightly fitted and weatherstripped.

C. The perimeter of door frames shall be sealed airtight to the exterior wall construction as specified in Section 9-4.D.

Section 9-6 ROOFS

A. Combined roof and ceiling construction other than described in this section and Section 9-7 shall have a laboratory sound transmission class rating of at least STC-49.

B. With an attic or rafter space at least 6" deep, and with a ceiling below, the roof shall consist of closely butted 1/2" composition board, plywood or gypsum board sheathing topped by roofing as required.

C. If the underside of the roof is exposed, or if the attic or rafter spacing is less than 6", the roof construction shall have a surface weight of at least 75 pounds per square foot. Rafters, joists or other framing may not be included in the surface weight calculation.

Section 9-7 CEILINGS

A. Gypsum board or plaster ceilings at least 1/2" thick shall be provided where required by Paragraph 9-6.B above. Ceilings shall be substantially airtight, with a minimum number of penetrations. The ceiling panels shall be mounted on resilient clips or channels. A non-hardening sealant shall be used to seal gaps between the ceiling and walls around the ceiling perimeter.

B. Glass fiber or mineral wool insulation at least 3-1/2" thick shall be provided above the ceiling between joists.

Section 9-8 FLOORS

The floors of the lowest occupied rooms shall be slab on grade or below grade.

Section 9-9 VENTILATION

A. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms, as specified in the B.O.C.A. Code, without need to open any windows, doors, or other openings to the exterior.

B. Gravity vent openings in attic shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least 6 ft. in length containing internal sound absorbing duct lining. Each duct shall have a lined 90° bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

C. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20-gauge steel, which shall be lined with 1" thick coated glass fiber, and shall be at least 10 ft. long with one 90° bend.

D. All vent ducts connecting the interior space to the outdoors excepting domestic range exhaust ducts, shall contain at least a 10-ft. length



of internal sound absorbing duct lining. Each duct shall be provided with a lined 90° bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross section.

E. Duct lining shall be coated glass fiber duct liner at least 1" thick.

F. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

G. Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.

H. Doors between occupied space and mechanical equipment areas shall be solid core wood or 20 gauge steel hollow metal at least 1-3/4" thick and shall be fully weatherstripped.

PART 4 - ADMINISTRATION AND ENFORCEMENT

ARTICLE X - ADMINISTRATION AND ENFORCEMENT

Section 10-1 GENERAL RESPONSIBILITIES

The Enforcing Officer shall be the Zoning Administrator, who shall administer and enforce the regulations prescribed herein. Application for permits and variances shall be made to the Office of Planning & Zoning upon the forms furnished.

Section 10-2 VERIFICATION OF BUILDING NOISE LEVEL REDUCTION

The Enforcing Officer may, prior to granting final approval of the finished building construction, require at the expense of the owner field tests by a Qualified Acoustical Consultant to verify the sound level reduction (SLR) of the building. The Enforcing Officer may require such verification whenever it appears that variations from sound-isolation features in the approved plan, poor sealing methods, or defective workmanship may have been employed. The report of verification shall be filed with the Enforcing Officer and shall include a description of the verification method, measurement instrumentation and the results of the noise level reduction measurements.

The noise level reduction requirements of Section 4-1 must be satisfied for each occupied room. For the purposes of verification, it will suffice to test only in those occupied rooms in which exterior noise is most likely to penetrate.

#### Section 10-3 VERIFICATION TEST PROCEDURE

For the purpose of verifying compliance with the noise level reduction requirements in a completed building, aircraft noise prevailing outside the building may be used as the sound source.

Using the noise signal generated by an individual aircraft operation (flyover event), outside and inside noise levels shall be measured simultaneously. The difference between the maximum noise levels measured outside and inside the room for the flyover event shall be taken as the measured SLR for the flyover event, provided that the maximum inside noise level exceeds by at least seven decibels the background noise level in the absence of the flyover.

The SLR shall be determined for at least four flyover events for each room tested. The resulting SLR value assigned to the room shall be the arithmetic average of the individual flyover event SLR values.

For occupied rooms in residential structures, the inside noise level shall be measured with a single microphone four feet above the floor near the center of the room. For other than residential structures, the inside noise level shall be measured with a single microphone five feet above the floor, either near the center of the room, or eight feet into the room from the center of the exterior wall most directly exposed to the aircraft noise, whichever distance from the most directly exposed wall is smaller.

The outside noise level shall be measured at an unobstructed location approximately five feet above the level of the floor of the room under test and eight feet outside the exterior wall most directly exposed to the aircraft noise source, near the center of the wall.

For structures in which several rooms are to be evaluated, the tests need be conducted only for those rooms whose exterior walls are most directly exposed to the noise source. If noise level reduction requirements are met for these rooms, the tests need not be repeated for rooms of similar construction which are not as directly exposed to the flyover event.

For structures where a number of rooms receive nearly-equal exposure to aircraft noise, tests need be conducted in only two of the near-identical rooms.

For residential units, it will usually be sufficient to conduct tests in two rooms. One of the rooms to be tested shall be the bedroom most directly exposed to aircraft noise. The other room to be tested shall be either the living room, dining room, or family room, whichever is most directly exposed to the aircraft noise source.

When the sound level reduction is measured in an unfurnished room or a room furnished less than normally, the adjusted sound level reduction shall be computed by adding ten times the logarithm to the base ten of the ratio of the floor area of the room to the sound absorption in the unfurnished room, but in any event, such correction shall not exceed two decibels. The adjusted noise level reduction value shall be used in determining compliance with the SLR requirements. If the noise level reduction is measured in a furnished room, no adjustment in the noise level reduction shall be made.

The noise levels measured outside and inside the room under test may be observed directly by simultaneously reading the maximum noise levels on two sound level meters. Alternatively, the outside and inside flyover event noise signals shall be recorded on magnetic tape with noise level reduction determined by analysis of the recorded signals. In either case, the two measuring systems used for outside and inside noise measurements must each satisfy the requirements for a Type 2 sound level meter according to ANSI S1.4-1971 and be operated in the manner designated by ANSI S1.13-1971 (or latest revisions thereof). Further, the two systems are to be calibrated prior to and following the flyover events so that they indicate the same sound level, within one decibel, for the same noise, using suitable calibration procedures as specified by the sound level meter manufacturer.

#### Section 10-4 APPEALS

An appeal from any interpretation or administrative decision of the Enforcing Officer may be taken, and requests for variance or exception may be made to the Board of Zoning Appeals as provided in the comprehensive Zoning Ordinance of the County.

#### Section 10-5 FUTURE USES

No change shall be made in the use of land and no structure shall be erected, altered or otherwise established in any district hereby created except in accordance with this Ordinance.

Section 10-6 VARIANCES

A variance may be granted by the Board of Zoning Appeals where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship and would prevent the substantial enjoyment of property rights as shared by nearby properties which do conform to these regulations.

Section 10-7 VIOLATIONS AND PENALTIES

Any person, firm, or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction in the Municipal Court, shall be subject to a fine of not more than the maximum established by State law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 10-8 SEVERABILITY

If any section, provision, or part thereof in these regulations shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the regulations as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 10-9 AMENDMENT

Amendment shall be per Section 5-604 of the Annotated Code of the State of Maryland, in addition to which any district changes shall require 60 days notice per requirement to change Comprehensive Plan as in Article 66-B.

*Dist. Co. Comm.*

- 22 -  
12-10-80

MARY R. BELL, CLERK

1387 002 277

NO : 80-90  
SUBJ: AOA ZONE 4  
DISCLOSURE STATEMENT

DEC 10 80 \* 29754 \*\*\*\*\*  
DEC 10 80 A 29764 \*\*\*\*\*

R E S O L U T I O N

WHEREAS, The Board of County Commissioners adopted on December 9, 1980, amendments to Article 3, Section 38 of the St. Mary's County Zoning Ordinance, which among other provisions established Aircraft Overflight Areas (AOA) around the Naval Air Station/Naval Air Test Center, Patuxent River, Maryland.

WHEREAS, A purpose of the AOA's and attendant regulations is to safeguard the health, safety, and welfare of citizens residing and working within the vicinity of the Naval Air Station.

WHEREAS, The foregoing amendments establish an AOA Zone 4 in those areas where the concentration of aircraft traffic is anticipated to be in such volume and altitude to produce varying degrees of discomfort, annoyance, or a potentially unhealthy environment because of the effects of aircraft noise.

WHEREAS, AOA Zone 4 is further divided into three sub-zones of AOA-4A, AOA-4B, and AOA-4C with Day-Night Average Sound Levels (Ldn) of Ldn 75 and up, Ldn 70-74, and Ldn 65-69, respectively.

WHEREAS, it is deemed to be in the best interests of the general public that there be disclosed to potential purchasers of property situated in any of the three sub-zones of AOA Zone 4, the fact that such property is so situated.

NOW, THEREFORE, BE IT RESOLVED, That prior to the execution of a contract or agreement of sale of real property which is located within the associated AOA Zone 4 of Naval Air Station/Naval Air Test Center, Patuxent River, as established on the official zoning maps of the County, the prospective purchaser should be provided a Disclosure Statement by the seller's agent, if so represented, or by the seller if not represented by an agent.

IT IS FURTHER RESOLVED, That the Disclosure Statement shall adhere to the form of the statement below:

The tract of land described as \_\_\_\_\_  
the street/ mailing address being \_\_\_\_\_  
in St. Mary's County, Maryland, which is being conveyed from \_\_\_\_\_  
to \_\_\_\_\_ is situated within  
AOA Zone 4, and particularly sub-zone \_\_\_\_\_, of Naval Air  
Test Center, Patuxent River, Maryland. The Naval Air Station/  
Naval Air Test Center normally operates seven (7) days per week  
throughout the year and is normally open for flight operations  
between the hours of 8:00 a.m. and 12:00 midnight. The present  
level of operations will continue for the foreseeable future.

RECORDED  
MAH R. GELL  
FAC. CIRCUIT CO.  
80 DEC 10 PM 12 41

LIBR 002 278

NO : 80-90  
SUBJ: AOA ZONE 4  
DISCLOSURE STATEMENT

AOA Zone 4 is situated where concentration of aircraft traffic is anticipated to be in such volume and altitude to produce varying levels of noise therefrom. AOA Zone 4 is divided into three (3) sub-zones:

- AOA-4A: Day/Night Sound Levels (Ldn) of 75 and up
- AOA-4B: Ldn of 70-75
- AOA-4C: Ldn of 65-70

Certification

The undersigned purchaser(s) of the above described property certifies(y) that he/she (they) has (have) read the above Disclosure Statement and acknowledge(s) the pre-existence of the Naval Air Station/Naval Air Test Center, Patuxent River, Maryland.

Signed:

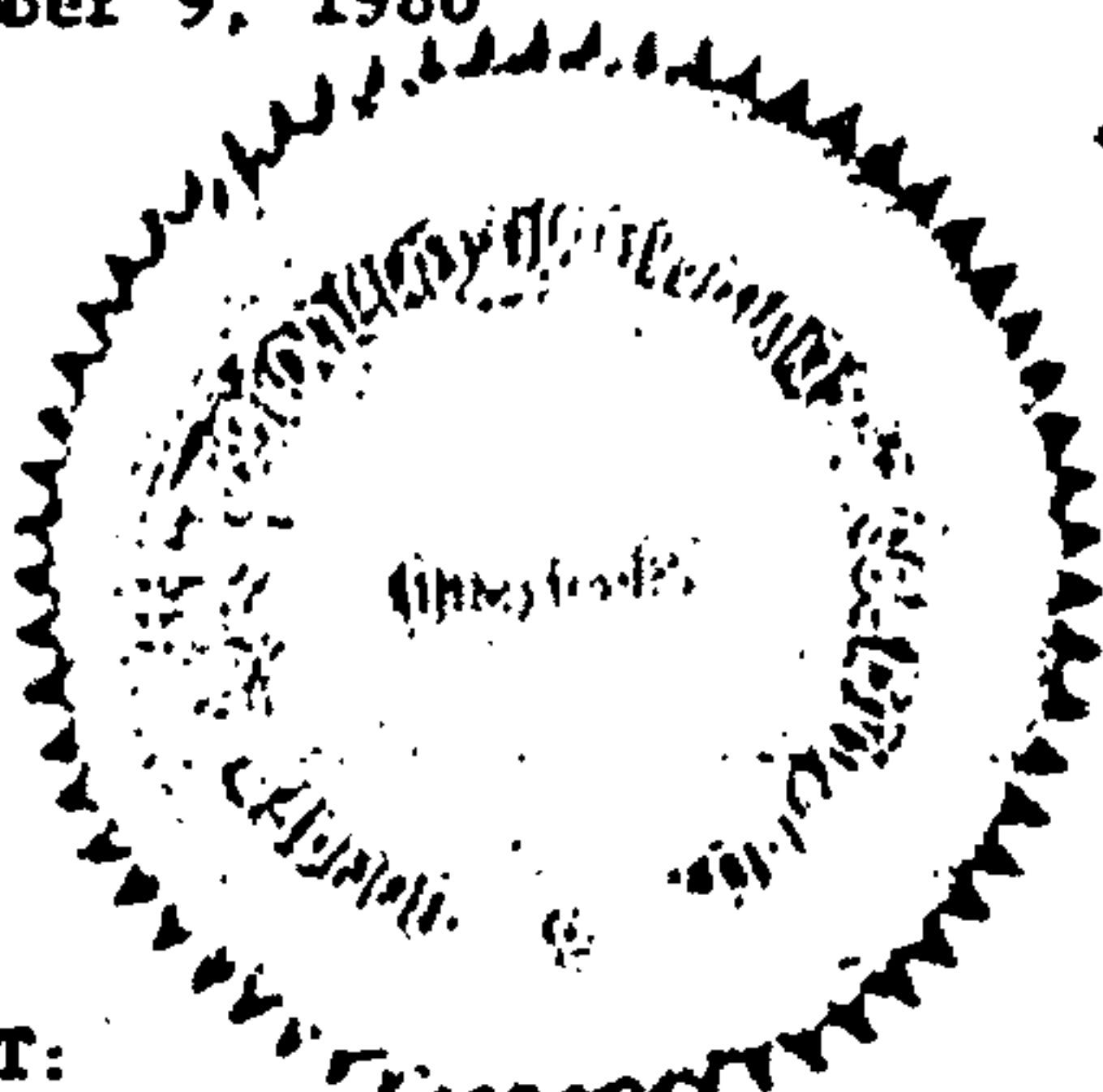
Purchaser \_\_\_\_\_ Date \_\_\_\_\_

Purchaser \_\_\_\_\_ Date \_\_\_\_\_

IT IS FURTHER RESOLVED, That the Board of St. Mary's County Commissioners requests and encourages mortgage lenders, settlement attorneys and real estate agents engaged in sales transactions for property within AOA Zone 4 insure that prospective purchasers have been provided and have executed the above Disclosure Statement prior to the signing of any contract or agreement of sale.

This Date:

December 9, 1980



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George B. Aud*  
George B. Aud, President

*Larry Milligan*  
Larry Milligan, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

Approved as to Legal Sufficiency:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

MARY R. BELL, CLERK

*Dil. Co. Comm*

12-10-80

UNIT 002 PAGE 273

73-25 \* 2 478 \*\*\*\*\*  
73-25 A 22 478 \*\*\*\*\*

NO: 80-91  
SUBJ: PAYMENT IN LIEU OF TAXES  
ST. MARY'S HOME FOR THE  
ELDERLY, INC.

R E S O L U T I O N

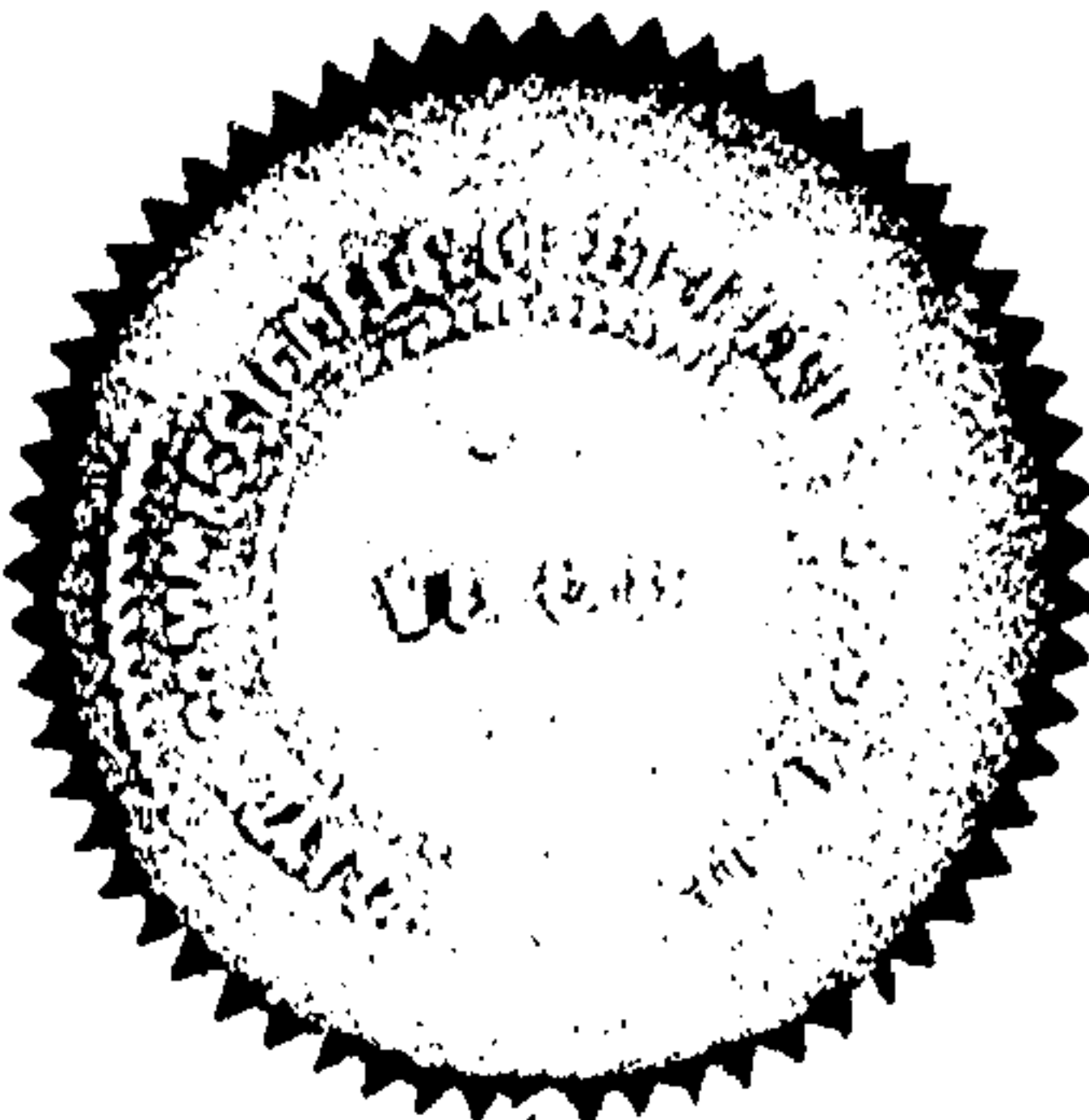
WHEREAS, By the authority vested in the County Commissioners of St. Mary's County, Maryland conferred by Article 81 of the Annotated Code of Maryland, 1980 replacement Volume 7, the St. Mary's Home for the Elderly, Inc. is eligible for exemption from State and County taxes, and such exemption is hereby granted to said organization provided that same comply with the requirements of the laws for establishing facilities for senior citizens under the Senior Citizen Housing Program pursuant to Section 202 of the National Housing Act of 1959, as amended, or any other program of the United States government under which such institutions provide housing for senior citizens, shall yield rental revenues which are controlled under such loan programs of the United States government so as not to produce any net income, and to be operated on a non-profit basis, and

WHEREAS, Using the suggested rate of 5c per \$100.00 on the assessed value of 60% of the replacement cost as estimated at \$1,075,969.00 the annual amount in lieu of taxes would be \$322.79.

THEREFORE, BE IT RESOLVED, By the County Commissioners of St. Mary's County, that the said amount will be paid by the St. Mary's County Home for the Elderly, Inc. in lieu of taxes.

Date: December 9, 1980

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND



*George R. Aud*  
George R. Aud, President

*Larry Willison*  
Larry Willison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox,  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

RECORDED  
MAY R. BELL

DEC 23 PM 1 53

*Del. Co. Comm*

*12-23-80*

MARY R. BELL, CLERK

BOOK 002 PAGE 280

RECORDED  
MARY R. BELL  
CLERK

NO: 80-92  
SUBJ: SEXUAL  
HARRASSMENT

DEC 23 PM 1 54

RESOLUTION

DEC 23-80 \* 2 429 \*\*\*\*\*.00  
DEC 23-80 A 22 429 \*\*\*\*\*.00

WHEREAS, St. Mary's County in spirit and in fact is dedicated to a strong policy against discrimination based upon sex in order to provide a working environment conducive to the performance of duties and free from intimidation or coercion in any form; and

WHEREAS, sexual harrassment is an unlawful employment practice for which legal remedies are available under Title VII of the Civil Rights Act of 1964, as amended, and Article 49B of the Annotated Code of Maryland; and

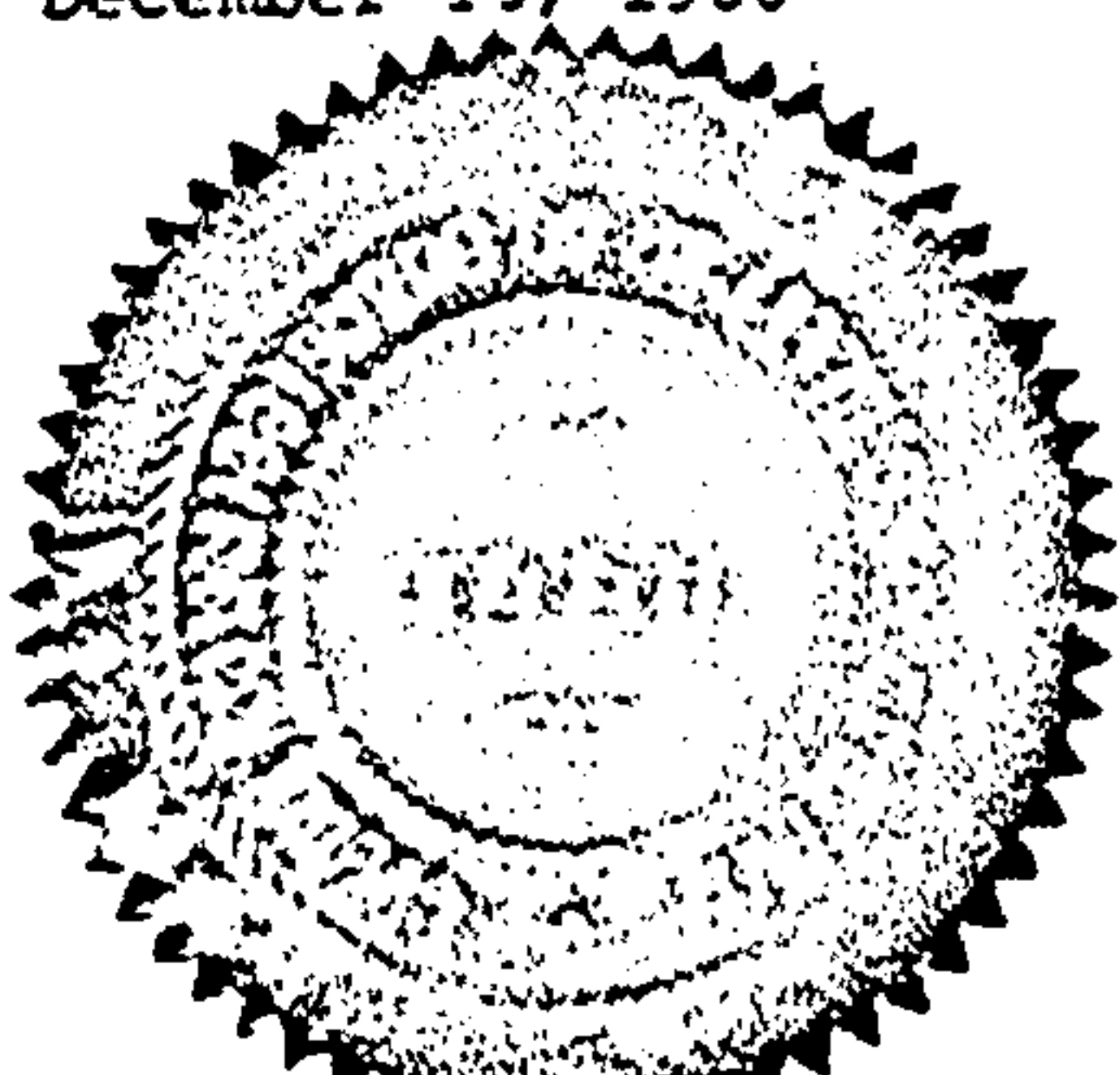
WHEREAS, In accordance with federal EEOC guidelines, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harrassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- 2) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that all county employees are to be fully informed that sexual harrassment in the workplace is illegal and will not be tolerated.

This Date:  
December 16, 1980

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*George R. Aud*  
George R. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II  
County Attorney

*Del. Co. Com*

*12-23-80*

MARY R. BELL



MD 002 291

RECORDED  
MAY 1985

NO: 88-94

SUBJ: BOARD OF EDUCATION  
CAPITAL IMPROVEMENT  
PROGRAM

MC 23 PM 1 55

RESOLUTION

WHEREAS, the Board of Education of St. Mary's County has prepared a Six Year Capital Improvements Program Request for FY 1982 through FY 1987 which requests State funding for various public school facilities projects in St. Mary's County; and

WHEREAS, the County Commissioners have reviewed the said Capital Improvements Program Request;

NOW, THEREFORE BE IT RESOLVED, by the County Commissioners of St. Mary's County, Maryland that they are fully knowledgeable of the fact that in addition to the requested State funding, county funds may be required to design, construct, and equip the school facilities projects contained in the Capital Improvements Program Request; and

FURTHER, BE IT RESOLVED, that the County Commissioners of St. Mary's County, Maryland fully intend to provide such operational funds and services as are or may become necessary to adequately operate, maintain and staff those public school facilities constructed with the use of State funds provided by the State Public School Construction Program for FY 1982.

Date:  
December 16, 1980

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George P. And*  
George P. And, President

*Larry Hillman*  
Larry Hillman, Vice-President

*Richard G. Arnold*  
Richard G. Arnold, Commissioner

*John L. Dean*  
John L. Dean, Commissioner

*David P. Taylor*  
David P. Taylor, Commissioner



ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph P. Bill*  
Joseph P. Bill, II  
County Attorney

*Del. Co. Com.*

*12-23-80*

MARY D. L. 1980

RESOLUTION

19-81 \* 21200 \*\*\*\*\*00  
19 81 A 21200 \*\*\*\*\*00

WHEREAS, By virtue of the authority conferred by Article 66B of the Annotated Code of Maryland, the Planning Commission for St. Mary's County has recommended for adoption a proposed Comprehensive Plan amendment for St. Mary's County, setting forth in same the objectives, principles, policies and standards which shall serve as a guide for the development and economic and social well being of St. Mary's County; and

WHEREAS, A public hearing on said amendment was held by the Planning Commission, as required by law, on September 8, 1980, at Leonardtown, St. Mary's County, Maryland, due notice of same having been given by publications printed in St. Mary's County in the two weekly issues printed immediately prior to said hearing; and

WHEREAS, Copies of said amendment were referred to adjoining State and local jurisdictions more than sixty days prior to said hearing as required by law; and

WHEREAS, The Planning Commission approved on September 22, 1980 the proposed Comprehensive Plan amendment; and

WHEREAS, The Board of County Commissioners, pursuant to the authority of Article 66B of the Annotated Code of Maryland, gave due notice of and conducted a public hearing on the proposed amendment on October 7, 1980; and

WHEREAS, The Board of County Commissioners have had sufficient time to study this amendment and the recommendation made by the Planning Commission and by other groups and individuals;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED By the Board of County Commissioners that the Amendment to the Comprehensive Plan for St. Mary's County, prepared by the Office of Planning and Zoning and recommended for approval by the St. Mary's County Planning Commission, is hereby approved and adopted. The text changes of this amendment are contained on the following pages:

Page vi - AIRCRAFT IMPACT DISTRICTS  
CHANGE TO - AIRCRAFT OVERFLIGHT AREAS.

Page 5, line 33, #8 - CHANGE TO  
Aircraft Overflight Areas - Areas in which the concentration of aircraft operations require limitation of land uses and sound level isolation of buildings.

Page 22, lines 9 through 15  
DELETE "This...as a whole."

Page 89, lines 30 and 31  
Noise Impact Zones  
CHANGE TO  
AIRCRAFT OVERFLIGHT AREAS

RECORDED  
MAR 19 1981

31 JAN 19 PM 1 42

LIBR 002 PAGE 283

NO: 81-03  
SUBJ: AMENDMENT OF THE  
COMPREHENSIVE PLAN FOR  
ST. MARY'S COUNTY  
Page 2

Line 32  
Noise Impact Zones  
CHANGE TO  
AIRCRAFT OVERFLIGHT AREAS

Line 36  
Noise Zones  
CHANGE TO  
AIRCRAFT OVERFLIGHT AREAS

Page 90 (last line)  
DELETE "This potential"

Page 91, first paragraph  
DELETE "forms...Plan."

Page 108, line 2, second paragraph  
CHANGE "airport impact zone"  
TO "AIRCRAFT OVERFLIGHT AREA"

Page 111, line 6, second paragraph  
CHANGE "airport impact zone"  
TO "AIRCRAFT OVERFLIGHT AREA"

Page 160 - CHANGE TO  
It shall be the policy of St. Mary's County to provide for  
airports and control uses in the surrounding area. The  
uses allowed shall recognize compatibility of use and  
sound isolation requirements as shown in TABLE 36, for the  
following installations and their FAA classifications as  
shown below.

DELETE Page 160a  
INSERT

Airports Affected

Naval Air Test Center/Naval Air Station  
Patuxent River, Maryland - Military Precision

TABLE 36  
Acceptable Land Uses and Minimum Building  
Sound Level Requirements

This date:  
January 13, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dear*  
Ford L. Dear, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II, County Attorney

*Del. Co. Comm.*

*1-19-81*

MARY R. BELL, CLERK

INDEX 002 PAGE 284

ZONING RESOLUTION NO. Z-81-01  
SUBJ: RIDGE COMMUNITY  
RURAL SERVICE CENTER  
ZA 79-280

ZONING AMENDMENT

JAN 19 81 \* Z1201 \*\*\*\*\*00  
JAN 19 81 A Z1201 \*\*\*\*\*00

WHEREAS, Application has been made to rezone property located on Tax Map 70 and 71 in the community of Ridge, Md. (comprehensive rezoning), the First Election District of St. Mary's County, from R-1, Rural Residential, and AR-2, Agricultural-Residential, to RSC, Rural Service Center.

WHEREAS, Public Hearings on the request have been held by the Planning Commission, which has recommended approval of the comprehensive rezoning of property located in the community of Ridge, Maryland, to a Rural Center District.

WHEREAS, A hearing has been held by the County Commissioners of St. Mary's County, and the County Commissioners approved the request for rezoning of property in the community of Ridge, Maryland, to a Rural Service Center.

WHEREAS, The Board of County Commissioners for St. Mary's County, Maryland, resolve and ordain this 13th day of January 1981; that the request for rezoning property located on Tax Map 70 and 71 in the community of Ridge, Maryland (Comprehensive Rezoning), in the First Election District of St. Mary's County, Maryland, from R-1, Rural-Residential, and AR-2, Agricultural-Residential to RSC, Rural Service Center, be and the same is hereby granted and approved, and that the official zoning map of St. Mary's County, be amended accordingly.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George B. Aud*  
George B. Aud, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

RECORDED  
JAN 19 1981  
31 JAN 19 PM 1 45

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. Co. Comm.*

*1-19-81*

MARY R. BELL; CLERK

RECORDED

LIBR 002 PAGE 285

81 JAN 27 PM 2 57

ZONING AMENDMENT NO. 81-03  
SUBJ: H. T. WARING  
ZONE #80-2995

ZONING AMENDMENT RESOLUTION

WHEREAS, Henry Thomas Waring has made application to rezone a 2.7 acre parcel of land in the Eighth Election District of St. Mary's County, Maryland located on Route 235 known as Parcel 449, Tax Map 43, from C-1 to C-2.

WHEREAS, The application was initially reviewed in detail by the Planning Commission, which after public hearing, has unanimously recommended its approval.

WHEREAS, the matter has been referred to the County Commissioners, who after published notice, conducted an open hearing on the request on December 30, 1980.

Having reviewed the file in the case and considered the evidence and testimony presented, the County Commissioners find as fact that:

1. The subject property consists of 2.7 acres currently zoned C-1 and identified as Parcel 449 on Tax Map 43 and situated on Route 235 in the Eighth Election District.
2. The applicant requests a change in the zoning classification to C-2 for the purpose of constructing a motel thereon.
3. The Office of Planning and Zoning has defined the neighborhood for the subject rezoning case as being the commercially zoned area East of the old railroad right-of-way and the Mayjack, Inc. property West of Maryland Route 235, North of Chancellors Run Road, and South of the Barefoot Acres property.
4. Virtually all parcels of property within the defined neighborhood are zoned either C-1 or C-2.
5. The subject property is served by a dual lane highway in a section with extremely good site distance and access.
6. To develop the property for its proposed use would require the use of public sewage treatment facilities. A sewer line is located adjacent to the subject property.
7. The subject property is situated within the designated urban district of the Comprehensive Land Use Plan.
8. The established neighborhood has not exhibited any change in the "permanent" population which differs from that projected by the Comprehensive Land Use Plan. There is however, evidence of growth in the transient population associated with the Patuxent River Naval Air Station which was not envisioned in the Comprehensive Land Use Plan.
9. The stated intent and purpose of the C-1 Commercial Districts is to provide shopping and services for persons residing in nearby residential neighborhoods. The residential neighborhoods in the vicinity of the subject property are on the opposite side of a dual lane highway which acts as a barrier to other than day-to-day short trips.

LIBER 002 PAGE 286

ZONING AMENDMENT NO. 81-03  
SUBJ: H.T. WARING  
ZONE #80-2995  
PAGE 2

Having reviewed the proceedings in light of the above findings of fact the Board finds that:

1. The subject property is located in that portion of Route 235 that is the northern most limits of the urban development district of Lexington Park and because of the commercial development already in existence, there is the beginnings of a transition of Route 235 from a high speed highway to a through-fare into and through a commercial district.

2. The commercial nature of the neighborhood and of the subject property is already firmly established by the existing commercial zoning classifications.

3. The net effect of rezoning the subject property to C-2 from C-1 would be to merely increase the number and types of permitted commercial uses allowed thereon.

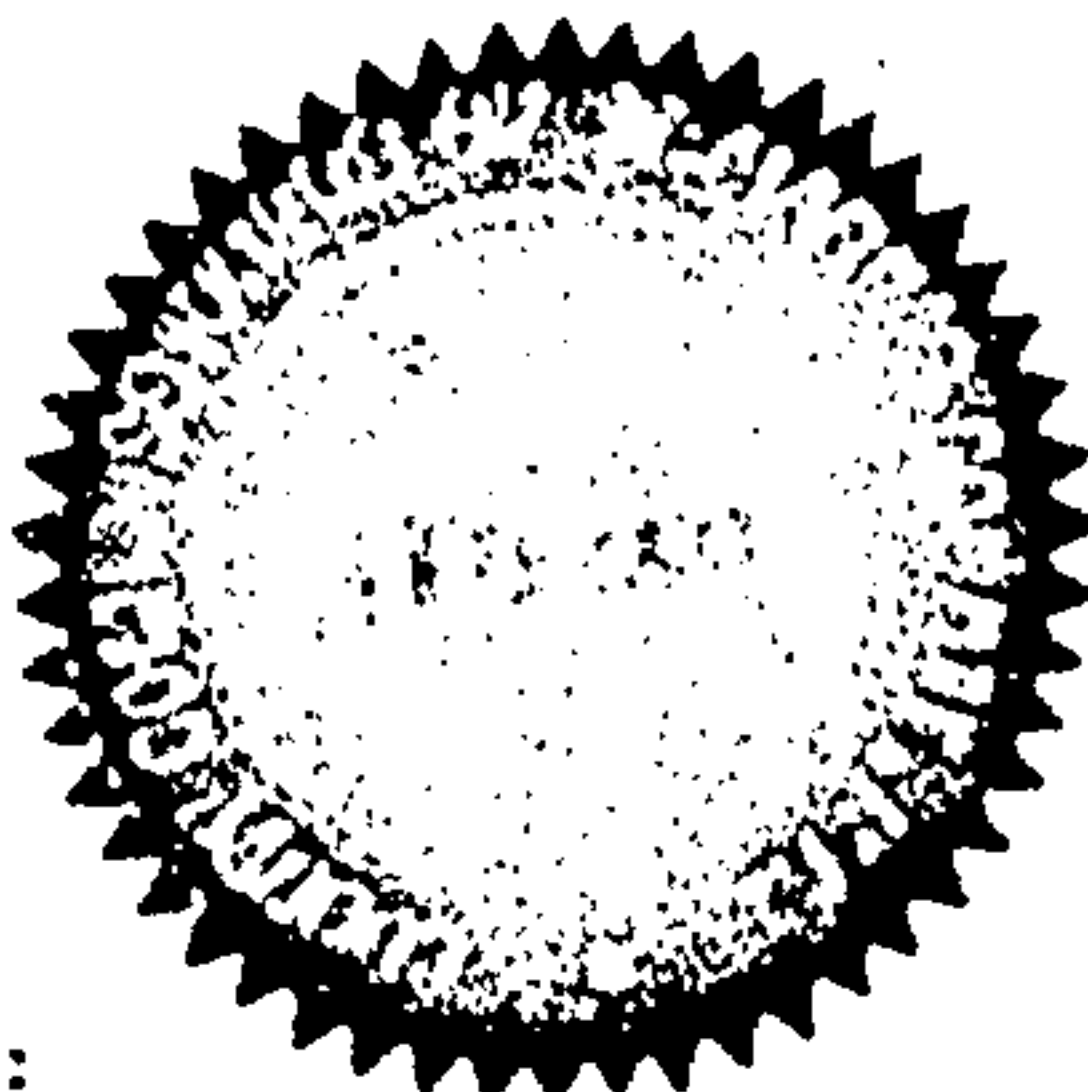
4. The infrastructure necessary to accommodate the proposed use is established and in place.

5. Because of the existing commercial nature of the identified neighborhood, there would be no adverse impact created upon residential neighborhoods by a change from C-1 to C-2.

Because of the above findings, the Board concludes that the continuation of C-1 zoning is inappropriate because of the change in the transitional population in the urban district of Lexington Park. The Board further concludes that there is also a basis for alleging "mistakes" in the original C-1 classification given the facts of the C-2 designation of other parcels of property within the defined neighborhood and the barrier created by the dual highway which lies between the subject property and the residential neighborhoods it is designed to serve.

The requested rezoning to C-2, Commercial, is accordingly granted.

It is therefore resolved and ordained this 27th day of January, 1981 that the request for zoning reclassification be and the same is hereby approved.



ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Del. Co. Comm.

1-27-81

MARY R. BELL, CLERK

SUBJ: WALDEN COUNSELING  
CENTER, STATE GRANT  
(ST-MEDA-53)

RESOLUTION

WHEREAS, the County Commissioners of St. Mary's County, Maryland have received a State Construction Grant through the Department of Health and Mental Hygiene to fund fifty (50) percent of the construction and equipment costs at the Walden Counseling Center, and

WHEREAS, the Board of Public Works approval of said grant is contingent upon receiving proof of recording among the Land Records, the State of Maryland's fifteen (15) year right of recovery.

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of St. Mary's County, Maryland do hereby agree that the following restrictive covenant shall apply to the Walden site:

"If at any time within 15 years after payment of Community Mental Health Center Components, Addiction Facilities, or Mental Retardation Facilities Loan funds to St. Mary's County, the property is sold or transferred to any person, agency, or organization which would not itself qualify as an applicant under the terms of the Act or which is not approved as a transferee by the Secretary of Health and Mental Hygiene, or if the property should cease to be a public or non-profit facility as defined in Chapter 899 of the 1978 Laws of Maryland, then the State shall be entitled to recover from either the owner, the transferor, or transferee, an amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in a court of competent jurisdiction) of so much of the institution as constituted an approved project, as the amount of the state participation bore to the cost of constructing and equipping the project."

RECORDED  
MARY R. BELL  
CLERK OF DISTRICT COURT

'81 JAN 27 PM 2 55

LIBER 002 PAGE 288

RESOLUTION NO. 81-05

SUBJ: WALDEN COUNSELING  
CENTER, STATE GRANT  
(ST-MHDA-53)

For purposes of this Resolution, the Walden site  
is defined as follows:

The Walden Counseling Center is situated on a 3.82  
acre site zoned for its intended use out of the larger 198+  
acre tract owned by St. Mary's County. The site fronts on  
St. Andrew's Church Road to the west, adjoins St. Andrew's  
Sanitary Landfill to the south and is bordered by the lands  
now or formerly owned by Lottie V. Tudge to the north and  
east.

The restrictive covenant of this Resolution applies only  
to the 3.82 acre site and not for any other portion of the  
County property.

This Resolution shall be recorded among the Land Records  
of St. Mary's County, Maryland.

Witness the hand and seal of the Commissioners of  
St. Mary's County, Maryland, this 20th day of January, 1981.

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO FORM:

J. Ernest Bell, II  
J. Ernest Bell, II  
County Attorney

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

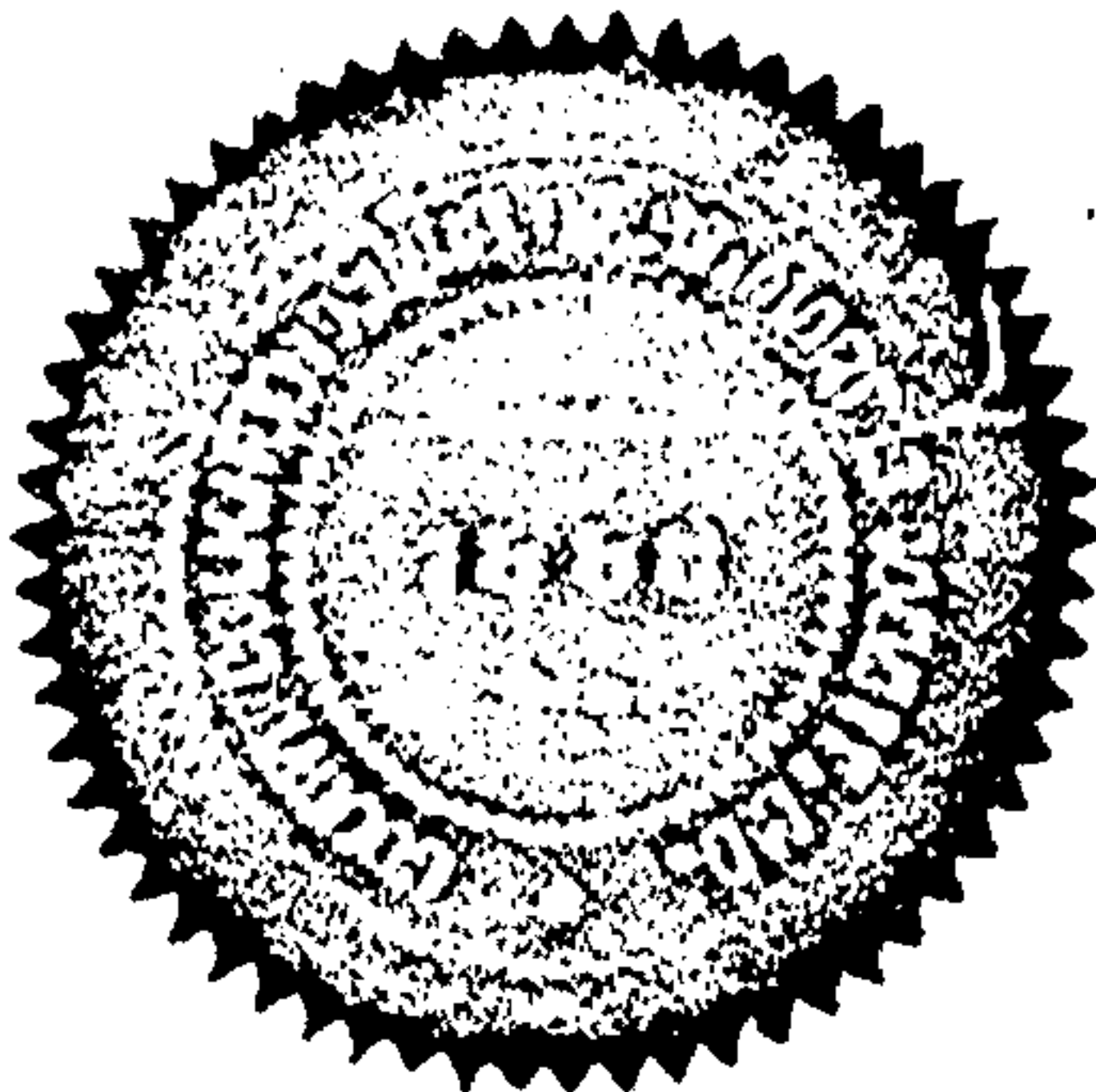
George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice President

Ford L. Dean  
Ford L. Dean, Commissioner

Richard D. Arnold  
Richard D. Arnold, Commissioner

David F. Sayre  
David F. Sayre



*Del. Co. Comm.*

*1-27-81*

MARY R. BELL, CLERK



ZONING AMENDMENT RESOLUTION NO. 81-04  
URBAN SYSTEMS DEVELOPMENT CO.  
(CEDAR COVE SUBDIVISION)  
ZPUD #80-2606

RESOLUTION

WHEREAS, Urban Systems Development Company, a subsidiary of Westinghouse Electric Corporation, owner of a subdivision known as CEDAR COVE in the Eighth Election District of St. Mary's County, Maryland, has submitted an application requesting approval of an amended Planned Unit Development for its property located on Hermanville Road, South of Patuxent River Naval Air Station, being designated as Parcel 6, Block 3, Tax Map 52, and zoned PDR 3.5.

After due notice by publication, the Planning Commission held a public hearing on the request. The Planning Commission has recommended approval of the amended development plan, subject to the clear understanding that there is no existing sewer capacity to serve the residential density that is the subject of the Planned Unit Development.

WHEREAS, the County Commissioners, after published notice, conducted a public hearing in this matter on December 2, 1980.

WHEREAS, on September 19, 1979 a Supplemental Development Agreement for Cedar Cove, St. Mary's County, Maryland, was executed by and between the Board of County Commissioners of St. Mary's County and Westinghouse Electric Corporation, and,

WHEREAS, in Paragraph 3, Page 2 of said Agreement, "The Developer (Westinghouse Electric Corporation) agrees to revise the site plan for parcels B and C of the Cedar Cove Site, as defined in the Development Agreement, and to relocate residential dwelling units in Parcels B and C in such a manner as to effect densities permitted under the AICUZ Regulations, i.e., one dwelling unit per gross acre in CNR-2 and two dwelling units per gross acre in the Buffer," and,

WHEREAS, the St. Mary's County Office of Planning and Zoning affirms that the Cedar Cove 1980 Development Plan as submitted in the subject case meets in all respects the terms and intent of Paragraph 3 and the other provisions of the above mentioned Supplemental Development Agreement, and,

WHEREAS, the St. Mary's County Planning Commission recommends the approval of the subject amended Development Plan,

THEREFORE, BE IT RESOLVED, this 27th day of January 1981 by the Board of County Commissioners that the subject amended Development Plan for the Cedar Cove PUD is hereby approved, subject to the stipulation that said approval in no way confers to the applicant/owner any right to sewage treatment capacity in the Pinehill Run Sewage Treatment Plant.

RECORDED

MARY R. BELL

LIBR. RECORDS DIV.

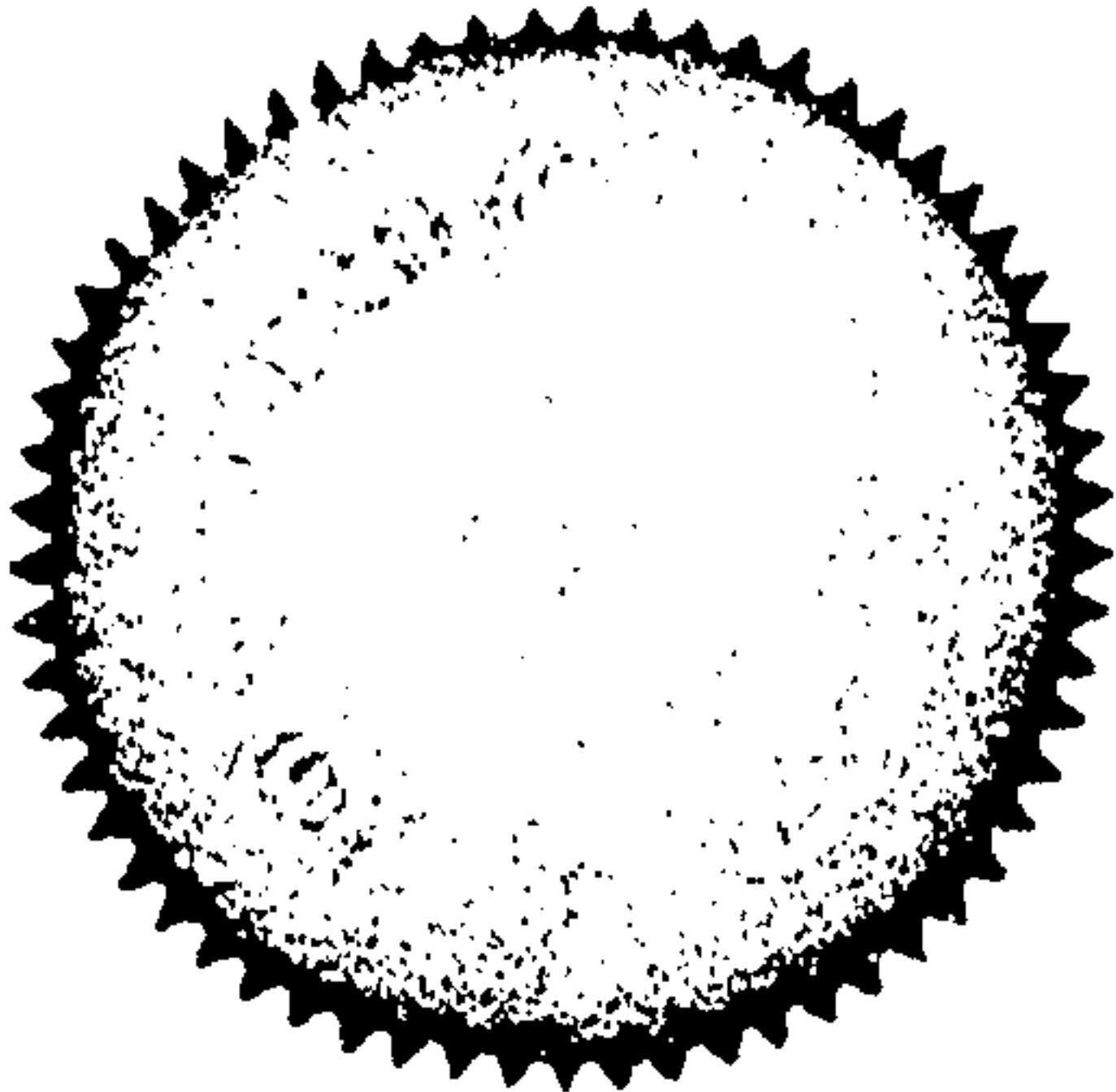
'81 JAN 27 PM 2 56

LIBR 002 PAGE 290.

ZONING AMENDMENT RESOLUTION NO. 81-04  
URBAN SYSTEMS DEVELOPMENT CO.  
(CEDAR COVE SUBDIVISION)  
ZPUD #80-2606  
PAGE 2

The Board is cognizant of the prohibitions expressly mandated in Article 43, Section 38-7c of the Annotated Code of Maryland in cases of limited available sewage treatment facilities to serve proposed development. The Board further recognizes that there does not now exist the required capacity in the Pinehill Run Sewage Treatment Plant to fully serve the Cedar Cove PUD. Any actual construction in concert with the approved, amended Development Plan shall be permitted only after the accomplishment of approved site plan, subdivision approval and an approved Public Works Agreement with the St. Mary's County Metropolitan Commission.

This Date: 1/27/81



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. Co. Comm*

1-27-81

MARY R. BELL, CLERK

No. 81-15

Subj: BUILDING PERMIT FEE SCHEDULE

RESOLUTION

MAR -4-81 \* 23215 \*\*\*\*\*00  
MAR -4-81 A 23215 \*\*\*\*\*00

A:  
Cc

WHEREAS, Article 25, Section 25 of the Annotated Code of Maryland authorizes the Board of County Commissioners to set building permit fees in December of each year; and

WHEREAS, the appropriate fees have been evaluated as to service to citizens and costs to the County of ensuring the protection of the public thereby; and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended;

NOW, THEREFORE, BE IT RESOLVED, that the enclosed Building Permit Fee Schedule is established as indicated and ordered collected for new construction effective this 3rd day of March, 1981, and that any conflicting fee schedules for the same purposes, including Resolution No. 78-08 dated January 23, 1978, are repealed.

Enclosure: Building Permit Fee Schedule

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

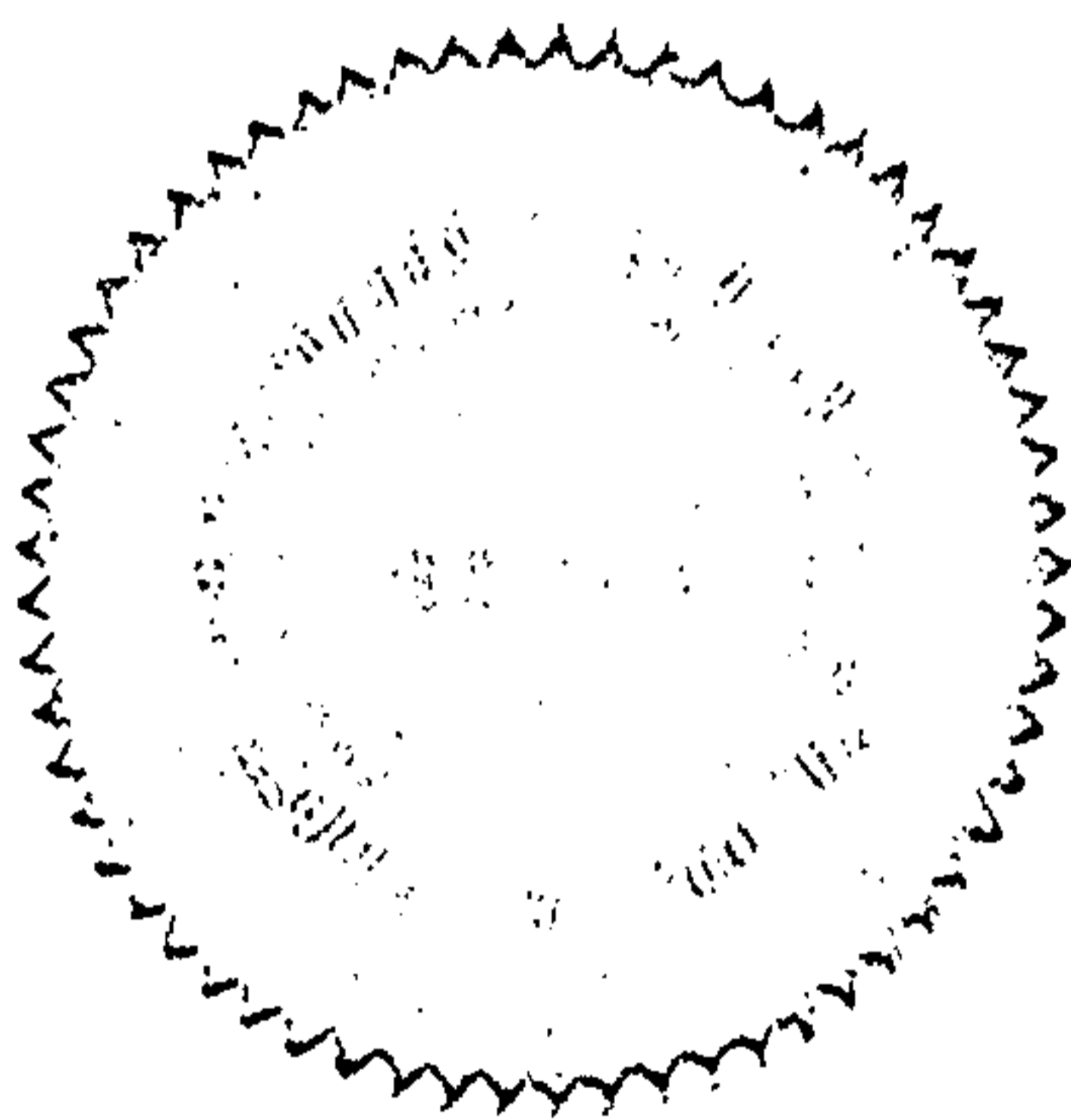
George R. Aud  
GEORGE R. AUD, President

Larry Millison  
LARRY MILLISON, Vice-President

Ford L. Dean  
FORD L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner



Attest:  
Edward V. Cox  
EDWARD V. COX, County Administrator

Ad.  
Coi

Approved as to Legal Sufficiency:  
Joseph E. Bell II  
JOSEPH E. BELL, II, County Attorney

RECORDED  
MARY R. BELL,  
CLERK, COUNTY CLERK  
81 MAR 4 PM 1 25

BUILDING PERMIT FEE SCHEDULERESOLUTION NO. 81-15BUILDINGS, STRUCTURES & RELATED USESFEEES

Agricultural, forestry and fishery structures, including appurtenances based on gross sq. ft. of floor space under roof

One cent per square foot. Fee is charged only for structures of a size of 300 sq. ft. or greater.

Agricultural grain storage bins

\$.01 per cubic yard is charged for only bins larger than 100 cu. yds.

Construction of all single family and two family dwelling structures, and mobile homes including basements, garages, and appurtenances thereto, based on gross floor space under roof. (Basement is anything 50% or more below grade.)

Five cents for each square foot of the basic structure. Two cents per square foot for basements, garages, and appurtenances thereto.

When a mobile home's last "USE" was for a dwelling and it is being replaced by another mobile home, the fee will be calculated only for the additional square footage over and above the one being replaced.

Townhouses, garden apartments, and multi-family dwelling structures, including appurtenances, basements, and garages based on floor space under roof.

Five cents for each square foot.

Commercial and industrial structures and enclosures and appurtenances based on gross floor area under roof.

Five cents for each square foot.

Industrial oil or petroleum storage tanks larger than 144 cubic yards

Five cents per cubic yard if larger than 144 cubic yards.

Hardstands, open commercial parking lots, and similar construction based on gross square feet covered thereby

One cent for each square foot over 144 sq. ft.

Private permanent-type swimming pools and tennis courts

\$15.00

Commercial or public swimming pools and tennis courts

\$30.00

Metal or wood free-standing storage shed and similar sheds, accessory to residential structures

One cent per square foot.

(Observation stands), piers, trailer and camper pads (and spaces), antenna structures exceeding fifteen feet in height, commercial (petroleum storage tanks and) gas pumps, boat houses, bulkheads, groins, levees, breakwaters and jetties

\$10.00 per unit.

Additions to agriculture, residential, commercial and industrial structures.

Computed at same rate as for the existing structure use.

Moving of principal buildings. Principal building shall mean a building used as a residence, or a building used for commercial or industrial purposes.

\$15.00 per building.

Demolition of principal buildings larger than 144 sq. ft. to which is connected electrical service or water supply

No fee.

BUILDING PERMIT FEE SCHEDULE  
(continued)

Page 2

For any fees for use or structures not covered herein, the Chief, Permits and Inspections shall equate the fee to the nearest schedule.

(Refunds: Refunds of fees shall be granted in accordance with the Refund Policy approved by the Board of County Commissioners on October 13, 1977.)

ABATEMENT OF BUILDING PERMIT FEES

Resolution No. 75-53

July 1, 1975

The following organizations and/or projects shall be eligible for exemption from paying County building permit fees:

1. Chartered County volunteer fire departments and rescue squads;
2. Public school buildings;
3. Buildings toward which the County government contributes construction funds;
4. Non-profit organizations which are in receipt of U. S. Internal Revenue tax exempt status, provided that such abatement of any building permit fees shall be only for buildings to be used exclusively for religious, educational, charitable or other non-profit purpose.

The exemption from paying building permit fees shall not be on a blanket basis, but individual requests shall in each case be made to the Board of County Commissioners for its consideration and determination that the applicant qualifies for exemption per the requisites set forth.

MAIL TO: COUNTY COMMISSIONERS 3-4-81

MARY R. BELL, CLERK

No. 81-14

Subj: SCHEDULE OF FEES  
FOR ST. MARY'S COUNTY -  
PLANNING & ZONING

RESOLUTION

MAR -4-81 \* 23216 \*\*\*\*\*00  
MAR -4-81 A 23216 \*\*\*\*\*00

WHEREAS, Article 19 of the St. Mary's County Zoning Ordinance provides for the establishment of Planning and Zoning fees by the Board of County Commissioners; and

WHEREAS, Section 143A of the Code of Public Local Laws of St. Mary's County authorizes the Board of County Commissioners to set Plumbing Permit fees; and

WHEREAS, the appropriate fees have been evaluated as to service to citizens and costs to the County of ensuring the protection of the public thereby; and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended;

NOW, THEREFORE, BE IT RESOLVED, that the enclosed Fee Schedule is established and ordered collected for permits, plans, and processes as indicated, effective this 3rd day of March, 1981, and that all existing fee schedules for the same purposes, including Resolution No. 78-09 dated January 23, 1978, are repealed.

Enclosure: Schedule of Fees for St. Mary's County

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

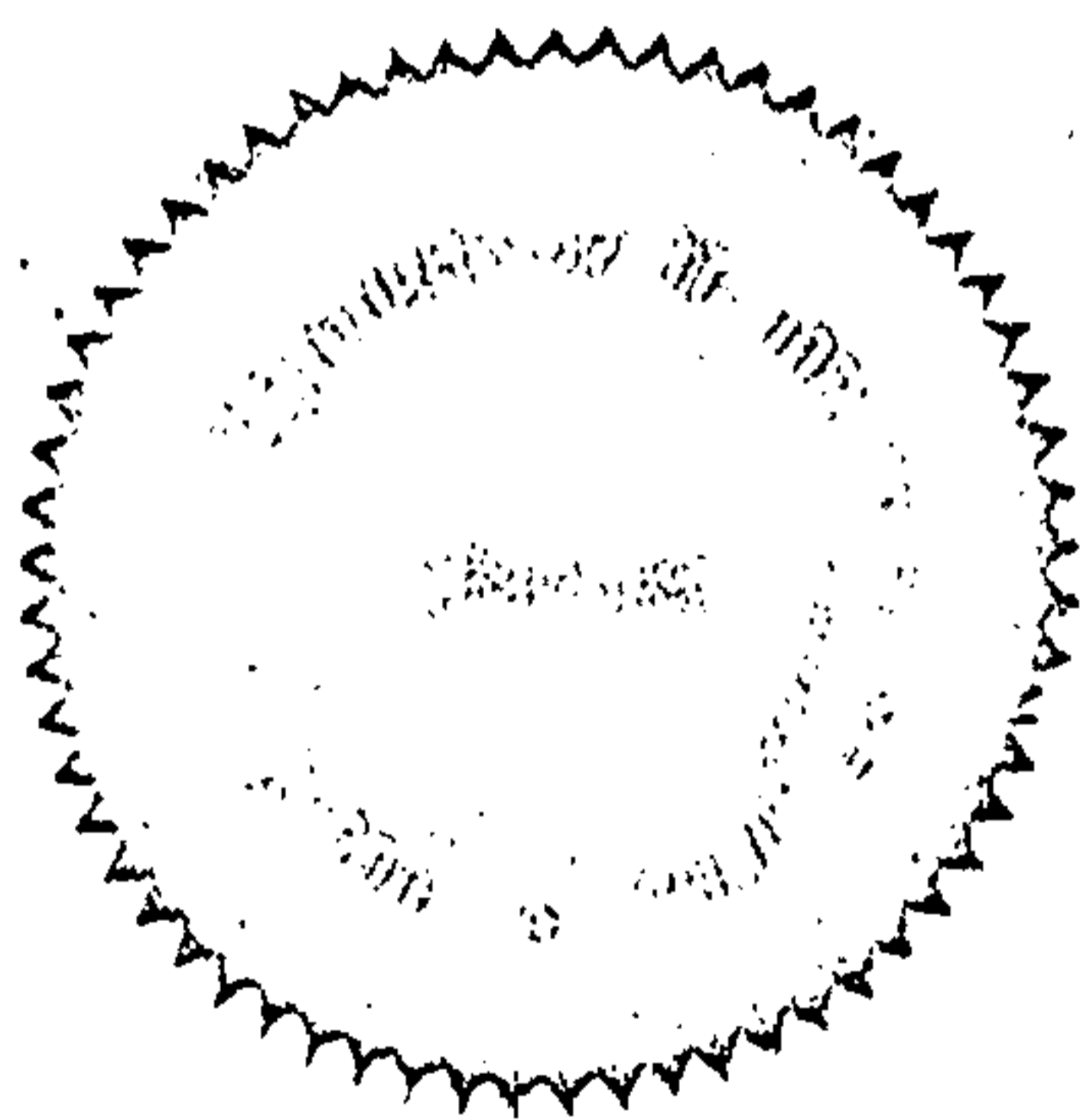
George R. MOD  
GEORGE R. MOD, President

Larry Millison  
LARRY MILLISON, Vice-President

Ford L. Dean  
FORD L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

Richard D. Arnoed  
RICHARD D. ARNOED, Commissioner



Attest:

Edward V. Cox  
EDWARD V. COX, County Administrator

Approved as to Legal Sufficiency:

Joseph E. Bell II  
JOSEPH E. BELL, II, County Attorney

RECORDED  
MARY R. BELL  
CLERK, COUNTY CLERK  
81 MAR 4 PM 1 26

SCHEDULE OF FEES FOR ST. MARY'S COUNTY

OCCUPANCY PERMITS

<u>USE/STRUCTURE</u>	<u>FEE</u>
Single Family Dwelling, where required	No fee
Duplex Structure	\$3.00 per unit
Home Occupations	\$10.00
Multi-family, Garden Apartments, and Townhouse Dwelling Structures, Rooming Houses, Tourist Houses, Boarding Houses	\$10.00 per structure plus \$3.00 per unit
Swimming Pools, permanent type	No fee (permit required)
Commercial parking structure, commercial greenhouses, drive-in theaters, (tents for commercial use, carnival, circus, festival and similar uses) and similar uses	\$10.00
Hotels, Motels, (Inns), Mobile Home Parks, Private Clubs and Lodges and Camper Parks	\$10.00 plus \$2.00 per unit
Other commercial, office, marinas, food processing, per 5,000 sq. ft. gross floor area or fraction thereof	\$10.00
Manufacturing/Industrial	\$5.00 plus \$2.00 per 1,000 sq. ft. of floor space, maximum fee \$200.00
Government-owned, operated, and/or sponsored facilities and activities, and civic association, historical buildings, (short-term activities of non-profit organizations,) and similar uses, (including signs).	No fee Permit required
Uses such as: private schools, churches, day nurseries, boarding camps, day care foster care, (temporary or seasonal sales not operated by non-profit organizations, and similar uses).	No fee Permit required
Change of use	The fee shall be the same as per schedule
Expansion of use	Percentage expansion, times appropriate fee schedule
Minimum fee for any single Certificate of Occupancy shall not be less than \$5.00.	

SCHEDULE OF FEES FOR ST. MARY'S COUNTY  
(continued)

<u>1. Planning and Zoning Actions</u>	<u>Fees</u>
Zoning Permit	No fee
Subdivision Plat Review	\$10.00 per lot (plus actual consultant review cost)
Site Plans:	
Regular	\$150.00
Simplified	\$50.00 - However, if the estimated capital improvement does not exceed 144 sq ft, review fees shall be \$25.00. <u>Note:</u> If a Simplified Site Plan is a part of a Conditional Use Application or Application for Expansion of Non-conforming Use, no fee is charged for Site Plan Review.
Zoning Amendment, Rezoning	\$100.00
Planned Unit Development - Plan Review	\$500.00
<u>2. Board of Appeal's Actions</u>	
Conditional Use	\$50.00
Variance to the Zoning Ordinance	-\$25.00 (each item)
Appeal of Zoning Administrator's Decision	\$50.00, refundable if the Board of Appeals finds in favor of the applicant.
Change, Re-institution or Expansion of Non-Conforming Use, of greater than 50% and has to be heard by the Board of Appeals.	\$50.00
<u>3. Other Actions</u>	
Occupancy Permits	See attached list
Signs: Under 5 sq. ft. of sign area.	No fee
5 to 32 sq. ft. of sign area.	\$10.00
Greater than 32 sq. ft. of sign area	\$10.00, plus \$00.05 per sq. ft. of sign area
Public Notices and Advertising	\$15.00 per case

\*For any fees for uses or processes not covered herein, the Chief, Permits and Inspections shall equate the fee to the nearest schedule.

\*\* (Refunds of fees shall be granted in accordance with the Refund Policy approved by the Board of County Commissioners on October 13, 1977).



SCHEDULE OF FEES  
(continued)

<u>PLUMBING</u>	<u>FEE</u>
New Installation - Houses	\$3.00 per fixture \$15.00 minimum
Mobile Homes	\$15.00
Re-issue of expired permit	\$15.00
Fixtures left out of original permit application	\$5.00
Water Service connection to private or public central water system	\$10.00
Sewer Service connection to a private or public central sewer system	\$10.00
Additional inspections in excess of three	\$5.00 each
County Master License Fee	\$10.00 per year
County Journeyman License Fee	\$5.00 per year
County Apprentice License Fee	\$2.00 per year
 (REFUNDS: Refunds of fees shall be granted in accordance with the Refund Policy approved by the Board of County Commissioners on October 13, 1977).	
<u>Trailer Occupancy or Use Tax (Annual)</u> Code of St. Mary's County Maryland Chapter 267-1 & 2	\$ 6 per trailer per month due & payable not later than 20th day of follow- ing month
<u>Trailer Park License Fee (Annual)</u> Code of St. Mary's County Maryland Chapter 136-3	\$100 2- 50 trailer spaces \$200 51-100 trailer spaces \$ 5 each space over 100 spaces Expires June 30 each year
<u>EIF, Economic Impact Fee (one time)</u> Subdivisions, all over 2 lots Resolution No. 76-30 June 16, 1976	\$200 per lot
<u>Taxicab License Fee (Annual)</u> Code of St. Mary's County Maryland Chapter 133-2	\$ 50 1st taxicab \$ 25 each additional taxicab Expires April 30 each year
<u>Money in Lieu of Land (Rec. &amp; Parks)</u> Subdivisions over two lots (one time) except where land is donated Resolution No. 79-18 Feb. 28, 1979	\$300 per lot.

SCHEDULE OF FEES

(continued)

	<u>FEE</u>
<u>Septic Tank Installers' License</u>	
New Licenses	\$ 25
Renewals	\$ 15 each year
<u>Scavenger's License</u>	\$ 25 per truck
Code of St. Mary's County Maryland Chapter 258-2	
<u>Pool Tables</u>	\$100 each per year
<u>Shuffle Boards</u>	\$100 each per year
<u>Bowling Alley Coin Operated Machines</u>	\$100 each per year

County fees for pool tables, shuffle boards and bowling alley machines must be paid prior to the issuance of the required license by the Clerk's Office.

SALES

<u>Planning Office</u>		
Copies of Reference Maps	\$ 3 per copy	No charge Governmental Offices
<u>Zoning Office</u>		
Maps	\$ .75 1.25 2.75	
Decals	\$ .50 3.25	
Zoning Ordinance	\$10.00	
Comprehensive Land Use Plan	10.00	No charge
Comprehensive Water & Sewer Plan	15.00	Governmental Offices
Code of St. Mary's County Maryland	60.00	

MAIL TO: COUNTY COMMISSIONERS 3-4-81

MARY R. BELL, CLERK

REZONING RESOLUTION

MSR-4-81 \* 23217 \*\*\*\*\*  
MSR-4-81 A 23217 \*\*\*\*\*

WHEREAS, Leon T. Buker has made application to rezone a tract of land containing 1.06 acres, more or less, that is located on Great Mills Road, approximately 3,000 feet northeast of Chancellors Run Road in the Eighth Election District of St. Mary's County, Maryland. The tract is identified on Tax Map 51, Block 2, Parcel 147. The request seeks a re-classification from R-2, Residential, to C-2, Commercial.

WHEREAS, the Planning Commission, after a public hearing, has recommended approval of this request.

The County Commissioners have likewise conducted a public hearing and they find as fact:

1. That the subject parcel is commercially developed non conforming use, having been used as a bowling alley both before and continuously since the adoption of comprehensive zoning in 1974.
2. That there is substantial commercially zoned and developed land in the immediate vicinity of the subject parcel.
3. That the use for which the property is utilized is a C-2 permitted use.
4. That a C-2 use of the property is compatible with the neighborhood.
5. That a mistake was made in the initial zoning of the property. NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, this 3rd day of March, 1981 that the application of Leon T. Buker for rezoning of the 1.06 acre parcel above mentioned is granted.

Attest:

The Board of County Commissioners of  
St. Mary's County, Maryland

Edward V. Cox  
Edward V. Cox  
County Administrator

George R. Aud  
George R. Aud, President

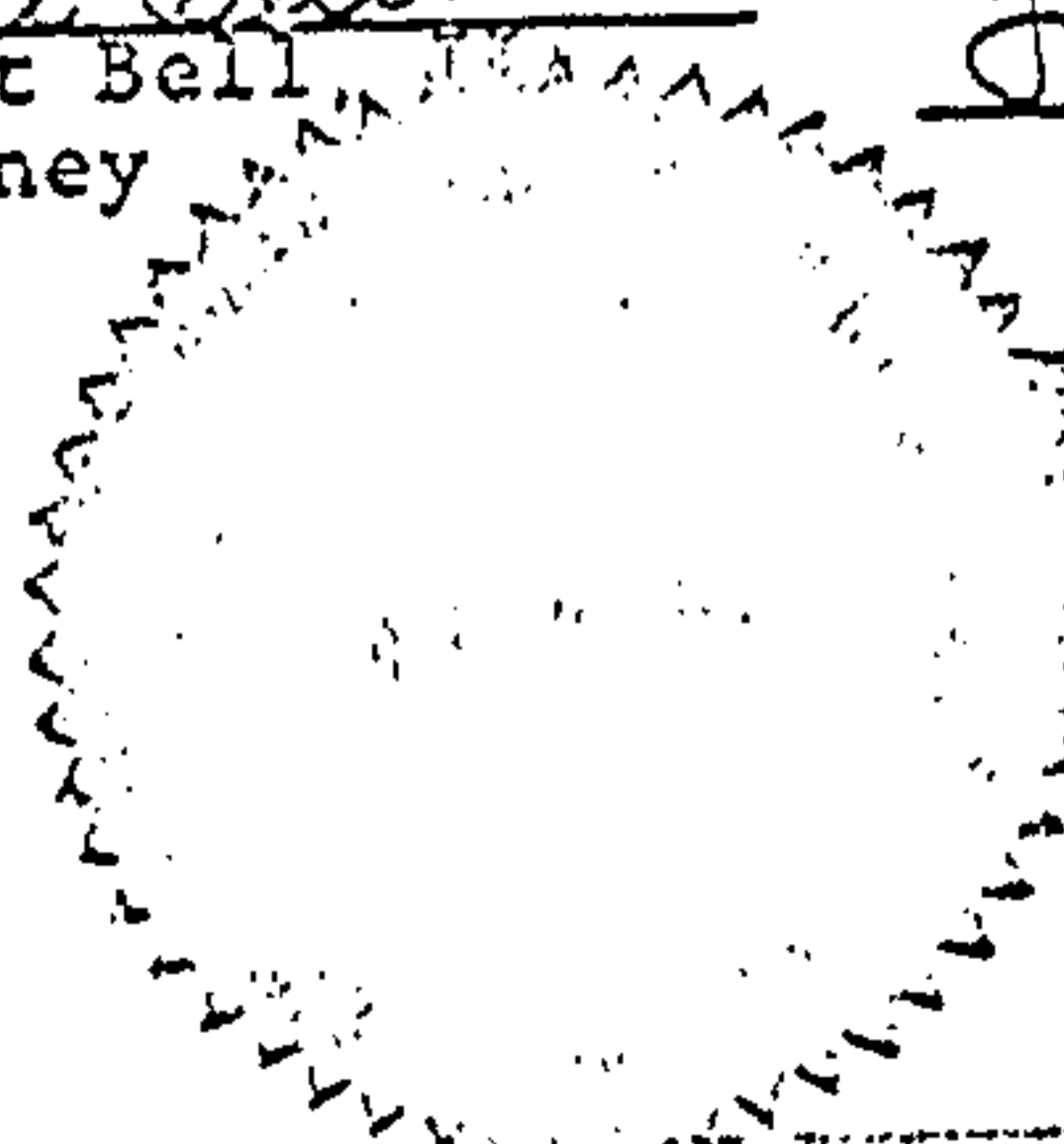
Approved as to form:

Richard D. Arnold  
Richard D. Arnold  
Ford L. Dean  
Ford L. Dean

Joseph Ernest Bell II  
Joseph Ernest Bell  
County Attorney

Larry Millison  
Larry Millison

David F. Sayre  
David F. Sayre



18ER 002 300

ZONING RESOLUTION NO. Z81-06  
SUBJ: GORDON H. RAGAN  
REZONING RESOLUTION ROUTE 5, NORTH OF  
LEONARDTOWN

WHEREAS, Gordon H. Ragan has requested that a 6.08 acre parcel owned by him located on Route 5, North of Leonardtown, in the Third Election District of St. Mary's County, Maryland be rezoned from C1 and R1 to C2. The property is identified on Tax Map 32 Block 32 as Parcels 308 and 313.

WHEREAS, the Planning Commission, after a public hearing, has unanimously recommended approval of the request.

After published notice, the County Commissioners conducted a public hearing on the request.

The County Commissioners find as fact that: MAR-4-81 \* 23218 \*\*\*\*\*.00  
MAR-4-81 A #23218 \*\*\*\*\*.00

1. Subject property consists of two separate parcels identified as Parcels 308 and 313 on Tax Map 32, Block 2 and together consist of 6.08 acres.

2. Parcel 308 is significantly larger than Parcel 313 and is currently zoned C-1, Commercial. Parcel 313 is zoned AR-2, Residential Agriculture.

3. Parcel 308 is currently commercially developed with three buildings thereon: an office building/warehouse, an office building and C&P Telephone Company Work Center/Maintenance Shop/Storage Yard. The property was essentially developed prior to the year 1974 when comprehensive zoning was adopted.

4. Not all of the current uses of the developed property are permitted under the C-1 category.

5. The small parcel 313 is undeveloped and it is proposed to be used by the C&P Telephone Company to construct a separate entrance to their facility.

In reviewing the above, the Board finds that:

1. With respect to Parcel 308, it is apparent that it was intended in 1974 when original zoning was adopted to zone the property commercial to accommodate the existing uses. The incorrect commercial category was, however, assigned. Based on mistake, rezoning to C-2 is granted.

2. With respect to Parcel 313, it is noted that because of the commercial development that is adjacent and because of the openness and narrowness of the parcel--it is inappropriate for

LIBER 002 301

ZONING RESOLUTION NO. 2-81-06  
SUBJ: GORDON H. RAGAN  
ROUTE 5, NORTH OF  
LEONARDTOWN

agricultural or residential purposes permitted under its present classification. It is also noted that a separate entrance to the C&P Telephone Company facility would improve the traffic flow on Route 5 and through Parcel 308 and as such is in the interest of the public good.

Based on mistake in original zoning, rezoning to C-2 is granted.

IT IS THEREFORE RESOLVED AND ORDAINED, this 3rd day of March, 1981 that the rezoning request of Gordon H. Ragan is approved.

Attest:

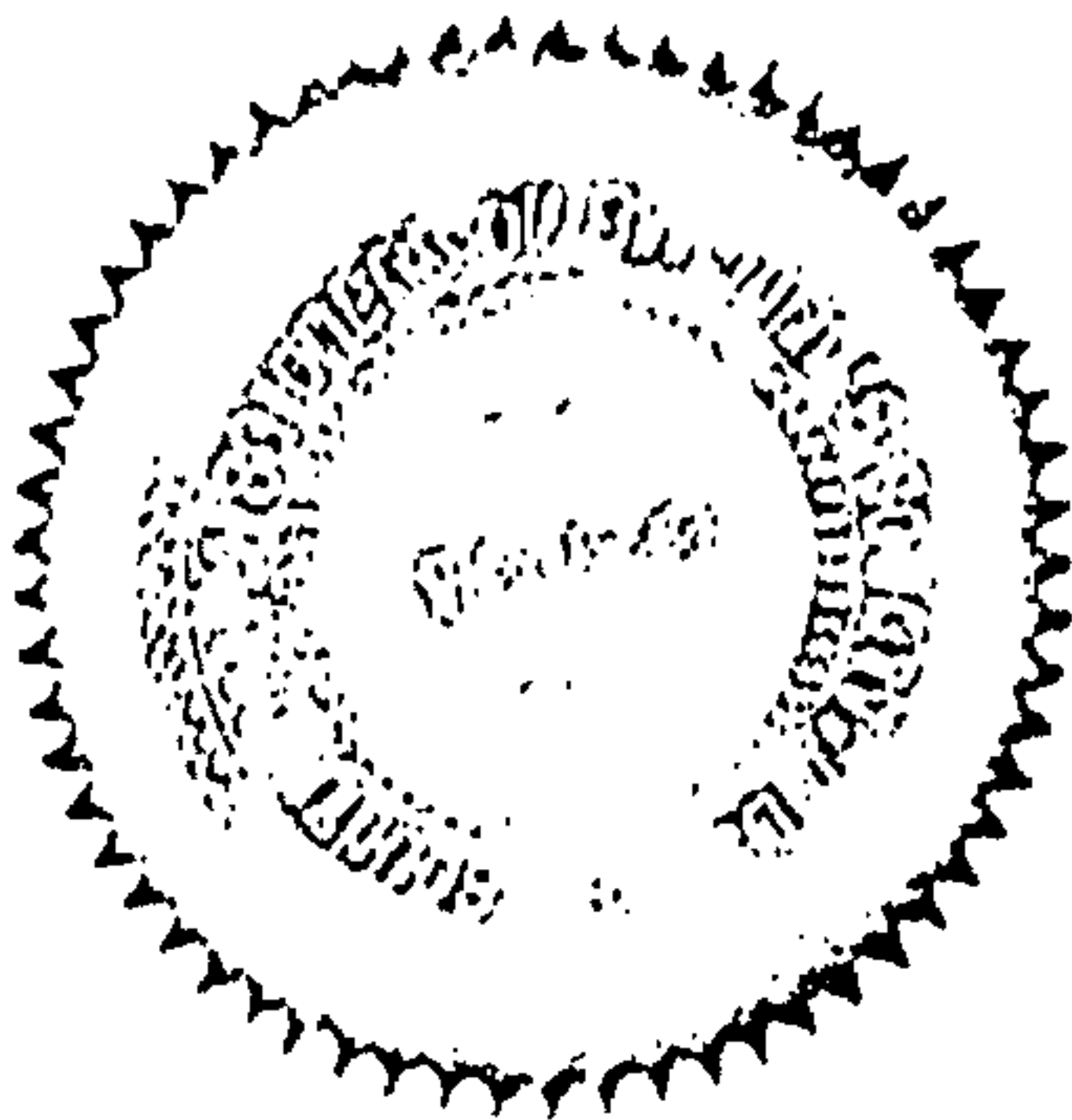
Edward V. Cox  
Edward V. Cox,  
County Administrator

George R. Aud  
George R. Aud, President  
Larry Milgison  
Larry Milgison, Vice-President

Approved as to form:

Joseph Ernest Bell II  
Joseph Ernest Bell, II,  
County Attorney

Richard D. Arnold  
Ford L. Dean  
Ford L. Dean  
David F. Sayre  
David F. Sayre



RECORDED  
MARY R. BELL  
CLERK, LEGAL CLERK  
'81 MAR 4 PM 1 25

Del County Comm.  
by mail

3-4-81

MARY R. BELL, CLERK

ZONING DECISION RESOLUTION NO. 81-07  
SUBJECT: MARVIN C. FRANZEN  
ZONE #80-1410

R E S O L U T I O N

WHEREAS, Marvin C. Franzen, owner of a tract of land located on Peggs Lane adjoining Spring Valley Subdivision, in the Eighth Election District of St. Mary's County, Maryland, has made application to rezone the parcel from C-1, Commercial, to R-15, Townhouses. The property is identified on the County Tax Map No. 43 as Parcel 75 in Block 15.

WHEREAS, The Planning Commission has conducted a public hearing on the request and having reviewed the merits of the case that Commission has recommended its approval.

WHEREAS, The County Commissioners, after published notice, held a public hearing on the rezoning application on March 3, 1981.

Having reviewed the application, heard the testimony presented and discussed the matter, the County Commissioners find as fact:

1. That prior to the adoption of the current Zoning Ordinance on May 23, 1974 the tract of land in question was zoned commercial, a category under the former ordinance that permitted multi-family residential. Multi-family residential is not a permitted use in a commercial district under the current Zoning Ordinance.
2. That there are now, as there was prior to 1974, two town-house units on the subject parcel of land.
3. That neither <sup>CA2</sup> County Comprehensive Master Plan nor the Lexington Park Master Plan envisions commercial development on the subject parcel.
4. That the subject parcel is not suitable for commercial development.
5. That the property is in an urban planning area, where multi-family housing and high density residential development is desired.
6. That the property lies beyond any nearby airport residential restriction buffer area.
7. That a mistake was made when the property was zoned in 1974 as commercial.
8. That immediate adjacent properties have been recently rezoned, one to R-15, and the other to R-4.
9. That the subject parcel is served by public water and sewer.
10. That there has been sufficient recent change in the neighborhood to justify rezoning to R-15.

RECORDED  
MAY 11 1981  
CLERK  
\*81 APR 8 PM 2 55

ZONING DECISION RESOLUTION NO. 81-  
SUBJECT: MARVIN C. FRANZEN  
ZONE #80-1410  
PAGE 2 OF 2

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 31<sup>ST</sup> day of MARCH, 1981 that the foregoing request is granted and the land mentioned above is hereby reclassified to R-15, Townhouses.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Add*  
George R. Add, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO FORM:

*Joseph E. Bell II*  
Joseph E. Bell, II  
County Attorney

MARY R. BELL, CLERK

*Del. Co. Comm.*

*4-8-81*

81-8-01 \* 20667 \*\*\*\*\*00  
81-8-01 B 22067 \*\*\*\*\*00

RESOLUTION

WHEREAS, the Board of County Commissioners of St. Mary's County is, by authority of Section 387C, Article 43 of the Annotated Code of Maryland (1980 edition), directed to adopt and submit to the Maryland State Department of Health and Mental Hygiene a revised plan for the provision of solid waste disposal throughout the County, to include all towns and municipal corporations within St. Mary's County, the said Solid Waste Plan to be consistent with the Comprehensive Land Use Plan of St. Mary's County, Maryland; and

WHEREAS, said report and Solid Waste Management Plan has, in fact, been prepared and submitted to the Board of County Commissioners of St. Mary's County, Maryland, in order that it may be adopted by said County and thereafter submitted to the Maryland State Department of Health and Mental Hygiene, Solid Waste Administration; and

WHEREAS, said Solid Waste Management Plan having been reviewed by the Board of County Commissioners of St. Mary's County, Maryland, and it appearing that all requirements under the State law having been complied with;

NOW, THEREFORE, BE IT RESOLVED, this 7th day of April, 1981, that the comprehensive Solid Waste Management Plan for St. Mary's County, Maryland, 1980-1990, is hereby adopted by the Board of County Commissioners of St. Mary's County, Maryland; and

IT IS FURTHER RESOLVED, that said County Plan be submitted to the Maryland State Department of Health and Mental Hygiene.

This Date: April 7, 1981

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
GEORGE R. AUD, President

LARRY MILLISON, Vice-President

Ford L. Dean  
FORD L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

RICHARD D. ARNOLD, Commissioner

Attest:

Edward V. Cox  
EDWARD V. COX  
County Administrator

Approved as to Legal Sufficiency:

Joseph E. Bell II  
JOSEPH E. BELL, II  
County Attorney

RECORDED  
APR 8 1981  
81 APR 8 PM 2 58

Del: Co. Comm.

4-8-81

MARY R. WALL CLERK



LIBER 002 PAGE 305

## BOARD OF APPEALS OF ST. MARY'S COUNTY

In the Matter of the  
Application of Robert E. Fistick Case No. VAAP # 80-2261  
For a Variance

RESOLUTION

APR 29-81 \* 25546 \*\*\*\*\*1250

APR 29-81 A 25546 \*\*\*\*\*1250

WHEREAS, the Application of Robert E. Fistick, No. VAAP # 80-2261  
was duly filed herein on or about May 18, 1980, and

WHEREAS, said application seeks a variance to permit the existing  
residence to be brought into compliance with the Zoning Ordinance,  
the said residence now projecting into the required side yard of  
Lot 1369, Sec. 7, Plat 1, Golden Beach Subdivision as recorded among  
the Land Records of the County in Plat Book DBK No. 10, folio 28,  
said lot containing .64 acres and zoned R-1, Residential, and

WHEREAS, after due notice, a public hearing was held by this  
Board on said application on Thursday, June 26, 1980, at 7:30 p.m.,  
in the County Commissioners' Conference Room, Governmental Center,  
Leonardtown, Maryland, and all persons desiring to be heard were  
heard, documentary evidence received and the following pertinent facts  
noted:

1. The lot on which the house is situated fronts 140' on Oak  
Drive (a 50' r/w). The north side line is 184.25' long, the south  
210', and the rear line was originally 145' more or less, but an  
agreement with the owners of Lot No. 1363, abutting at the rear  
involving an exchange of land, according to testimony of Mrs. Doris  
E. Buckler, one of the owners, and verification by Mr. Weber, will  
add sufficient land to eliminate a violation of the rear yard  
requirement of the Ordinance.

2. The two-story house on the property was originally  
24' X 24' with a basement and a carport 24' X 14'. It was built  
in 1976 by Milmar, Inc. per building permit # 76-456. Certificate of  
Occupancy # 77-140 was issued April 12, 1977 on an application signed  
by Milton F. Hein, agent or officer of Milmar, Inc. Applicant herein,  
Robert Fistick, acquired the property thereafter on May 16, 1977 by  
two deeds, one from Patuxent Knolls, a Maryland partnership (Liber  
DBK 272, Folio 247) and one from Milmar, Inc. (Liber DBK 272, Folio  
249). On the 10th of May 1977, Milmar, Inc. obtained from Patuxent  
Knolls a waiver of the 10' building restriction line applicable to  
the side lines of Lot 1369, (Liber DBK 272, Folio 251) for the reason  
that "Mil-Mar, Inc. (sic) in order to build upon the ... lot, because  
of the terrain found it necessary to locate the dwelling house closer  
to the side line than ... ten (10) feet." Although the house as  
located violated the Zoning Ordinance side yard requirement then in  
effect, nothing was done to correct the situation. Nevertheless,  
a Certificate of Occupancy was issued as stated above.

3. The terrain in this area is hilly. Due to the rugged nature  
of the lot's topography and the resulting drainage problems, the house  
had to be placed in the extreme southeast corner of the lot, at an  
angle, which resulted in the structure being 5'6" from the side

line at the rear corner and 11' 1" away at the front corner.

4. The topographical condition of this lot, according to photographs and testimony, is such that had Milmar, Inc. applied for a variance at the time construction was contemplated, it undoubtedly would have been granted as inflicting a particular hardship on Milmar, Inc. as the owner. Now, the present owner and applicant herein is faced with a problem due to an attempt to refinance, and the financial institution and his attorney has raised the question of the violation which must be cured before it will proceed, since the encroachment into the side yard is considered by it as affecting title.

5. The neighboring property on the south, Lot 1370, is owned by a Mr. Kidd and the residence is situated about 100' from the Fistic property. The neighboring property to the north is owned by Mr. and Mrs. Richardson. The Richardsons were not notified by certified mail, although testimony indicated they were aware of the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Appeals, that Application No. VAAP # 80-2261 filed herein by Robert E. Fistic be and it is hereby APPROVED subject to the following conditions:

1. The owners of Lot 1368, Mr. and Mrs. Robert Richardson shall within fifteen days, submit a letter to the Board of Appeals, waiving notification requirements and indicating his approval of the application.
2. That this variance is limited to the setback requirement as it pertains to the common boundary of Lots 1369 and 1370.

The application, as conditional, is granted upon the following grounds:

1. The testimony and exhibits show that the topography of this property is the primary cause of the placing of the residential structure so that it encroaches upon the required side yard and that this difficulty has not been created by any person presently having an interest in the property.
2. The variance for this existing structure will not be detrimental to the public welfare, nor injurious to other properties. There is no question of affecting light and air to surrounding property, nor will the variance have any effect upon traffic, or increase fire hazard. Neither will it diminish property values.
3. This variance is granted to correct a situation caused by the particular physical characteristics of the subject property and to alleviate a hardship not caused by the present owner.

  
Edwin Peregoy  
Chairman

\* Mr. Benson abstained from vote with Mr. Fitzgerald, Mr. Loker, Mr. Raley and Mr. Peregoy voting in favor.

This Resolution becomes final and effective on the 10th day of July 1980.

DEPARTMENT OF PLANNING  
**RECEIVED**  
JUL 1 1980

June 26, 1980

St. Mary's County Board of Appeals  
Leonardtown, Maryland

Sirs:

We, Robert and Katherine Richardson, owners of lots 1367 and 1368, to hereby waive our right of notification in case VAAP/80-2261, of Robert E. and Patricia Fistick.

We do not contest the variance as approved by the Board of Appeals.

Sincerely,

Witnesses:

Robert E. Fistick  
ROBERT FISTICK

Robert Richardson  
ROBERT RICHARDSON

Patricia Fistick  
PATRICIA FISTICK

Kathy M. Richardson  
KATHERINE RICHARDSON

RECORDED  
MARY R. BELL  
'81 APR 29 AM 10 50

True Copy Test

Lana C. Orr

9-13-80  
DATE

Delia R. Fistick

4-29-81

MARY R. BELL, CLERK

MARY R. BELL, CLERK

MAY -4-81 \* 25778 \*\*\*\*\*.00  
MAY -4-81 B #25778 \*\*\*\*\*.00

PLUMBING PERMIT ORDINANCE

WHEREAS, the County Commissioners for St. Mary's County, Maryland have the authority to adopt rules and regulations pertaining to a County plumbing code by virtue of Section 143A of the Code of Public Local Law of St. Mary's County; and

WHEREAS, the County Commissioners do consider it advisable that rules and regulations be promulgated concerning the issuance of plumbing permits and licenses; and

WHEREAS, the County Commissioners consider the action taken hereby to be in the best interest of St. Mary's County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that the following are the rules and regulations governing the issuance and use of a plumbing permit and a plumbing license in St. Mary's County;

1. All plumbing work performed in St. Mary's County shall conform to the Maryland State Plumbing Code in effect at the time of adoption of this Ordinance or as it shall be amended in the future by either the State of Maryland or by action of the St. Mary's County Commissioners based on the recommendations of the St. Mary's County Plumbing Board.
2. Master Plumber - All persons seeking to perform plumbing work for pay in St. Mary's County must first show evidence of a valid Maryland Master Plumber's Certificate or a special Master Plumber's Certificate for St. Mary's County, and a \$1,000 plumber's performance bond. In addition, a Master Plumber's License must be obtained annually from the St. Mary's County Plumbing Board on or before June 30th of each year. Remittance of a fee fixed by the St. Mary's County Commissioners will be required.
3. Journeyman Plumber - All persons seeking to perform plumbing work as a Journeyman in St. Mary's County must first show proof of a valid Maryland Journeyman Plumber's Certificate for St. Mary's County. In addition, a Journeyman Plumber's License must be obtained annually from the St. Mary's County Plumbing Board on or before June 30th of each year. Remittance of a fee fixed by the St. Mary's County Commissioners will be required.
4. Apprentice Plumber - All persons seeking to perform plumbing work as an Apprentice in St. Mary's County must submit an application for a St. Mary's County Apprentice License. An Apprentice Plumber's License must be obtained from the St. Mary's County Plumbing Board on or before June 30th of each year. Remittance of a fee fixed by the St. Mary's County Commissioners will be required.
5. Bonds and Licenses - All bonds and licenses shall expire on the last day of June of each year. All bonds shall be executed naming St. Mary's County as obligee and all bonds shall be written by a firm licensed to conduct business in the State of Maryland and be of a form approved by the St. Mary's County Plumbing Board.

RECORDED  
MARY H. BELL  
MAY 4 4 PM '81

**6. Permits**

(a) A plumbing permit shall be required for the installation of, alteration, or addition to the plumbing, sewerage, drainage, or gas piping systems of any building, structure or premise. A plumbing license and permit shall be required for the installation of the soil pipe conveying waste to the inlet of the septic tank, or as it connects to a community sewer collection system. A plumbing license or plumbing permit shall not be required for the installation of a septic tank to the drain fields, dry wells, etc. Permits shall be secured from the Plumbing Permit Office. If no work is performed on the job for one (1) year, the permit shall become void and of no force and effect.

(b) Prior to the issuance of a permit, mechanical plans and specifications may be required in duplicate and approved by the Plumbing Permit Office. Required plans and specifications shall show in sufficient detail the layout and spacing of fixtures, the size, material and location of all buildings, sewers and drains, storm sewers and drains, and the soil, waste, vent, water, and gas supplying piping.

(c) The filing of plans and specifications and the obtaining of a permit shall not be required for minor repair(s) or for minor installation(s) which are hereby defined as installations for which the average retail cost for the installation is less than Two Hundred (\$200.00) Dollars.

If plans or specifications are required by the Plumbing Permit Office, all plumbing installations shall be installed in accordance with such plans as approved, and any change made during construction which is not in conformity to the approved plans shall be resubmitted to the Plumbing Permit Office for approval of the amended plans.

The plumbing permit and a copy of any approved plans shall be made available to the Plumbing Inspector upon request. Notice that the plumbing permit has been obtained must be conspicuously placed at the construction site prior to the commencement of any plumbing installation or work.

(d) The Plumbing Permit Office shall collect fees for St. Mary's County based on a rate to be fixed by the St. Mary's County Commissioners. The rate will be designated on the application for a plumbing permit. The rate schedule will be reviewed periodically by the Plumbing Board and revised by the County Commissioners as would be deemed necessary and appropriate to offset any and all expenses incurred through the administration and/or enforcement of the Plumbing Code. This fee schedule shall be of a sufficient amount to provide for one (1) inspection of underground work, one (1) inspection of rough-in work, and one (1) final inspection. Any additional inspection(s) shall be charged as set forth on the application for the plumbing permits.

- (e) Only one (1) plumbing permit shall be issued for each installation or portion thereof.
- (f) Permits are not transferrable.
- (g) Should the occasion arise that a change in plumber be required for whatever reason, the Plumbing Permit Office shall not issue a new permit unless written (certified letter) proof of notification of all parties giving 15 days notice or a signed release is presented at the time of request for the new permit.
7. Notification for Inspection - The Plumbing Permit Office shall be notified by the applicant for the plumbing permit of the commencement of any plumbing work for which a permit is required, and when such work is ready for rough-in inspection (prior to covering whether underground, or in walls) and shall again be notified for final inspection. A minimum of forty-eight (48) hours advance notice must be given for all inspections.
- The right to inspect any job site without notice, and at any time is herein reserved by the Plumbing Permit Office.
8. Certificate of Final Approval - If the prescribed tests and final inspection indicate that the work complies in all respects with the provisions of the duly adopted State of Maryland Plumbing Code as currently amended, a Certificate of Final Approval and Acceptance shall be issued by the Plumbing Permit Office for said work. If a Certificate of Final Approval is not released by the Plumbing Permit Office within eighteen (18) months of the date of the Plumbing Permit, said permit shall become void and a new permit with the appropriate fees shall be required.
9. Owner Performance - Nothing herein contained shall prohibit the owner of a building or structure from personally installing or repairing a plumbing system in his own residence under the following conditions:
- (a) Contact shall be made with the St. Mary's County Plumbing Inspector to review the basic Plumbing Plans for the proposed dwelling.
- (b) A Plumbing Permit must be secured as herein provided before any plumbing work commences.
- (c) All work shall be performed in accordance with the provisions of the duly adopted State of Maryland Plumbing Code as currently amended.
- (d) The owner shall make application for and have performed by the Plumbing Permit Office all required inspections.
10. Violations - If plumbing work is installed contrary to the original permit, approved plans and specifications, the State of Maryland Plumbing Code, or any essential details, and if any such deficiencies are not corrected within five (5) days after written notice of the deficiencies is given by the Plumbing Permit Office to the owner, general contractor, the supervising engineer or architect, and the Master Plumber, they shall all and separately be deemed to be in violation of the St. Mary's County Plumbing Ordinance and subject to

the penalties provided in Section 11 of these regulations until amended plans are filed and the violations are corrected and approved by the Plumbing Permit Office. It shall further be within the discretion of the Plumbing Board to suspend any St. Mary's County Plumbing License for a minimum period of seven (7) days and a maximum of twenty-one (21) days.

Failure to comply with the rules and regulations contained herein shall be sufficient reason for the revocation of the Plumbing License by the St. Mary's County Commissioners.

11. Penalties - Any person(s) who shall practice or engage in the work of a Master, Journeyman, or Apprentice Plumber without having complied with the provisions of these regulations and any person(s) not licensed as a Master, Journeyman, or Apprentice Plumber(s) in St. Mary's County who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$1,000.00 per offense.

12. Enforcement and Administration - The Plumbing Permit and Inspection Section of the Office of Planning & Zoning will be considered the Plumbing Permit Office as referred to in this Ordinance. This section will have the responsibility for the enforcement and the administering of this Ordinance, with the St. Mary's County Plumbing Board providing supervision and guidance.

13. This Ordinance shall be effective this 28th day of April, 1981, and Ordinance No. 76-53 is hereby rescinded this date.

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
GEORGE R. AUD, President

LARRY MILLISON, Vice-President

Ford L. Dean  
FORD L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell II  
JOSEPH E. BELL, II  
County Attorney

Dil. County Comm.

5-4-81

MARY R. BELL, CLERK

Subj: TEXT CHANGES TO ZONING  
ORDINANCE - COMMERCIAL SIGNS

RECORDED  
MARY R. BELL  
CLERK

MAY 11 1981 \* 26114 \*\*\*\*\*00  
MAY 11 1981 A 26114 \*\*\*\*\*00

RESOLUTION

'81 MAY 11 PM 1 45

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, the Board of County Commissioners recognizes that, from time to time, situations arise which require clarification and amendment to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on February 26, 1980 concerning a proposed text change to the Zoning Ordinance relative to the size of commercial signs under the requirements of Article 5, Section 58.08;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that, in open meeting on March 18, 1980, the Board of County Commissioners declared that Article 5, Section 58.08.2 be, and it is hereby amended as follows:

"58.08.

2. In a Commercial or Industrial District, no off-premises free-standing sign will exceed 400 square feet. Total on-premises sign area shall not exceed 200 square feet per business."

This date:

5-5-81

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
GEORGE R. AUD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Ford L. Dean  
FORD L. DEAN, Commissioner

David P. Sayre  
DAVID P. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell II  
JOSEPH E. BELL, II  
County Attorney

Del. County Comm.

5-11-81

MARY R. BELL, CLERK

Margaret Nelson



SUBJ: TEXT CHANGES TO Z.O. -  
CONCEPT PLAN REQUIREMENT

RECORDED  
MAY 11 1981  
CLERK

MY 11-81 \* 26115 \*\*\*\*\*00  
MY 11-81 A 26115 \*\*\*\*\*00  
hmg

RESOLUTION

'81 MAY 11 PM 1 46

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, during the administration and enforcement of said Ordinance situations arise which require clarification and amendment to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on February 19, 1980 concerning a proposed text change to the Zoning Ordinance relative to the Concept Development Plan Requirement of Article 5, Section 51.02.4;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that, in open meeting on April 8, 1980, after due consideration and deliberation, the Board of County Commissioners declared Section 51.02.4 to be amended as follows:

"4. CONCEPT DEVELOPMENT PLAN

- a. A Concept Development Plan may be submitted to the Planning Commission for approval prior to submission of a Site Plan or shall accompany a Site Plan where application of Site Plan approval is made for 75% or less of the land area of the parcel within which the development will occur."

This date: 5-5-81

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Add  
GEORGE R. ADD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Ford L. Dean  
FORD L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph W. Bell II  
JOSEPH W. BELL, II  
County Attorney

Del. County Comm.  
Margaret Nelson

5-11-81

MARY R. BELL, CLERK

LINE 002 REC-314

No. 81-40

Subj: TEXT CHANGES TO ZONING  
ORDINANCE - DELETION OF  
F.A.R. IN C-2 ZONE

RECORDED  
MARY R. BELL  
CLERK, BOARD OF COMMISSIONERS

'81 MAY 11 PM 1 47

MAY 11 1981 \* 26116 \*\*\*\*\*00  
MAY 11 1981 A 26116 \*\*\*\*\*00  
AL

RESOLUTION

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, the Board of County Commissioners recognizes that, from time to time, situations arise which require clarification and amendments to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on February 19, 1980 relative to changing the Floor Area Requirements in the C-2 zone;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that, after due consideration and deliberation in open meeting held on March 4, 1980, the Board of County Commissioners declare that the Floor Area Ratio Requirement in a C-2 zone, as contained in the Schedule of Lot Dimensions, Yard Requirements, Coverage and Density be, and it is hereby deleted.

This date: 5-5-81

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Auld  
GEORGE R. AULD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Forrest Dean  
FORREST DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph W. Bell, II  
JOSEPH W. BELL, II  
County Attorney

St. Mary's County Council

5-11-81

MARY R. BELL, CLERK

Margaret Nelson

RECORDED  
MAY 11 1981  
PH 1 48

Subj: TEXT CHANGES TO ZONING  
ORDINANCE - PROFESSIONAL  
OFFICES AS CONDITIONAL  
USES

NY 8-81 # 26117 \*\*\*\*\*  
NY 8-81 A 26117 \*\*\*\*\*

RESOLUTION

WHEREAS, Article 668 of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, the Board of County Commissioners recognizes that, from time to time, situations arise which require clarification and amendments or additions to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on February 19, 1980 concerning a text change to the Zoning Ordinance relative to the allowance of professional offices as conditional uses in certain zoning districts;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that, in open meeting on March 4, 1980, after due consideration and deliberation, the Board of County Commissioners declared that the following be added as conditional uses under Article 3, Sections 32.02.5.a, 32.04.5.b, and 32.05.5.b:

"Professional offices, provided there are no overnight facilities for patients."

This date: 5-5-81

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
GEORGE R. AUD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Ford L. Dean  
FORD L. DEAN, Commissioner

DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
JOSEPH E. BELL, II  
County Attorney

Del. County Comm.  
Margaret Nelson

5-11-81

MARY R. BELL, CLERK

LOFT 002 INC:316

No. 81-42

Subj: TEXT CHANGES TO ZONING  
ORDINANCE - RESIDENTIAL  
USE FOR CARETAKER IN I-1

RECORDED  
MARY R. BELL  
CLERK

MAY 5-81 \* 26118 \*\*\*\*\*00  
MAY 5-81 A 26118 \*\*\*\*\*00

RESOLUTION

'81 MAY 11 PM 1 49

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, during the administration and enforcement of said Ordinance situations arise which require clarification and amendment or additions to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on March 24, 1981 concerning a proposed text change to the Zoning Ordinance relative to a residential use for a caretaker in an I-1 zone;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that, in open meeting on April 21, 1981, after due consideration and deliberation, the Board of County Commissioners declared that Article 3, Section 36.01.4 be amended to include the following:

"4. CONDITIONAL USES

a. Refer to Section 36.02.04.

b. Residential use, provided:

- (1) The minimum lot size as allowed in the R-2, low density residential district for dwelling units.
- (2) The residence is used for that of a caretaker for one single family dwelling in addition to the 2 acre minimum lot.
- (3) Site plan is required."

This date: 5-5-81

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
GEORGE R. AUD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Ford L. Dean  
FORD L. DEAN, Commissioner

DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell II  
JOSEPH E. BELL, II, County Attorney

Del. County Comm.  
Margaret Nelson

5-11-81

MARY R. BELL, CLERK

No. 81-43

Subj: TEXT CHANGES TO ZONING  
ORDINANCE -  
COMMERCIAL LIMITED - OFFICE

(Page 1 of 3)

RECORDED  
MARY S. HALL  
CLERK

'81 MAY 11 PM 1 50

MAY -81 \* 26119 \*\*\*\*\*00  
MAY -81 A 226119 \*\*\*\*\*00  
ALRESOLUTION

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, during the administration and enforcement of said Ordinance situations arise which may require clarification and amendment or additions to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on March 24, 1981 concerning a proposed text change to the Zoning Ordinance to create a new zoning district, Commercial Limited - Office;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that, in open meeting on April 21, 1981, after due consideration and deliberation, the Board of County Commissioners declared that the Commercial Limited - Office District be added to the Zoning Ordinance under Article 3, as follows:

**"34.06 CL-O COMMERCIAL LIMITED - OFFICE****1. INTENT**

The COMMERCIAL LIMITED - OFFICE DISTRICT is primarily intended to provide for small office buildings for professional services on small and odd-shaped parcels of land which have been created due to a public taking for public facilities, or for other appropriate purposes.

**2. PERMITTED USES**

The following uses are permitted in the COMMERCIAL LIMITED - OFFICE DISTRICT:

- a. Professional offices, such as those associated with the financial, insurance, real estate, medical, and legal professions.
- b. Small research and development activities, such as scientific, engineering, and surveying activities.

Resolution No. 81-43

Subj: TEXT CHANGES TO ZONING  
ORDINANCE -  
COMMERCIAL LIMITED - OFFICE

(Page 2 of 3)

c. Barber Shops.

d. Beauty Shops.

3. PERMITTED ACCESSORY USES

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

4. CONDITIONAL USES

None.

5. GENERAL REQUIREMENTS

Generally, proposed uses must comply with the provisions in Articles 4 and 5. However, the Planning Commission will allow for the use of substandard parcels when all technical requirements have been met or satisfactorily addressed through alternate methods. Because of the special circumstances, a development plan should accompany any rezoning application.

6. SPECIAL REQUIREMENTS

a. Parcels zoned CL-O must meet all requirements and standards applicable in the CL (Commercial Limited) District except as specified below:

(1) The minimum tract size shall be 10,000 sq. ft. where public sewer is not available.

(2) Minimum road frontage or minimum mean width shall be 100 ft. for each building lot.

b. There shall be no more than one highway entrance per parcel and common entrances shall be required where possible.

c. Distances between highway entrances shall be the applicable State Highway Administration standards. Where the standard cannot be met, access must be via an adjoining parcel or parcels. Applicants for CL-O zoning must provide for access to adjoining parcels in the site plan.

1002 319

Resolution No. 81-43

Subj: TEXT CHANGES TO ZONING  
ORDINANCE -  
COMMERCIAL LIMITED - OFFICE

(Page 3 of 3)

- d. All applications for rezoning to the CL-0 category must be accompanied by a development plan which shows that all requirements of the Zoning Ordinance will be met. In cases where certain standards cannot be met due to circumstances peculiar to a parcel, alternate strategies may be employed which address the issues of the unmet requirement, or the plan must show that waiving the requirement will not have a significant impact."

This date: 5-5-81

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Auer  
GEORGE R. AUER, President

LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Ford L. Dean  
FORD L. DEAN, Commissioner

DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
JOSEPH E. BELL, II  
County Attorney

Del. County Comm.  
Margaret Gibson

5-11-81

MARY R. BELL, CLERK

NO : Z-81-09  
SUBJ: LEONARD S. FULCHER  
ZONE #80-2651

MAY 25-81 \* 26691 \*\*\*\*\*.00  
MAY 25-81 A #26691 \*\*\*\*\*.00

ZONING AMENDMENT RESOLUTION

Leonard S. Fulcher, the owner of a tract of land containing eight and one-half acres, located off of Route 235 at Hermanville in the Eighth Election District of St. Mary's County, Maryland, has made application to rezone the property from AR, Agricultural-Residential, to C-1, Commercial. The property is known as Lots 500-1 through 500-5, Hermanville Estates. It is shown on the County Tax Map 52 as Parcel 144 in Block 8. The property is owned jointly by Leonard S. Fulcher and Florence V. Fulcher, his wife.

WHEREAS, the Planning Commission has conducted a review of the request, held a public hearing on it and have recommended disapproval of the request.

WHEREAS, the County Commissioners have held a public hearing on the request.

After due deliberation, the Commissioners by a four to one vote find as follows:

1. That the subject property was zoned Commercial prior to the adoption of comprehensive zoning in St. Mary's County in 1974.
2. The applicant, through inquiry of the County Commissioners prior to the adoption of the comprehensive zoning in 1974, formed an opinion that the zoning classification of his property would remain unchanged.
3. That the subject property is ideally situated for commercial use. A four lane highway lies to the North and two lane highway to the East.
4. That significant residential growth in the vicinity of the subject property over the past ten years has resulted in the need for nearby commercial property to serve the needs of these properties.
5. That a part of the subject parcel was for many years used as a Country Store and Post Office.

For the reasons above stated, it is this 19th day of May, 1981, RESOLVED AND ORDAINED By the Board of County Commissioners of St. Mary's County, Maryland that the above-mentioned land of Leonard S. Fulcher and Florence V. Fulcher, his wife, be, and the same is rezoned to C-1, Commercial.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

RECORDED  
MARY R. BELL  
CLERK, ST. MARY'S COUNTY  
'81 MAY 25 AM 9 26

George R. Add  
George R. Add, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford J. Dean  
Ford J. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO FORM:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Administrator

Margaret Nelson  
C. Cothran

5-25-81 MARY R. BELL, CLERK



No. 81-47

Subj: TEXT CHANGES TO ZONING  
ORDINANCE - YARD  
REQUIREMENTS, ETC.RESOLUTIONMAY 25-81 \* 26692 \*\*\*\*\*.00  
MAY 25-81 A 26692 \*\*\*\*\*.00

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, this Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, during the administration and enforcement of said Ordinance situations arise which require clarification and amendment or additions to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on April 14, 1981 concerning certain proposed text changes to the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, that, in open meeting on May 12, 1981, after due consideration and deliberation, the Board of County Commissioners declared that the Zoning Ordinance of St. Mary's County, Maryland, be, and it is hereby amended as follows:

- (1) Article 40.04  
"5. Any yard in a commercial or industrial district..."  
DELETE the words "or industrial".
- (2) Article 40.04 - add new sub-paragraph:  
"6. Any yard in an industrial district which is adjacent to any residential district shall be increased to a minimum of 80 ft. Each yard shall contain landscaping and planting suitable to provide effective screening and shall not be used for parking or storage purposes. An effective buffer fence or hedging may be provided in lieu of 25 ft. of the screening area required. The Planning Commission may require, in an industrial district which abuts any residential district, such additional buffer as may be shown to be necessary to protect the residential properties from the intrusion of light, noise, or other objectional impacts."

As a result of this addition, Article 40.04 former sub-paragraph 6 now becomes sub-paragraph 7.

- (3) 53.06 EXTRACTION OF NATURAL RESOURCES  
Add, at beginning of first sentence: "When established as a conditional use by the Board of Appeals..."

RECORDED  
MARY R. BELL  
CLERK OF COUNTY COMMISSIONERS  
81 MAY 25 AM 9 27

No. 81-47

Subj: TEXT CHANGES TO ZONING  
ORDINANCE - YARD  
REQUIREMENTS, ETC.

(Page 2 of 2)

(4). 53.06.6 - change lines 1 and 2 to read:  
"Extraction of natural resources, when a permitted  
use in Residential Districts, ..."

(5) Schedule of Lot Dimensions - I-1, General Industrial,  
Change Minimum Side Yard Requirements to:

80/35<sup>7</sup>

and add footnote 7)

"Abutting residential districts/all other districts."

This date: 5-19-81

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Aud  
GEORGE R. AUD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Ford L. Dean  
FORD L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph C. Bell, II  
JOSEPH C. BELL, II  
County Attorney

Del. Margaret Nelson  
Co. Clerk

5-25-81

MARY-R. BELL, CLERK

NO: 81-44  
SUBJ: Tax Rate for Hollywood  
Shores Special Taxing  
District

RESOLUTION

MAY 27-81 \* 26784 \*\*\*\*\*.00  
MAY 27-81 A #26784 \*\*\*\*\*.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland by virtue of Article 19, Public Local Laws of Maryland, may approve a special taxing district under specific conditions set forth in Chapter 681, Acts of Legislature, 1978; and

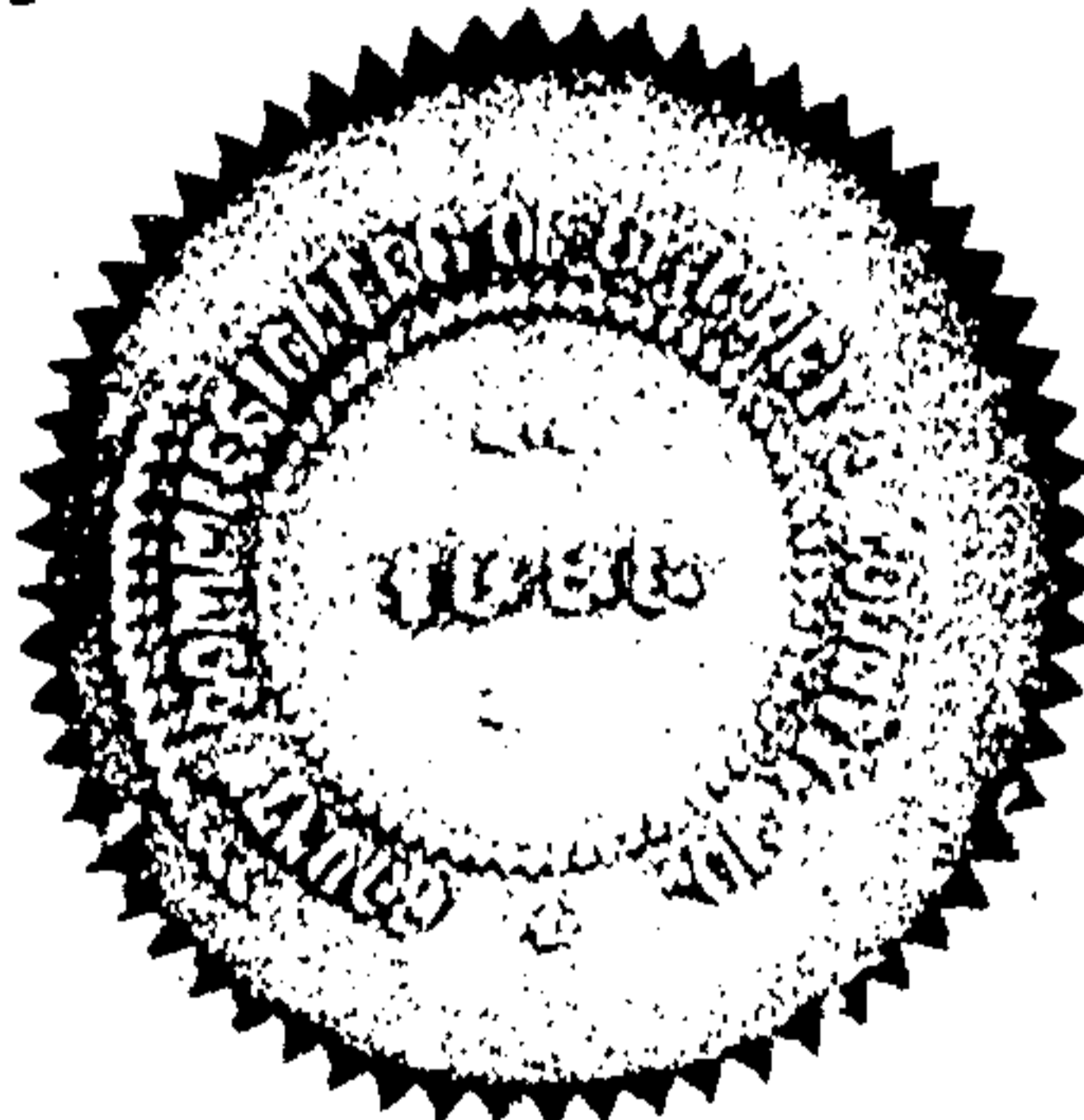
WHEREAS, the County Commissioners of St. Mary's County have met the specific conditions concerning the Hollywood Shores Special Taxing District; and

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 26th day of May, 1981 that the owners of record or their purchasers of all lots identified by County Ordinance 80-20 are indebted to St. Mary's County, Maryland in the amount of \$321,030; and

IT IS FURTHER ORDAINED that each owner of record identified in County Ordinance 80-29 pay annually for fifteen years the sum of \$89.55 per lot beginning with the fiscal year period of 1982 effective July 1, 1981.

This Date:  
May 26, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*George A. Aud*  
George A. Aud, President  
*Larry Millison*  
Larry Millison, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*For L. Dean*  
For L. Dean, Commissioner  
*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Joseph W. O'Dell*  
Joseph W. O'Dell, Budget Officer

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II, County Attorney

RECORDED  
MARY R. BELL  
CLERK  
'81 MAY 27 AM 10 13

*Del. County Commissioners 5-27-81*  
*Margaret Rebo*

MARY R. BELL, CLERK

NO: 81-45  
SUBJ: Tax Rate for Golden Beach Special Taxing District No. 1

RESOLUTION

MAY 27-81 \* 26785 \*\*\*\*\*.00  
MAY 27-81 A #26785 \*\*\*\*\*.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland by virtue of Article 19, Public Local Laws of Maryland, may approve a special taxing district under specific conditions set forth in Chapter 681, Acts of Legislature, 1978; and

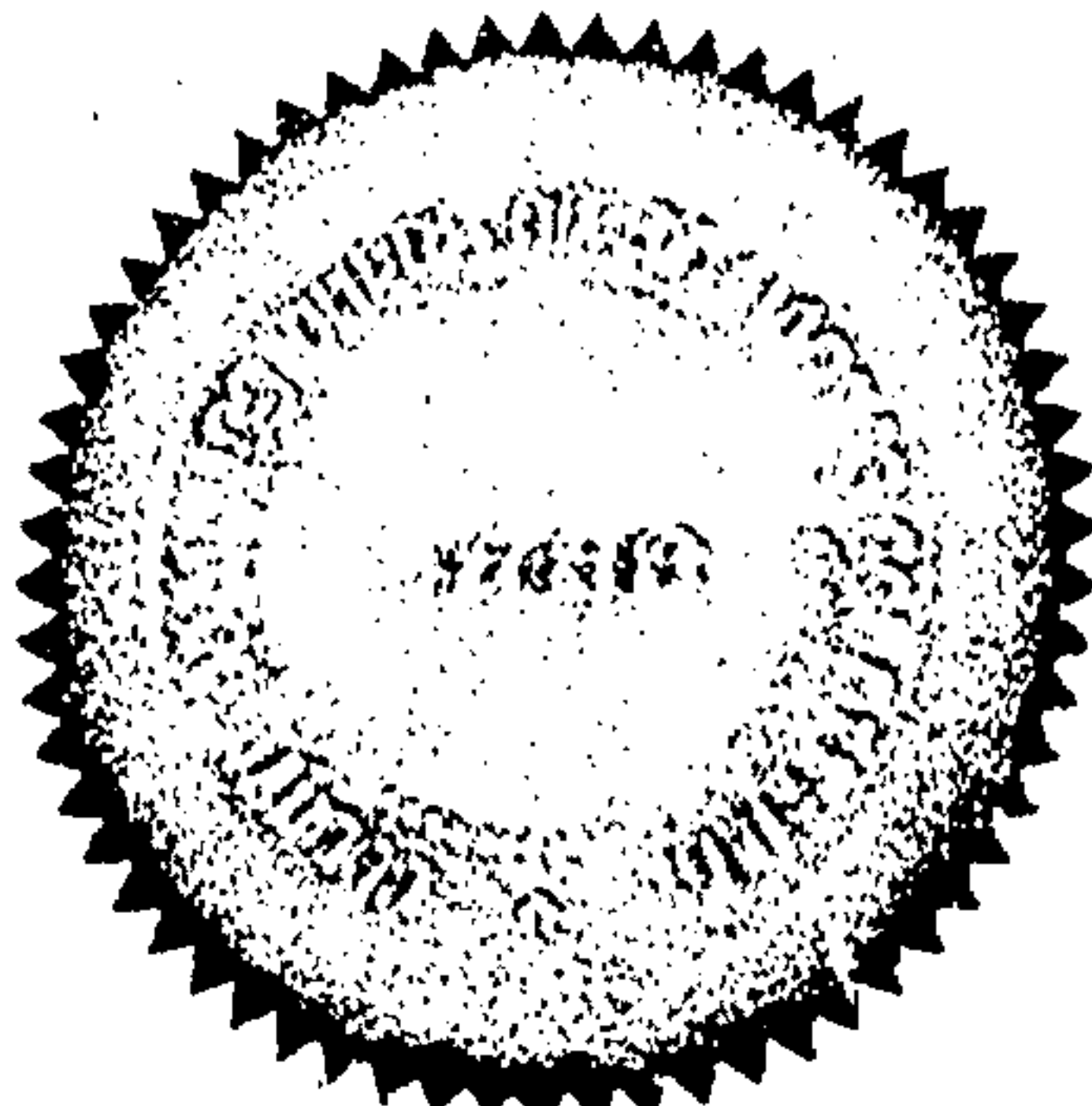
WHEREAS, the County Commissioners of St. Mary's County have met the specific conditions concerning the Golden Beach Special Taxing District No. 1; and

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 26th day of May, 1981 that the owners of record or their purchasers of all lots identified by County Ordinance 80-47 are indebted to St. Mary's County, Maryland in the amount of \$44,622; and

IT IS FURTHER ORDAINED that each owner of record identified in County Ordinance 80-47 pay annually for fifteen years the sum of \$80.40 per lot beginning with the fiscal year period of 1982 effective July 1, 1981.

This Date:  
May 26, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*George P. Aud*  
George P. Aud, President  
*Larry Millison*  
Larry Millison, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Ford L. Dean*  
Ford L. Dean, Commissioner  
*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Joseph P. O'Dell*  
Joseph P. O'Dell, Budget Officer

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II, County Attorney

RECORDED  
MARY R. BELL  
CLERK  
'81 MAY 27 AM 10 14

*Del. County Commissioners*  
*Margaret Nelson*

*5-27-81*

MARY R. BELL, CLERK

NO: 81-46  
SUBJ: Tax Rate for Golden Beach Special Taxing District No. 2

RESOLUTION

MAY 27-81 \* 26786 \*\*\*\*\*00  
MAY 27-81 A 26786 \*\*\*\*\*00

WHEREAS, the County Commissioners of St. Mary's County, Maryland by virtue of Article 19, Public Local Laws of Maryland, may approve a special taxing district under specific conditions set forth in Chapter 681, Acts of Legislature, 1978; and

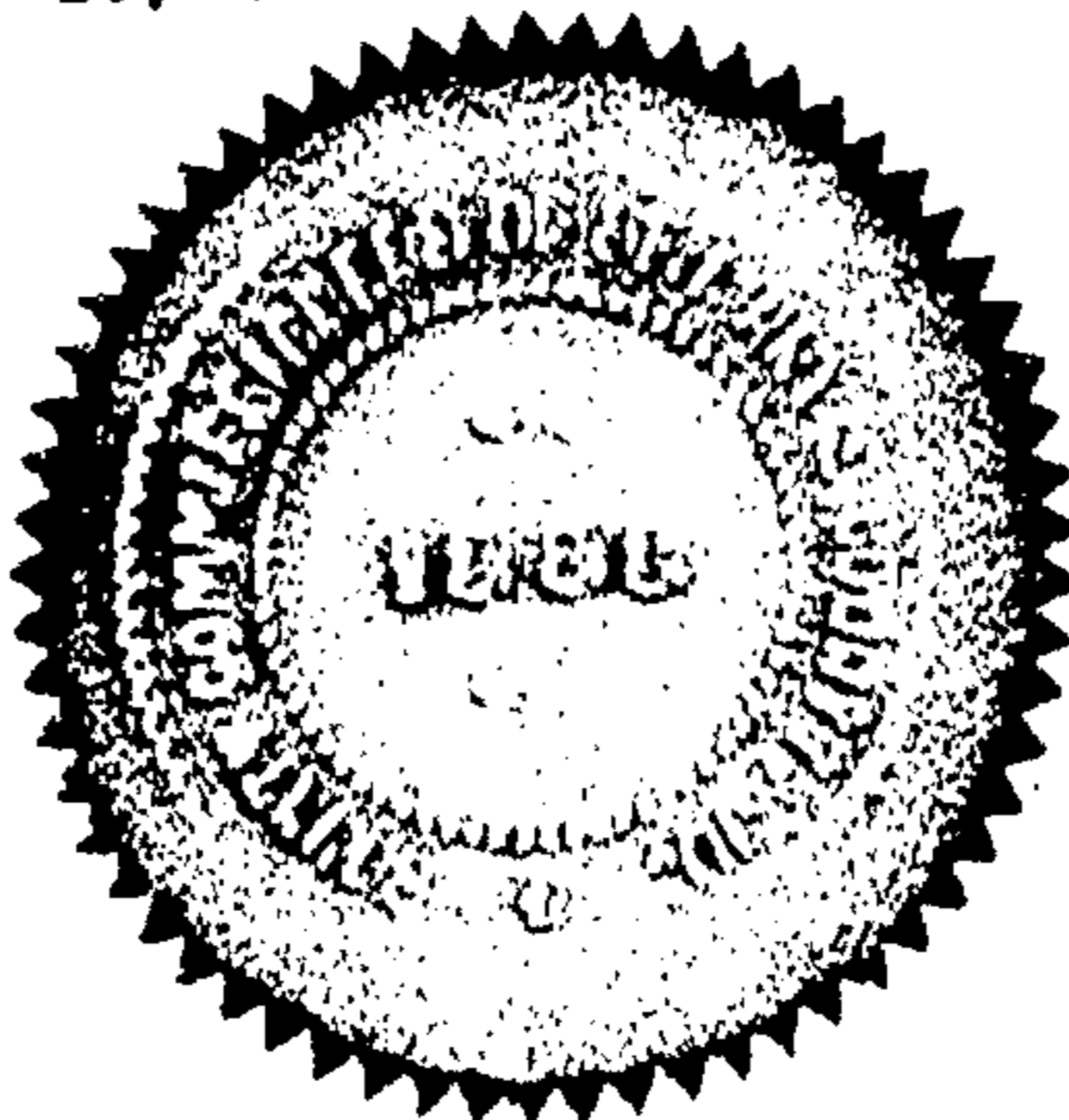
WHEREAS, the County Commissioners of St. Mary's County have met the specific conditions concerning the Golden Beach Special Taxing District No. 2; and

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 26th day of May, 1981 that the owners of record or their purchasers of all lots identified by County Ordinance 80-72 are indebted to St. Mary's County, Maryland in the amount of \$21,271; and

IT IS FURTHER ORDAINED that each owner of record identified in County Ordinance 80-72 pay annually for fifteen years the sum of \$48.90 per lot beginning with the fiscal year period of 1982 effective July 1, 1981.

This Date:  
May 26, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



*George R. Aud*  
George R. Aud, President  
*Larry Milligan*  
Larry Milligan, Vice-President  
*Richard D. Arnold*  
Richard D. Arnold, Commissioner  
*Ford L. Dean*  
Ford L. Dean, Commissioner  
*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Joseph P. O'Dell*  
Joseph P. O'Dell, Budget Officer

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II, County Attorney

RECORDED  
MARY R. BELL  
CLERK, REGISTERED CLERK  
'81 MAY 27 AM 10 15

Del. County Commissioners 5-27-81 MARY R. BELL, CLERK  
*Margaret Nelson*

NO: 81-48  
SUBJ: 1981-82 OPERATING AND  
CAPITAL BUDGET AMOUNTS  
AND PROPERTY TAX RATE

RESOLUTION

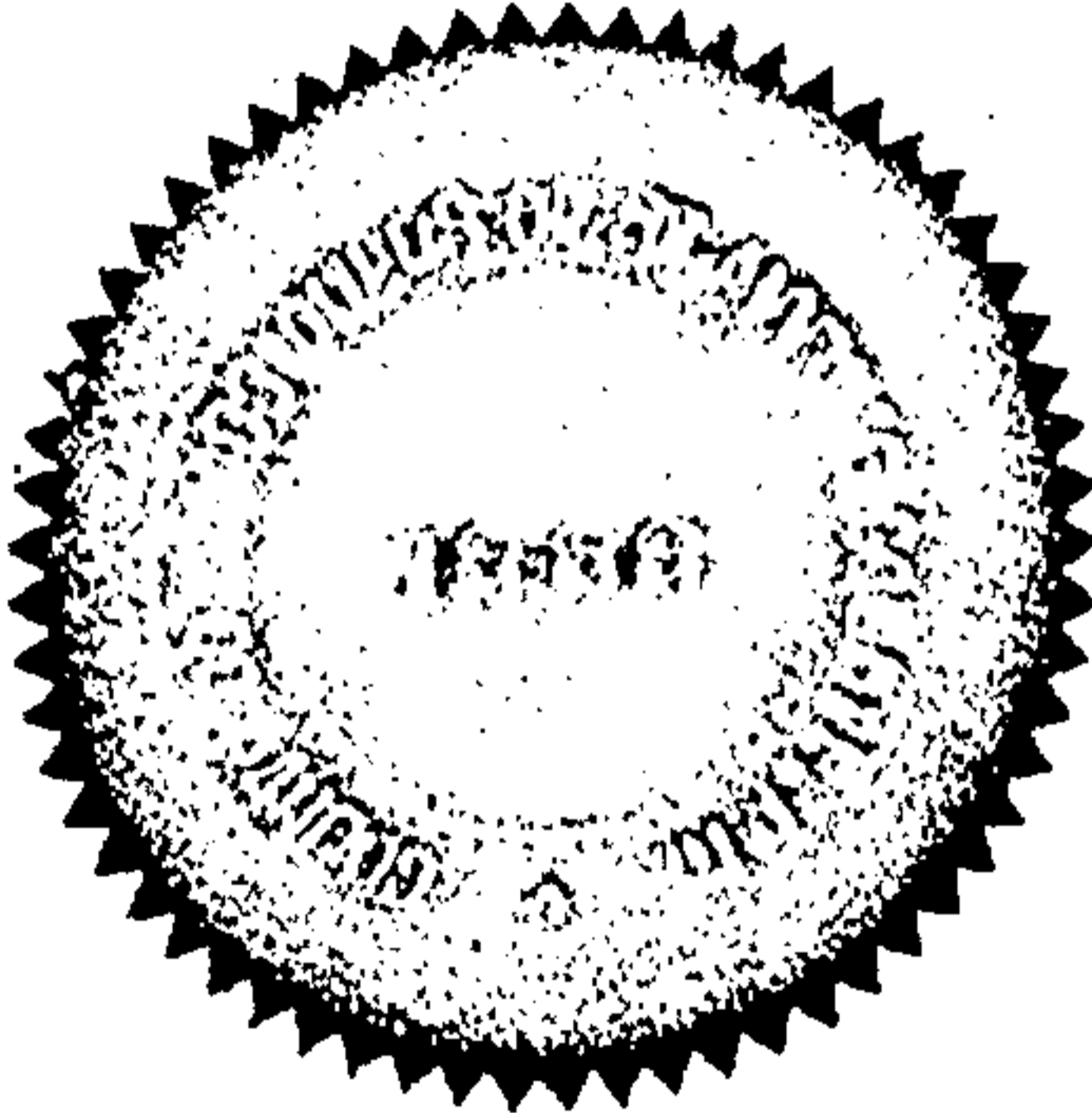
MAY 27-81 \* 26787 \*\*\*\*\*.00  
MAY 27-81 A 26787 \*\*\*\*\*.00

WHEREAS, Chapter 27, Section 6 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 and impose the property tax rate for the ensuing fiscal year;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the County's Operating Budget is approved in the amount of \$22,281,748, the Capital Budget in the amount of \$4,928,000 and the County's property tax rate is hereby assessed at \$1.99 per \$100.00 of assessed valuation.

This Date: May 26, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



George B. Aud  
George B. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayfe  
David F. Sayfe, Commissioner

ATTEST:

Joseph P. O'Dell  
Joseph P. O'Dell  
Budget Officer

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

RECORDED  
MARY R. BELL  
CLERK, BOARD OF COUNTY COMMISSIONERS  
'81 MAY 27 AM 10 16

*Del. County Comm.  
Margaret Nelson*

*5-27-81*

MARY R. BELL CLERK

ZONING AMENDMENT RESOLUTION NO. Z-81-10  
 GEORGE ROBERT SR. AND DAVID ADAMS  
 ZONE NO. 81-0117

ZONING AMENDMENT RESOLUTION

JUN -5-81 \* 27275 \*\*\*\*\*00  
 JUN -5-81 A 27275 \*\*\*\*\*00

George Robert Adams, Sr. and David Adams have made application for rezoning of a tract of land containing 16.75 acres, more or less, located on the Northeast side of Maryland Route 5, two miles South of its intersection with Great Mills Road. The land is located in the Eighth Election District of St. Mary's County, Maryland. It is identified as Parcel 355 in Block 21 on Tax Map 51. The request seeks reclassification from R-2 to R-1 in order to permit gravel extraction.

WHEREAS, the matter has been considered by the Planning Commission which held a public hearing on the request on February 23, 1981.

WHEREAS, the Planning Commission has unanimously recommended approval of the request.

WHEREAS, the County Commissioners held a public hearing on the request on April 14, 1981.

The County Commissioners find as fact:

1. That the effect of the request is that of down-zoning.
2. That the intent of the applicants, who are heavy equipment operators, is to provide gravel for use in the family-owned excavation business.
3. That it is the applicant's intent to mine one acre at a time.
4. That the Department of Natural Resources have reviewed the proposed site plan and given its approval to gravel excavation.
5. That the subject parcel has been owned and farmed by the Adams family for a number of years.
6. That the amount of gravel contemplated to be removed will not interfere with the primary use of the property as a farm.
7. That any excavation will require an approved reclamation plan.
8. That the County Zoning Ordinance will not permit a gravel mine in an R-2 district.
9. That adherence to property reclamation procedures will result in the best utilization of the natural resources of the property.
10. That a mistake was made when the subject property was initially zoned by not including gravel mining as a permitted use.

The County Commissioners are therefore of the opinion that the applicant should be granted rezoning.

RECORDED

MAY 18 1981

'81 JUN 5 AM 9 08

ZONING AMENDMENT RESOLUTION NO. Z-81-10  
GEORGE ROBERT SR. AND DAVID ADAMS  
ZONE NO. 81-0117  
PAGE 2

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED By the County Commissioners of St. Mary's County, Maryland this 26th day of May, 1981 that the above-mentioned application of George Robert Adams, Sr. and David Adams be and the same is hereby granted.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Milanson  
Larry Milanson, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford D. Dean  
Ford D. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

Approved as to Legal Sufficiency:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Rel: Co. Administrator 6-5-81

MARY R. BELL, CLERK



RECORDED  
MAY 18 1981  
JUN 12 1981  
'81 JUN 12 PM 12 ON

NO: 81-49  
SUBJ: PRECIOUS METALS AND  
GEM DEALERS

RESOLUTION

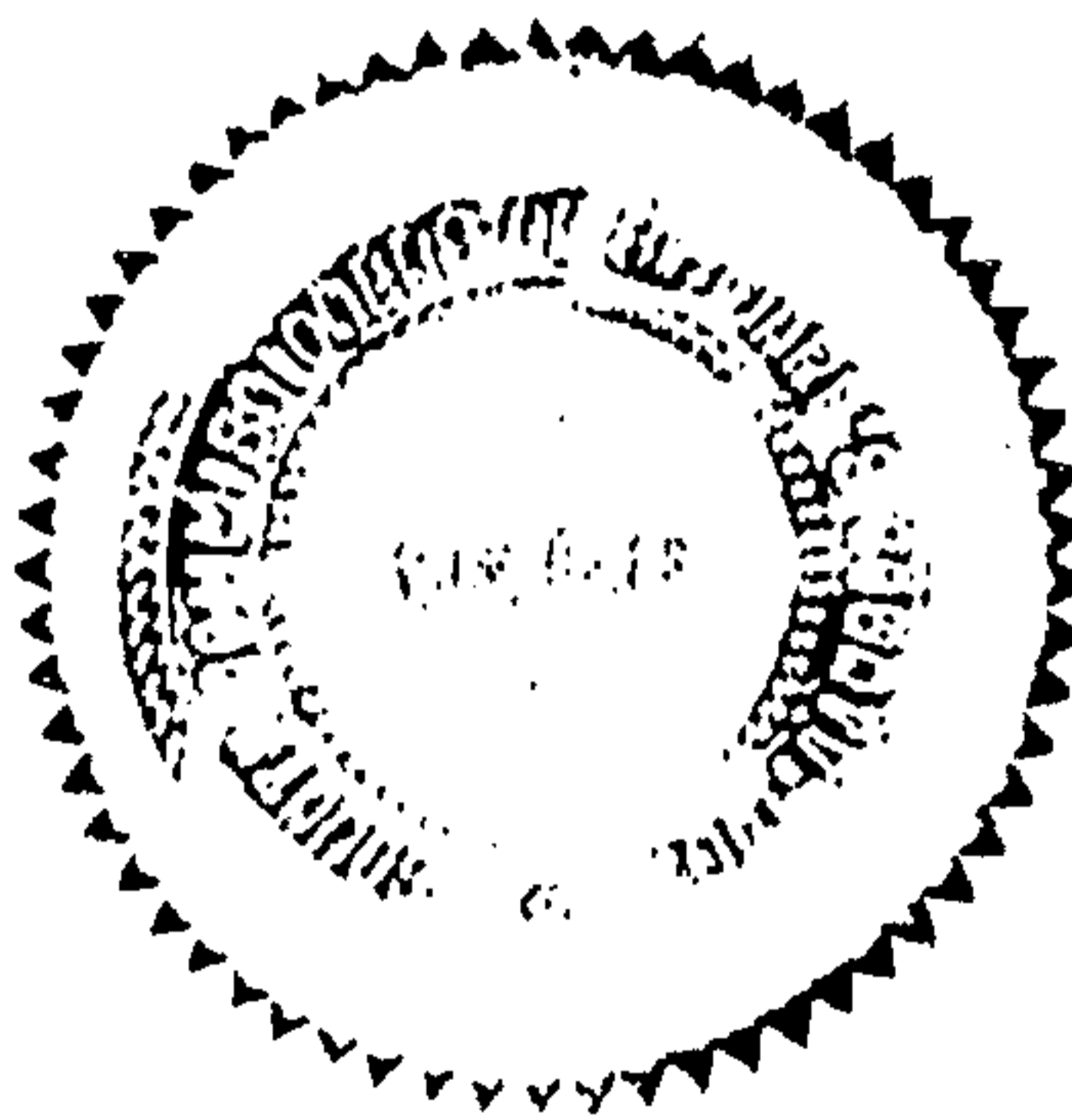
WHEREAS, House Bill 1221 entitled "Secondhand Precious Metals and Gem Dealers" was passed by the 1981 Maryland General Assembly and was signed by Governor Harry Hughes to take effect June 1, 1981; and

WHEREAS, House Bill 1221 is found in the Annotated Code of Maryland as Article 56, Sections 416-427; and

WHEREAS, Article 56, Section 416(G) requires the County Governing Body to designate the "Primary Law Enforcement Agency" responsible for certain requirements in the above referenced legislation;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners that the Sheriff's Department is the "Primary Law Enforcement Agency" in St. Mary's County responsible for fulfilling the requirements of Article 56, Sections 416-427.

This Date: June 9, 1981



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

*Del. Co. Administrator - 6-12-81* MARY R. BELL, CLERK

LIBER 002 PAGE 330  
RECORDED  
MAY 1981  
81 JUN 18 AM 9 23

NO: 81-53  
SUBJ: Deletion of Recordation of  
Sewage Disposal Easement &  
Related Percolation Test Data  
on a Record Subdivision Plat

RESOLUTION

JUN 18-81 \* 27916 \*\*\*\*\*.00  
JUN 18-81 A #27916 \*\*\*\*\*.00

THIS RESOLUTION is made this 16TH day of June, 1981 by the Board of County Commissioners of St. Mary's County, Maryland.

WHEREAS, there has been the practice in the past to include on record plats of residential subdivisions of land a 10,000 square foot sewage easement area and related percolation test data concerning on-site sewage disposal systems; and

WHEREAS, while the requirements for on-site sewage disposal still remain in effect, including a 10,000 square foot easement area in which improvements of any nature, including but not limited to how installation of other utility lines may render the lot undevelopable, it has been determined that the designation of this information, which can be subject to change, should not be reflected on the plat maintained in the Record Room in the Court House in Leonardtown. The deletion of this information will remove certain clouds on title that have arisen in the past over the designation of specific sewage disposal information on a record plat.

Nothing contained herein shall be construed as in any way abrogating applicable Health Department regulations concerning on-site sewage disposal in a residential subdivision of land. Record plats shall continue to require Health Department approval prior to recording.

NOW, THEREFORE, BE IT RESOLVED this 16th day of June, 1981 by the Board of County Commissioners of St. Mary's County, Maryland that the previous requirement of the designation of a 10,000 square foot sewage disposal easement and related percolation test data on a record subdivision plat is hereby deleted. THIS RESOLUTION shall pertain to all subdivision plats recorded since the 3rd day of March, 1972.

THIS RESOLUTION shall be recorded among the Land Records of St. Mary's County, Maryland and the Clerk of the Circuit Court is requested to conspicuously note the Liber & Folio reference as to where this Resolution

LIBER 002 PAGE 331

NO: 81-53

SUBJ: Deletion of Recordation of Sewage Disposal Easement & Related Percolation Test Data on a Record Subdivision Plat

is recorded on the affected plats that will from time to time be provided to the Clerk of Court by the County Commissioners.

To determine the exact area of a residential lot approved for sewage disposal purposes or to establish a different area for such purposes, one should contact the St. Mary's County Health Department, Office of Environmental Health.

THIS RESOLUTION is adopted upon the recommendation and concurrence of the Director, Office of Planning & Zoning; Director, Environmental Health, County Health Department; the County Attorney and the Planning & Zoning Commission of St. Mary's County, Maryland.

WITNESS THE HAND AND SEAL of the County Commissioners of St. Mary's County, Maryland this 16th day of June, 1981

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

GEORGE I. AUD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

For L. Dean  
FOR L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO FORM:

Joseph C. Bell II  
JOSEPH C. BELL, II  
County Attorney

DEL TO: CO. ADMINISTRATOR  
ATTN: MARGARET NELSON

- 2 -

6-18-81

MARY R. BELL, CLERK

NO: 81-54

SUBJ: AIRPORT MASTER PLAN

RECORDED

AM 30-81 \* 28483 \*\*\*\*\*.00  
AM 30-81 B #28483 \*\*\*\*\*.00

RESOLUTION

61 JUN 30 AM 10 29

WHEREAS, the St. Mary's County Airport became operational in 1967 and is classified as a General Utility Airport (Maryland Aviation Systems Plan) ; and

WHEREAS, it is necessary to plan for continued growth so that both the Airport and the citizens of St. Mary's County be provided proper protection by assuring a safe, nuisance-free, continuous operation of this important public asset; and

WHEREAS, in 1976 an application for federal assistance was submitted to the Federal Aviation Administration in order to obtain funds for the preparation of a Master Plan for the St. Mary's County Airport; and

WHEREAS, Resolution 78-11 by the Board of County Commissioners on January 25, 1978 adopted and approved the execution of a planning grant agreement between St. Mary's County and the Federal Aviation Administration providing for federal aid in the development of a Master Plan; and

WHEREAS, the firm of Bourne-Gibson-Shama Associates, Airport Engineering Consultants, was employed by St. Mary's County to prepare the Master Plan in accordance with the Federal Aviation Administration Planning Grant Program; and

WHEREAS, the Planning Commission on October 6, 1980 voted to recommend for approval to the Board of County Commissioners the Airport Master Plan prepared by Bourne-Gibson-Shama Associates; and

WHEREAS, the Board of County Commissioners conducted a Public Hearing on Tuesday, August 26, 1980 to amend the County Comprehensive Land Use Plan by Amending the Airport Master Plan and have conducted several other public meetings to discuss the proposed Airport Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the St. Mary's County Comprehensive Land Use Plan is hereby amended by adoption of the Airport Master Plan prepared by Bourne-Gibson-Shama Associates, which is made a part hereof by reference.

This Date:  
June 23, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

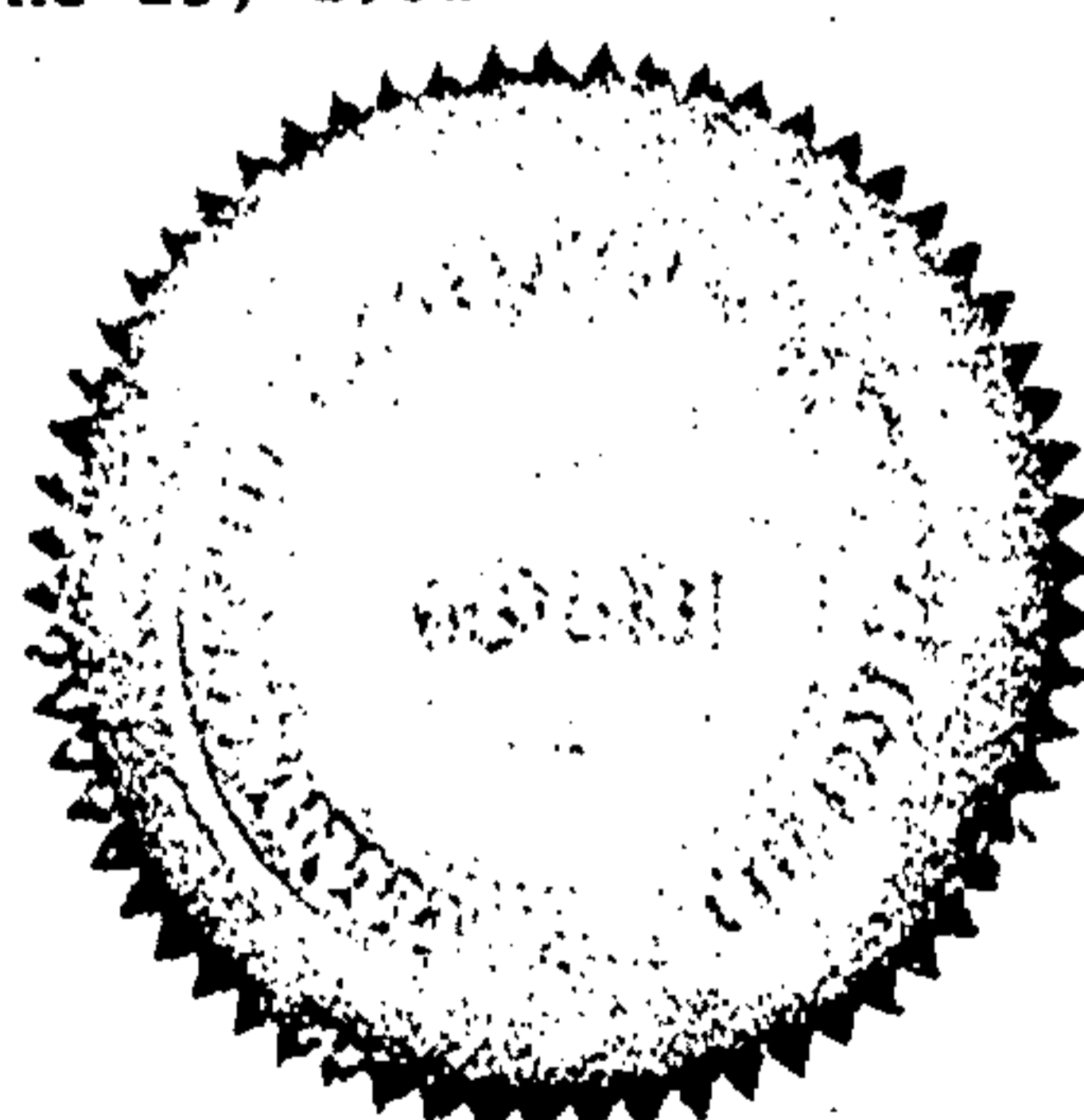
*George R. Aud*  
George R. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

David F. Sayre, Commissioner



ATTEST:

*Edward V. Cox*  
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II, County Attorney

DEL TO: CO. ADMINISTRATOR 6-30-81 MARY R. BELL, CLERK

ATTN: MARGARET NELSON

RECORDED  
LIBER 002 PAGE 333  
81 JUL 16 PM 1 09

RESOLUTION NO.: 81-61  
SUBJECT: SOUTHGATE  
DEPLATTING

RESOLUTION

MJ 16-81 \* 29317 \*\*\*\*\*08  
JUL 16 81 A #29317 \*\*\*\*\*08

WHEREAS, After due consideration and in accordance with Article 66B of the Annotated Code of Maryland and the St. Mary's County Zoning Ordinance the Planning Commission and the Board of County Commissioners of St. Mary's County, Maryland, did approve a Planned Residential Development known as "SOUTHGATE"; and

WHEREAS, The Planning Commission of St. Mary's County did approve a Subdivision Plat in accordance with the Planned Residential Development approved plan; and

WHEREAS, During the recording process certain Public Works Agreements and Surety Bonds were executed and filed in the Land Records of St. Mary's County; and

WHEREAS, The owner of the property so subdivided has requested de-platting of SOUTHGATE; and

WHEREAS, The Planning Commission of St. Mary's County, Maryland, has approved that request, and said de-platting has been recorded;

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of St. Mary's County, Maryland, as a result of the discussion at the meeting held on July 7, 1981, a regularly scheduled Commissioners' meeting, that the following Public Works Agreements and Surety Company Bonds be, and the same are hereby cancelled, voided, and of no further force and effect as to the respective parties set forth therein:

Public Works Agreement dated October 31, 1979, between Southern Maryland General Contractors, Inc., and the Board of County Commissioners of St. Mary's County, Maryland, covering construction of certain roads in Southgate, Section I, as follows: Southgate Drive, Gravel access road, Anthony Lane and Andrew Lane; said agreement being recorded among the Land Records of St. Mary's County, Maryland, at Liber 061, Folio 420 through 425; and the Surety Bond attached thereto issued by Fidelity and Deposit Company of Maryland, being Bond No. 6034415, recorded at Liber 061, Folio 426 through 427, among the aforesaid Land Records, the same being dated August 1, 1979, in the original amount of \$338,184.00.

Public Works Agreement dated October 31, 1979, between Southern Maryland General Contractors, Inc., and the Board of County Com-

missioners of St. Mary's County, Maryland, covering construction of certain roads in Southgate, Section II, as follows: Andrew Lane, Maria Lane, Elizabeth Lane, and Robert Drive; said agreement being recorded among the Land Records of St. Mary's County, Maryland, at Liber 070, Folio 415 through 420; and the Surety Bond attached thereto issued by Fidelity and Deposit Company of Maryland, being Bond No. 6034416, recorded at Liber 070, Folio 421, the same being dated August 31, 1979, in the original amount of \$202,594.00.

Public Works Agreement dated October 31, 1979, between Southern Maryland General Contractors, Inc., and the Board of County Commissioners of St. Mary's County, Maryland, covering construction of certain roads in Southgate Section III, as follows: Anthony Drive, Robert Drive, Natalie Lane, Kenney Lane, and Victor Lane; said agreement being records among the Land Records of St. Mary's County, Maryland, at Liber 070, Folio 423 through 427; and the Surety Bond attached thereto issued by Fidelity and Deposit Company of Maryland, being Bond No. 6334414, recorded at Liber 370, Folio 429 through 430, among the aforesaid Land Records, the same being dated August 31, 1979, in the original amount of \$161,577.00.

Date: 7/14/81



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. Auld  
GEORGE R. AULD, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

Ford L. Dean  
FORD L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell II  
JOSEPH E. BELL, II  
County Attorney

MARY R. BELL, CLERK

DEL TO: CO. COMA.

JULY 16, 1981

RECORDED

NO : 81-64

SUBJ: PINE HILL RUN SEWAGE  
TREATMENT PLANT  
INTERIM ALLOCATION POLICY  
(Extension)

31 AUG 7 PM 2 18

R E S O L U T I O N

WHEREAS, On January 20, 1981, the Board of County Commissioners approved and adopted the Interim Allocation Policy for the Pine Hill Run Sewage Treatment Plant; and

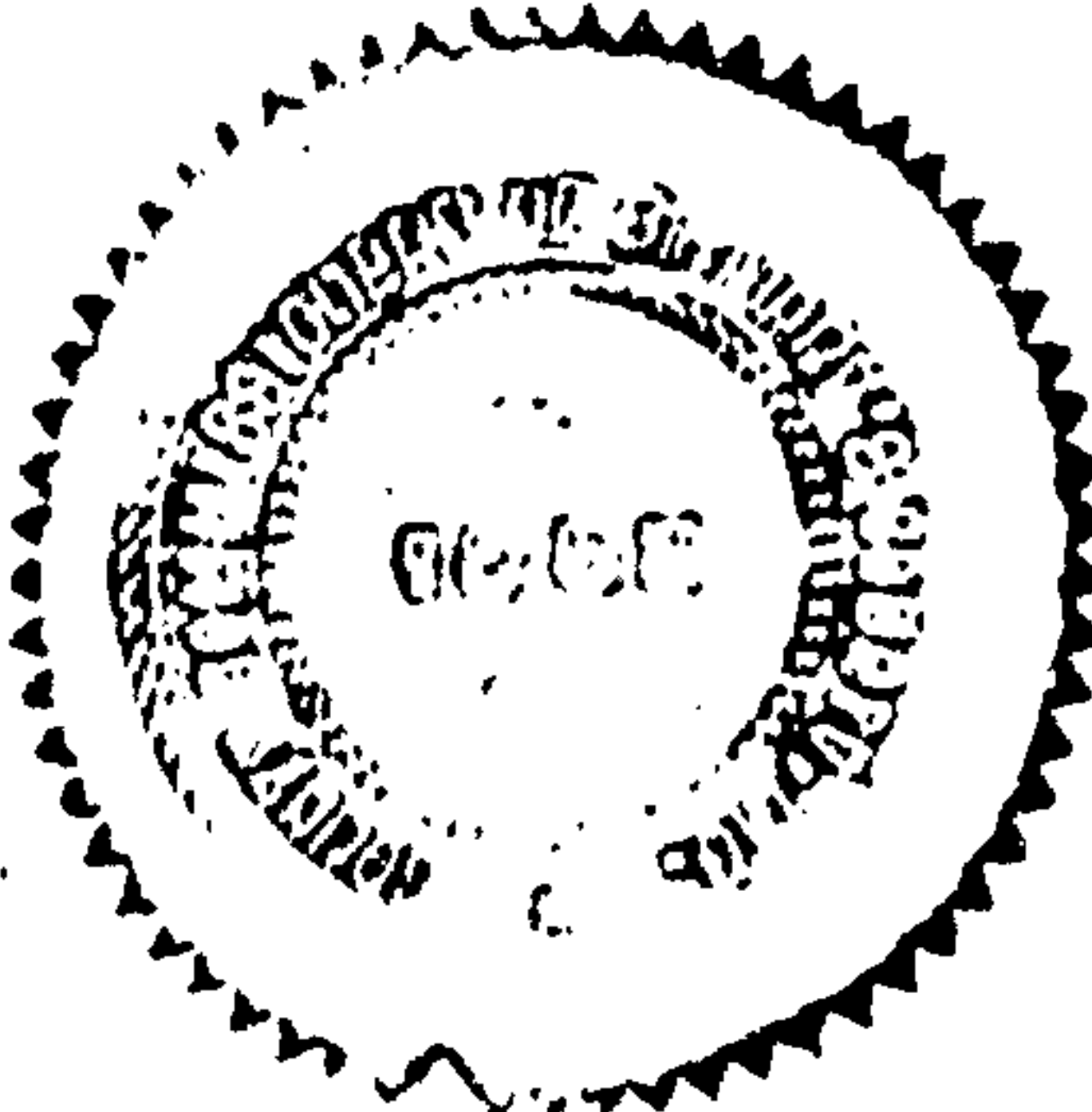
WHEREAS, Said Interim Allocation Policy is in effect until July 1, 1981 and permits after re-evaluation an extension at the end of the six month period as circumstances and conditions warrant; and

WHEREAS, The Metropolitan Commission and the St. Mary's County Health Department concur in an additional six month extension,

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners to grant an extension of the Interim Allocation Policy for the Pine Hill Run Sewage Treatment Plant until January 1, 1982.

This Date:

August 4, 1981



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George W. Aud*  
George W. Aud, President

(Not in attendance)  
Larry Millison, Vice-President

*Richard W. Arnold*  
Richard W. Arnold, Commissioner

*Forrest L. Dean*  
Forrest L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. County Comm.*

*8-7-81*

MARY R. BELL, CLERK

ZONING RESOLUTION NO. Z-81-02  
SUBJ: JACK AND SUSAN GELRUD  
ZONE #80-1693

ZONING AMENDMENT

WHEREAS, Jack Gelrud and Susan Gelrud, his wife, have made application to rezone a tract of land owned by them located at the intersection of Maryland Route 235 and 245, known as Parcel 89, Block 11, Tax Map 26, from residential R-1, to Commercial, C-2. The tract of land contains 25.5 acres, more or less, and is located in the Sixth Election District of St. Mary's County, Maryland.

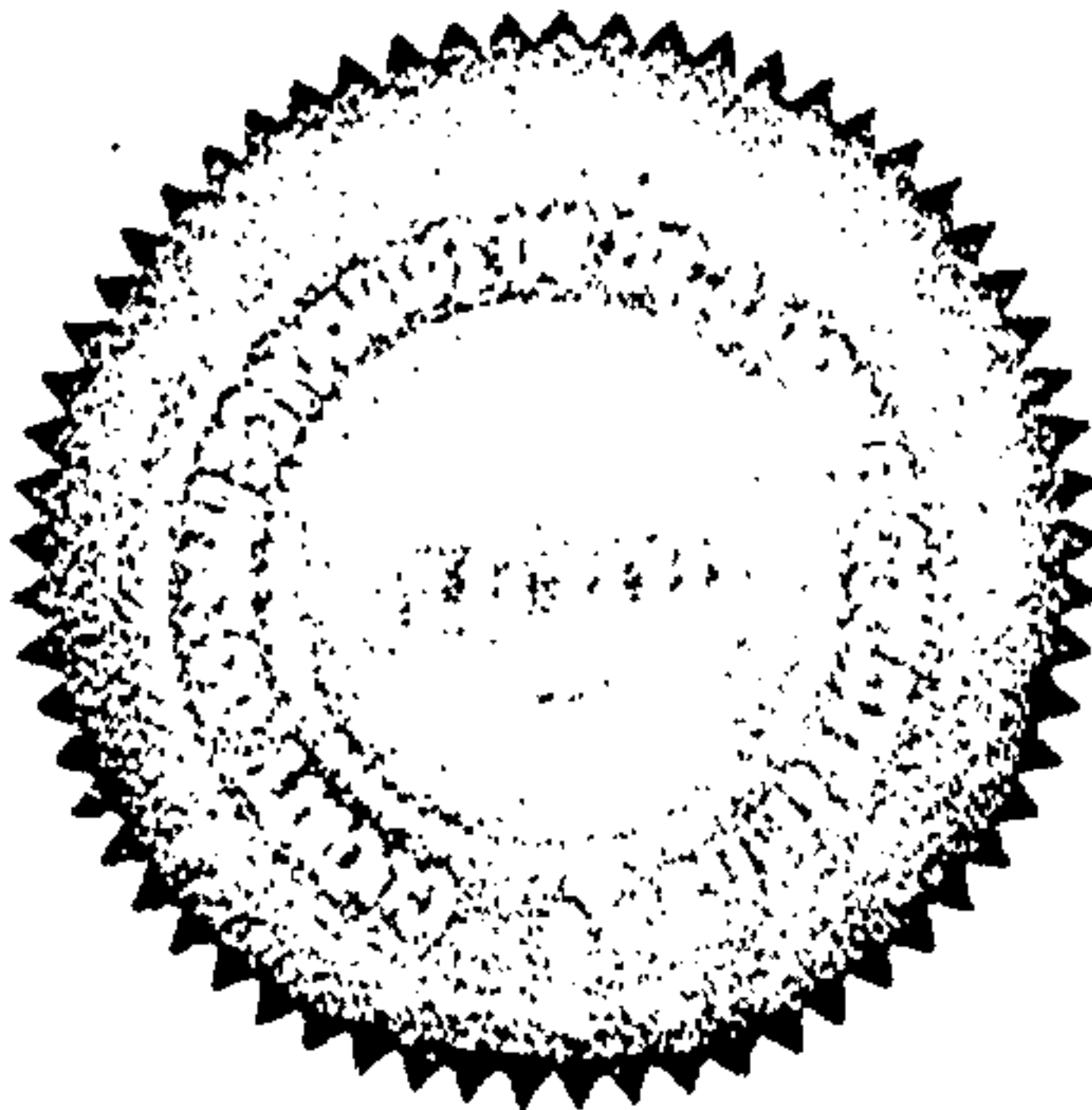
WHEREAS, the Planning Commission of St. Mary's County, after published notice, a public hearing and consideration of the request, have recommended a denial of the rezoning application.

WHEREAS, the County Commissioners have likewise, after due notice and public hearing, considered the request for reclassification.

The County Commissioners find as fact:

1. That the subject property is ideally situated for commercial development.
2. That there is a need for commercially developed property in the vicinity of the subject parcel.
3. That a mistake was made when the property was zoned residential.

THEREFORE, a majority of the Board, with Commissioner Dean dissenting and Commissioner Millison abstaining, are of the opinion that the request for rezoning should be granted. Now, therefore, it is resolved and ordained this 11th day of August, 1981 that the land of Jack Gelrud and Susan Gelrud, his wife, mentioned above, is hereby reclassified from residential, R-1, to commercial, C-2.



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Auld*  
George R. Auld, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

RECORDED

MAR 20 1981

ST. MARY'S COUNTY

'81 AUG 20 PM 2 49

*Del. County Comm.*

*8-20-81*

MARY R. BELL, CLERK



LIBER 002 PAGE 337 RESOLUTION

NO : 81-67

SUBJ: DEPLATTING-PATUXENT PARK WEST, SECTION ONE

This Resolution made this 25th day of August

1981, by the Board of County Commissioners for St. Mary's County, Maryland.

Whereas, there is approved for record a plat of subdivision known as Patuxent Park West, Section One, a plat of same having been approved by the Planning Commission for St. Mary's County, Maryland in May, 1973, and recorded among the Land Records of St. Mary's County, Maryland in Plat Book D.B.K. No. 10, Folio 59.

Whereas, the performance bond that was required to insure the construction of road and street improvements in said subdivision has been cancelled and despite numerous requests it has not been renewed.

Whereas prior notice of the action to be taken hereby has been accorded the owner of said land.

Whereas, there has been no development within this subdivision.

Now, therefore, be it resolved by the Board of County Commissioners of St. Mary's County, Maryland, that prior subdivision approval accorded Patuxent Park West Subdivision is hereby, revoked, and no building or other permits shall be issued for same until existing subdivision, zoning and other pertinent regulations are complied with.

This Resolution shall be duly recorded among the Land Records of St. Mary's County, Maryland, and the Clerk of Court for said County is requested to make a notation on the Subdivision Plat recorded in Plat Book D.B.K. No. 10, Folio 59, as to the Liber and Folio references where this Resolution is recorded.

RECORDED

AUG 27 1981

AUG 27-81 \* 21250 \*\*\*\*\*00  
AUG 27 81 B 21250 \*\*\*\*\*00

'81 AUG 27 PM 2 09

NOTAM CLERK: PLEASE MAKE NOTATION ON PLAT RECORDED AT DBK 10, FOLIO 59 AS TO THE LIBER - FOLIO ASSIGNED TO THIS RESOLUTION.

The effect of this Resolution is to render all prior sub-division approval VOID, to the same effect as never approved. Any future development of the land that might be contemplated must be in accord with new plans and then existing regulations.

THE COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND

*Edward V. Cox*

Edward V. Cox  
County Administrator

*George P. Aud*  
George P. Aud, President

Approved as to form:

Not in Attendance  
Larry Millison, Vice-President

*Joseph Ernest Bell, II*

Joseph Ernest Bell, II  
County Attorney

*Ford L. Dean*

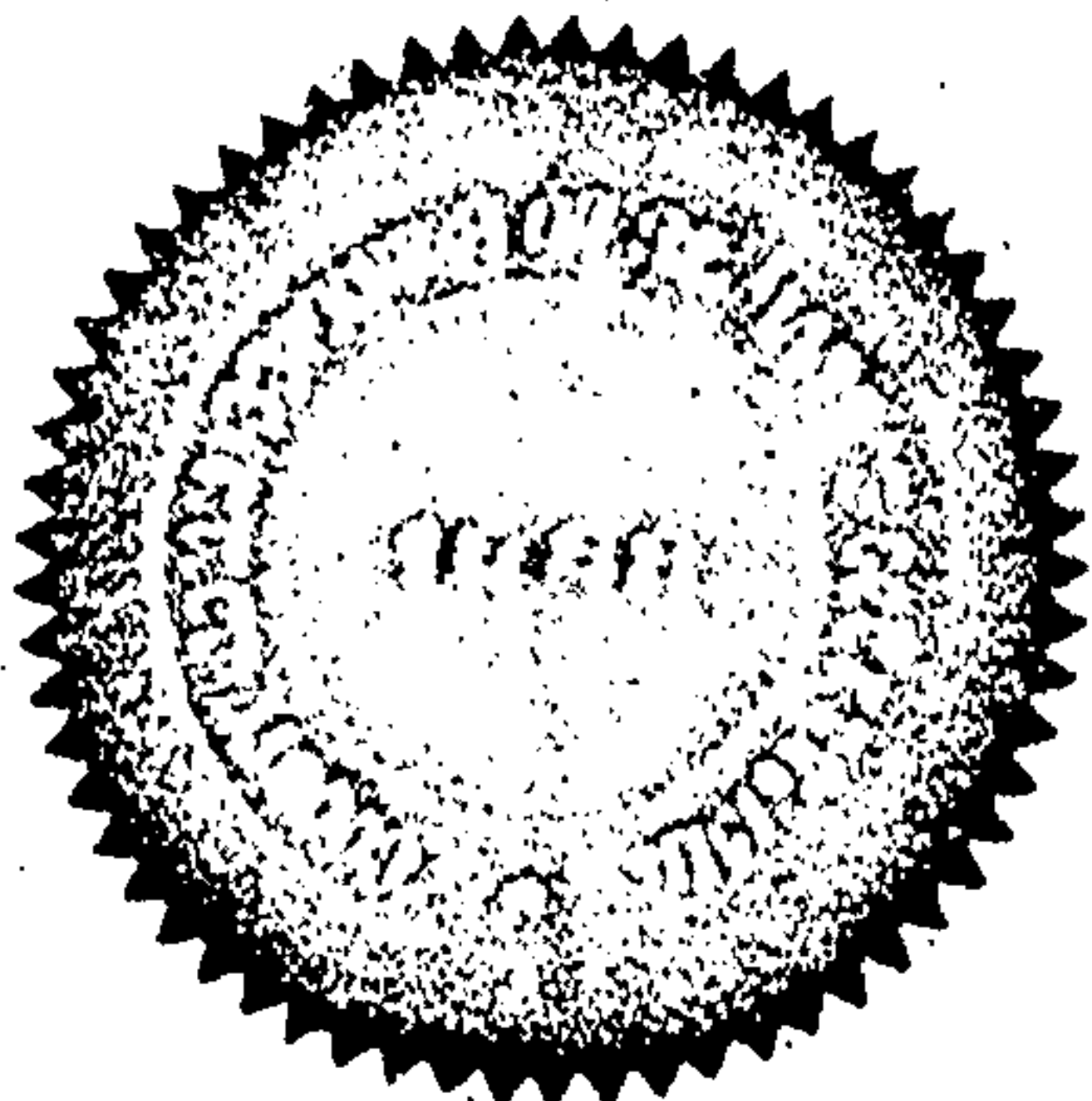
Ford L. Dean, Commissioner

*Richard D. Arnold*

Richard D. Arnold, Commissioner

*David S. Sayre*

David S. Sayre, Commissioner



*Del. County Comm.*

8-27-81

MARY. R. BELL, CLERK

81 AUG 28 AM 11 48

ZONING AMENDMENT NO. Z-81-11  
CAL ACRES, INC.  
ZONE #81-0267ZONING AMENDMENT

UG 28-81 \* 21296 \*\*\*\*\*00

UG 28-81 A 21296 \*\*\*\*\*00

WHEREAS, Cal-Acres, Inc., the owner of a tract of land located on Patuxent Beach Road in California, Eighth Election District, St. Mary's County, Maryland, containing 27.36 acres, more or less, and known as Parcel 463 on Tax Map 34 has made application to rezone the property from R-1 to R-2; and

WHEREAS, After advanced published notice, the St. Mary's County Planning Commission conducted a hearing on the request on April 13, 1981; and

WHEREAS, The Planning Commission has unanimously recommended approval of the request; and

WHEREAS, After due notice and a public hearing held on June 16, 1981 the County Commissioners find as fact.

1. That the land in question is a part of a 55-acre parcel purchased by the applicant in 1969.

2. That a substantial portion of the 55 acre parcel has since been residentially developed into a subdivision known as Cal-Acres. The lots in the developed portion of Cal-Acres average a half acre in size. They total some 36 lots, divided into Sections 1 and 2, approved in 1969 and 1973 respectively. The existing lots, the majority of which have been built on, are served by individual septic systems and wells.

3. That in 1973 the applicant sought subdivision approval of a seven acre portion of the 27.36 acre parcel. The Planning Commission refrained from approving that plan of residential subdivision due to the uncertainty of the location of the access road to the then proposed bridge across the Patuxent River at Seven Gables.

4. That in May 1974 the County adopted Comprehensive Zoning. The subject parcel was then classified as R-1, which requires a minimum lot size of one acre.

5. That the access road from Maryland Route 235 to the bridge across the Patuxent River has now been constructed. The access road is significantly removed from the subject parcel. The former Patuxent Beach Road which serves as the access to Cal-Acres Subdivision is no longer a through road and it exists today merely as a service road through a residential area to Route 235.

6. That the St. Mary's County Health Department has determined the satisfactory suitability of the soils of the subject property for on-site sewage disposal by means of individual septic systems.

7. That the development of one-half acre lots in Sections 1 and 2 has established an acceptable pattern for future development of the applicant's remaining property, which will be served by a central water system.

ZONING AMENDMENT NO. Z-81-11  
CAL-ACRES, INC.  
ZONE #81-0267  
PAGE 2 OF 2

8. That the prolonged indecision of the State Department of Transportation in identifying the location of the bridge access road has caused the applicant a seven year wait in obtaining approval for further development of its property.

9. That the failure to have initially zoned the property consistent with the already developed sections of Cal-Acres was a mistake.

10. That the recent conversion of the former Patuxent Beach Road into a service, dead end road has significantly changed the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the County Commissioners of St. Mary's County, Maryland this 25<sup>th</sup> day of August 1981 that the above-mentioned 27.63 acre parcel is hereby reclassified from R-1 to R-2.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George K. Aud  
George K. Aud, President

Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford H. Dean  
Ford H. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph Ernest Bell II  
Joseph Ernest Bell, II  
County Attorney

Del. County Comm.

8-28-81

MARY R. BELL, CLERK

REZONING RESOLUTION NO. 281-12  
MAYJACK, INC. (AMBER MEADOWS)  
ZONE #81-0163

MAY 20 AM 11 41

ZONING AMENDMENT RESOLUTION

USE 28-61 \* 21297 \*\*\*\*\*00  
USE 28-81 A 21297 \*\*\*\*\*00

WHEREAS, Mayjack, Inc. and Maryland Capital Corporation have jointly made application to rezone adjoining parcels of land owned by them from R-2 to Mobile Home Park District. The land consists of 52 acres, more or less, and is known as Parcels 18, 51 and 71 in Block 6 on Tax Map 42, Eighth Election District, St. Mary's County, Maryland. The land is located near the intersection of Maryland State Route 235 and Chancellors Run Road at California. The proposed project is named Amber Meadows Mobile Home Park. The matter is docketed as Case No. 81-0163.

WHEREAS, following published notice and notification of property owners within 200 feet of the subject parcels by certified mail, the Planning Commission for St. Mary's County conducted a public hearing on the request on March 9, 1981.

WHEREAS, after deliberation, the Planning Commission on May 11, 1981 by a three to two vote recommended to the Board of County Commissioners of St. Mary's County approval of the rezoning request.

WHEREAS, the County Commissioners, after published notice and notification of all property owners within 200 feet of the subject parcels by certified mail, conducted a hearing on the application on June 23, 1981.

WHEREAS, the County Commissioners, in accord with the provisions of Section 4.05(a) of Article 66B of the Annotated Code of Maryland and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the above-referenced application:

I. Compatibility with existing and proposed development for surrounding area:

A. The site plan submitted by the applicant has been determined by the Planning Commission and by the Director of Planning and Zoning to be compatible with the requirements of a Mobile Home Park as defined in Section 38.05 of the County Zoning Ordinance and they have recommended approval of same. (See "Memorandum to Planning Commission 4/15/81" pp. 4 et seq., and action of Planning Commission - Minutes of Planning Commission Meeting 5/11/81).

B. The surrounding properties, consisting of an existing mobile home park, multi-family housing, an existing and a proposed motel are not incompatible to the establishment of a mobile home park. Ample buffering exists or is to be provided to protect neighboring properties (see "Reply to attorney Robert L. Gray's Letter" and testimony of Engineer Charles D. Ellison at Public Hearing before County Commissioners 6/23/81, p. 12).

C. The subject parcel is currently zoned for residential development.

D. The subject parcel is situated in a residentially developed area.

E. The subject parcel is adjacent to an existing mobile home Park.

ZONING RESOLUTION NO. 281-12  
 MAYJACK, INC. (AMBER MEADOWS)  
 ZONE #81-0163  
 PAGE 3 OF 5

B. Two vehicular access points to the proposed project will be by means of Chancellor's Run Road, at a point less than one mile from its intersection with Maryland Route 235, a four lane main thoroughfare, and directly to Route 235. (e.g. there are two access points to roads.)

C. Both Chancellor's Run Road and Maryland Route 235 have the capacity to accommodate the increased traffic that will be generated by the project.

D. The intersection of Chancellor's Run Road and Maryland Route 235 is controlled by traffic signals.

E. Route 235, which is the County's primary arterial route, provides direct access to the main gate of Patuxent River Naval Air Station and Test Center, which is some five miles south of the intersection of Route 235 and Chancellor's Run Road.

F. Route 235 also provides direct access to Lexington Park, the County's commercial and business center. Lexington Park is located some five miles south of the proposed project.

G. Schools and churches are in close proximity to the proposed project.

V. Change - Mistake:

There was a mistake in the initial zoning of the subject area. (See "Memorandum to Planning Commission 4/15/81" p. 3). The drafters of the County's Zoning Ordinance did not fully take into account the need for mobile homes in the vicinity of the Naval Air Test Center. A significant number of naval personnel own mobile homes, but have no readily available place to locate them. The transient nature of military life makes mobile home living preferable to home ownership and apartment living in many cases. Military pay often makes home ownership impossible.

VI. Floating Zone - Mobile Home Park.

The Mobile Home Park District as defined in the County Zoning Ordinance is a "floating zone." The district, as defined, meets all criteria for a "floating" as opposed to "Euclidian" zone. (See "Memorandum to Planning Commission 4/15/81" p. 4; testimony of Fawcett, Arthur H., Public Hearing, 6/23/81 p. 13; "Reply to Attorney Gray's Letter") "Change/Mistake" criteria do not apply to floating zones ((Bowie v. Board of County Commissioners, 253 A2d 727; Chatham Corp. v. Beltham, 243, Md. 138)).

VII. Adverse impact on surrounding properties:

There is no credible evidence that applicant's proposed mobile home park will have an adverse effect on surrounding properties. Evidence shows natural and man-made buffering will amply protect such properties (see Testimony of Ellison, Charles D., Public Hearing 6/23/81 p. 10; Letter of G. Thomas Daugherty 4/9/81 p. 3; "Memorandum to Planning Commission 4/15/81" p. 10, 11). The County Commissioners find that:

## II. Availability of public facilities.

A. The proposed project conforms to the Comprehensive Water and Sewer Plan for St. Mary's County and will be provided with public water and sewer facilities by the St. Mary's County Metropolitan Commission (Met Com). Twenty to twenty-five Equivalent Dwelling Units (the calculation of sewer use equivalent to one dwelling) will be available at one time for development of sections within the applicant's mobile home park (See "Memorandum To File" 4/28/81 by Mary I. Raley, Assistant Zoning Administrator, Planning Commission File). Metropolitan Commission reports that once sewer and water facilities for the area are completed (estimated time: two years), the present allocation policy will be abandoned and no per year limitation will be applicable. Metropolitan Commission's per year existing EDU allocation for the proposed park is compatible with the park's proposed development. (Minutes of Planning Commission Meeting 3/9/81 p. 4, Public Hearing 6/23/81, p. 11).

B. The proposed development plan of the applicant provides for the installation of twenty units per year. Board of Education calculations based on twenty units per year are for the addition of eight to eleven students per year to the County school system. When the proposed 191 units are in place, Board of Education estimates call for an addition of between 42 and 57 students to the school system. The County school system is able to accommodate this number of additional students.

C. The applicant will provide a central water system to serve the proposed project.

D. Approval of the plan will require the dedication of land to meet County Recreation and Park standards or a monetary contribution in lieu thereof, to be later determined, as required by public local law.

## III. Population change:

A. The population in the immediate vicinity to be served by the proposed park has increased by 3.7% since the 1970 decennial census. The proposed park will be located in the most populated district in the County. Located within this district and in close proximity to the subject parcel is the County's largest employer and the stability of its economy, Patuxent River Naval Air Station and Test Center. The United States Navy projects the yearly addition of some one thousand service related and civilian jobs at the Naval Air Station between 1980 and 1984. (See testimony of Graves, Irene; Mitchell, Joseph; Public Hearing 6/23/81, pp. 6, 7, 8).

## IV. Transportation Impact.

A. There will be no negative impact on existing or future transportation patterns as a result of the establishment of the applicant's park. (See testimony of Ellison, Charles D., Public Hearing 6/23/81, pp. 10, 11, TEC Comments - State Highway Administration; Letter of G. Thomas Daugherty, 4/9/81; "Memorandum to Planning Commission 4/15/81" pp. 8, 9).

ZONING RESOLUTION NO. 281-12  
MAYJACK, INC. (AMBER MEADOWS)  
ZONE #81-0163  
PAGE 4 OF 5

- A. Tax Benefits,
- B. Aesthetics,
- C. Plebiscite of neighbors

are not controlling factors to be considered in deciding upon zoning applications (Hewitt v. Baltimore County, 22 Md. 48, 63; M & CC Baltimore v. Mano Swartz, 268, Md. 79; Casin John Ltd. Partnership v. Montgomer County, 259 Md. 661).

VIII. Impact on public school system:

There will be no negative impact on the County school system. The proposed park will not, of itself, generate a significant increase in population, but, rather, will provide needed affordable housing to County residents in an area where not enough now exists. (See Testimony of Ellison, Charles D., Public Hearing (6/23/81 p. 11; TEC Comments Board of Education; Letter of G. Thomas Daugherty, 4/9/81 p. 2, par: THIRD; "Memorandum to Planning Commission 4/15/81" p. 7).

IX. Relation to Comprehensive Plan:

The land sought to be rezoned is situated within an area designated in the Comprehensive Land Use Plan as the "Urban District," an area deemed "suitable for higher density residential and commercial development." The comprehensive plan designates the area as one where public facilities will be provided at a more intense level than the remainder of the County in order to accommodate the major anticipated growth in the County; namely, that associated with the projected expansion of the Naval Air Station and Testing Facilities.

X. Economic Impact Fee:

That each unit in the proposed park will be subject to the County \$200.00 Economic Impact Fee and \$300.00 Recreation and Park's fee.

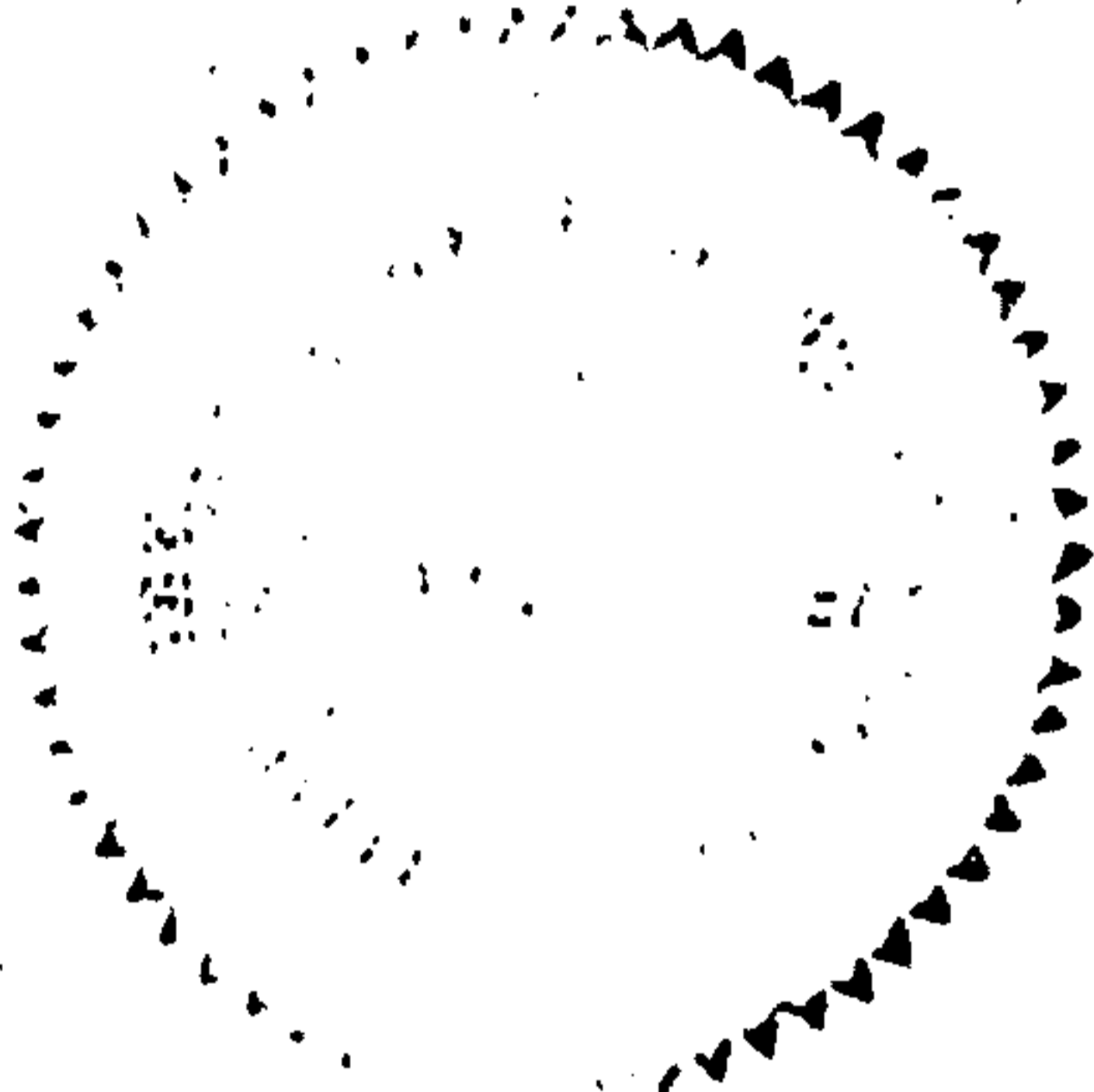
NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND THIS 25th day of August 1981 that the above-mentioned rezoning request is granted and the property is hereby reclassified from R-2 to Mobile Home District, with conditions as follows:



ZONING RESOLUTION NO. 281-12  
MAYJACK, INC. (AMBER MEADOWS)  
ZONE #81-0163  
PAGE 5 OF 5

1. No connecting street between the planned mobile home park and Barefoot Acres Subdivision shall be caused by this project.

2. There shall be an access road from the proposed mobile home park to both Chancellor's Run Road and Route 235.



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George H. Aud*  
George H. Aud, President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

(Commissioner Larry Millison and Ford L. Dean did not participate in this case.)

*Del. Co. Comm.*

8-28-81

MARY R. BELL, CLERK

USER 002 PAGE 346

SEP 18-81 \* 22189 \*\*\*\*\*.00

SEP 18-81 A #22189 \*\*\*\*\*.00

No: 81-71

SUBJECT: Town Creek Manor  
Subdivision Taxing  
District Ordinance

ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151, of the Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by a majority of the residents of Section 7 Part 1 of the Town Creek Manor Subdivision requesting the County to reconstruct and improve the streets in the Town Creek Manor Subdivision which is located in the Eighth Election District of St. Mary's County, Maryland, as shown on Section 7 Part 1 of said subdivision that is recorded among the Plat Records of St. Mary's County, Maryland in Plat Book CBG 3, Folio 102. The following streets as shown on the aforementioned plats of said subdivision shall be improved for the limits indicated herein:

Overcup Drive from Linden Lane for a distance of 515'+

Holly Court from Linden Lane for a distance of 435'+; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland held a public hearing on September 1, 1981 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County,

Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 15<sup>th</sup> day of September, 1981 that the petition of the residents of Town Creek Manor, Section 7, Part 1 the reconstruction and improvement of streets in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accord with specifications approved by the County Engineer and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for the construction costs. Said share being equivalent to the cost of improving the roads to a condition that would have been acceptable for inclusion within the County Road System at the time the subdivision plat was recorded in 1959.

2. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.
3. The County is responsible for all in-house design and engineering costs.
4. The lot owners are responsible for all utility relocation costs.
5. The balance of construction costs shall be borne by the County.
6. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a Bituminous Concrete Surface.
7. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a fifteen year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements to be borne by the lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the

future, and is the total of the aforementioned items. For purposes of computing this total, sale or transfer of a lot that is part of a lot as hereinafter defined shall be considered further subdivision as the term is used above.

2. The "total benefit assessment" shall be divided by 15 to determine the "annual benefit assessment" to be levied against all of the lot owners for fifteen years.
3. The "annual benefit assessment" shall be divided by the number of lot owners in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.
4. A "lot" shall be defined as a single lot of record, and improved by no more than one residential dwelling.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the lots in the subdivision shall not exceed the property owners aforementioned share of the actual costs of said improvements and reconstruction; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "lots"

for the next fifteen succeeding fiscal years and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which they are assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978 of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that no deed or conveyance of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Lot Numbers 14 through and including Lot 23 of Section 7 Part 1 shown on the aforesaid plat of the subdivision; and

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Edward V. Cox  
Edward V. Cox  
County Administrator

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice President

This date: 9/15/81

Ford L. Dean  
Ford L. Dean, Commissioner

APPROVED AS TO  
LEGAL SUFFICIENCY

Richard D. Arnold  
Richard D. Arnold, Commissioner

J. Ernest Bell, II  
J. Ernest Bell, II  
County Attorney

David F. Sayre  
David F. Sayre, Commissioner

*Del. Co. Comm.*

9-18-81

MARY R. BELL, CLERK

NO: 81-74  
SUBJ: PAYMENT IN LIEU OF TAXES  
ST. MARY'S HOME FOR THE  
ELDERLY II, INC.

'81 OCT 2 AM 11 17

OCT -2-81 \* 22798 \*\*\*\*\*00  
OCT -2-81 A 22798 \*\*\*\*\*00

RESOLUTION

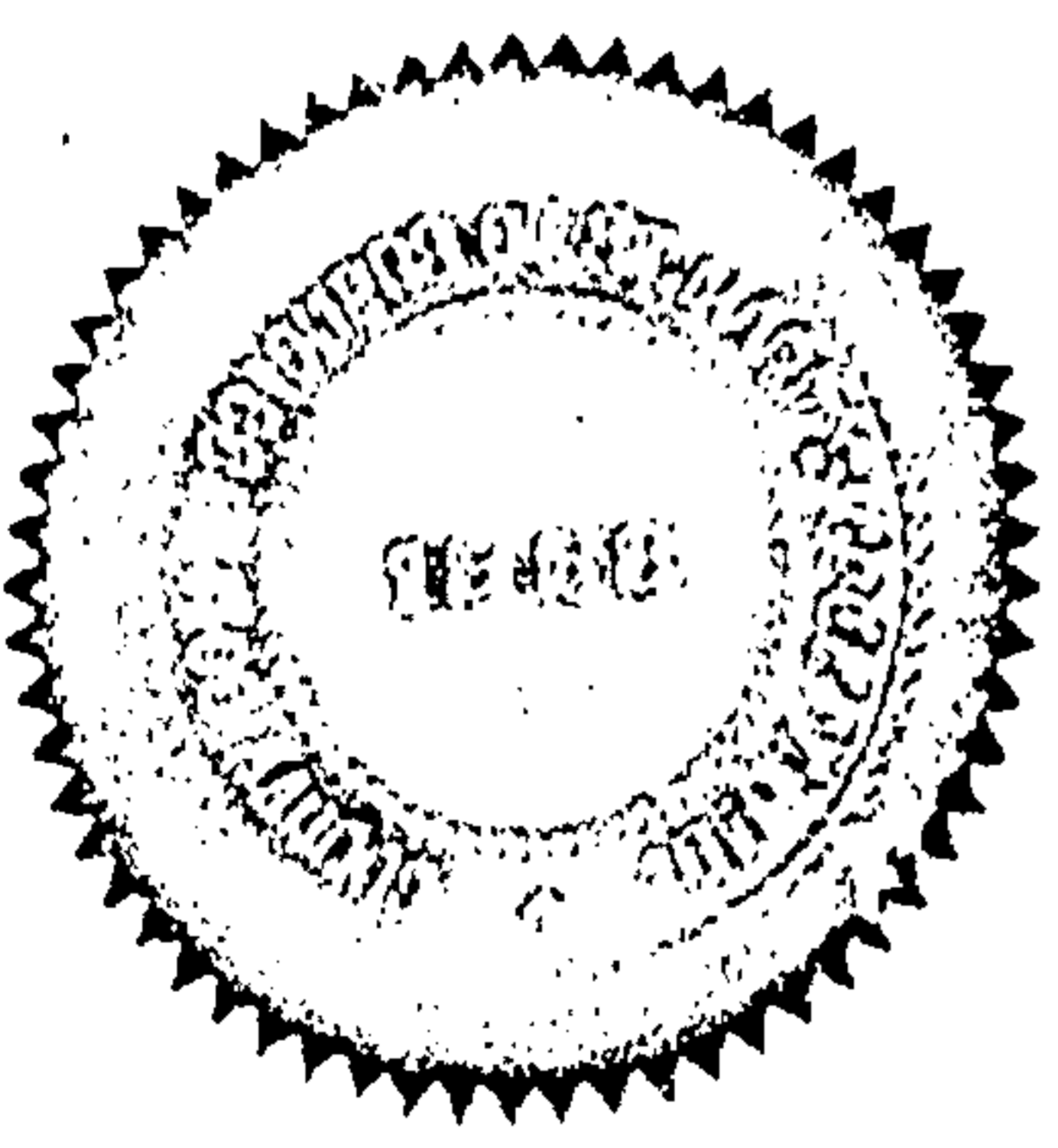
WHEREAS, By the authority vested in the County Commissioners of St. Mary's County, Maryland, conferred by Article 81, Section 9(n) and (n-1) of the Annotated Code of Maryland, 1977 Replacement Volume 7, the St. Mary's Home for the Elderly II, Inc. is eligible for exemption from State and County taxes, and such exemption is hereby granted to said organization provided that same comply with the requirements of the laws for establishing facilities for senior citizens under the Senior Citizen Housing Program pursuant to Section 202 of the National Housing Act of 1959, as amended, or any other program of the United States government under which such institutions provide housing for senior citizens, shall yield rental revenues which are controlled under such loan programs of the United States government so as not to produce any net income, and to be operated on a non-profit basis, and

WHEREAS, Using the suggested rate of 5¢ per \$100.00 on the assessed value of 60% of the replacement cost as estimated at \$2,326,300.00 the annual amount in lieu of taxes would be \$697.89.

THEREFORE, BE IT RESOLVED, By the County Commissioners of St. Mary's County, that the said amount will be paid by the St. Mary's Home for the Elderly II, Inc. in lieu of taxes.

This Date:  
September 29, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND



George R. Aud  
George R. Aud, President  
Larry Millison, Vice-President  
Richard D. Arnold  
Richard D. Arnold, Commissioner  
Ford L. Dean  
Ford L. Dean, Commissioner  
David F. Sayre  
David F. Sayre, Commissioner

ATTEST:  
Edward V. Cox  
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
Joseph E. Bell, II  
Joseph E. Bell, II, County Attorney

*D. J. Co. Comm*

*10-2-81*

MARY R. BELL, CLERK



RECORDED  
'81 OCT 2 AM 11 18

No: 81-75  
SUBJ: AGRICULTURAL LAND  
PRESERVATION DISTRICT -  
WILLIAM D. BOYD, SR.  
(FOURTH ELECTION DISTRICT)

ORDINANCE

WHEREAS, the Agricultural Article, Sections 2-501 through 2-515, of the Annotated Code of Maryland, established the Maryland Agricultural Land Preservation Program, and

WHEREAS, St. Mary's County, Maryland contains productive agricultural land and its Board of County Commissioners appointed a St. Mary's County Agricultural Land Preservation Advisory Board in accordance with the Agricultural Article, Section 2-504.1, on March 15, 1978, thus satisfying County eligibility requirements for the voluntary participation of St. Mary's County landowners whose land meets eligibility criteria established by Maryland Agricultural Land Preservation Foundation Regulations and any locally adopted criteria; and

WHEREAS, St. Mary's County wishes to provide for the voluntary establishment of Agricultural Land Preservation Districts and for the voluntary sale of development rights and easements on eligible agricultural lands with the County; and

WHEREAS, a public hearing for the establishment of an Agricultural Land Preservation District for the land of William D. Boyd, Sr. was conducted on June 9, 1981, according to legal requirements. No objections were raised to said establishment.

NOW, THEREFORE, BE IT ORDAINED, that an Agricultural Land Preservation District is hereby established for the subject property containing 188 acres, more or less, and which is located in the Fourth Election District of St. Mary's County, Maryland.

This Date: 9/29/81

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

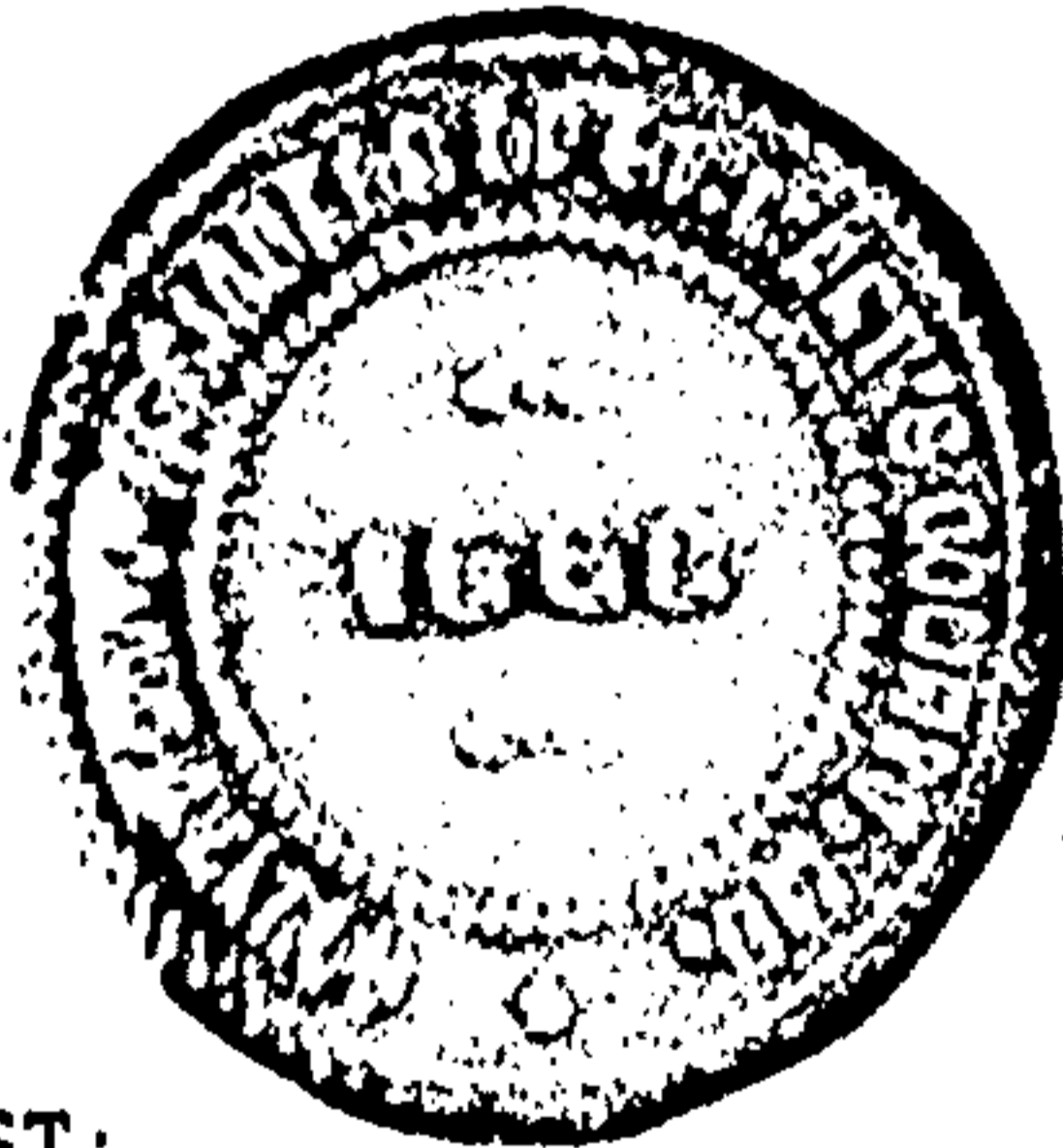
*George B. Aud*  
George B. Aud, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Ford L. Dean*  
Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner



ATTEST:

*Edward V. Cox*  
Edward V. Cox

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II  
County Attorney

*Del: Co. Comm.*

10-2-81

MARY R. BELL, CLERK

NO : 81-76

SUBJ: ADDITIONAL REZONINGS  
TO CL-O

RECORDED

M:

'81 OCT 2 AM 11 RESOLUTION

WHEREAS, The Board of County Commissioners did, on May 5, 1981 adopt the COMMERCIAL LIMITED-OFFICE (CL-O) Text Amendment to the St. Mary's County Zoning Ordinance; and

WHEREAS, This amendment was fostered by the application by Frank J. Barley for a parcel situated on Tax Map 34, Block 23, Parcel 30, located on Md. Rt. 235 near its intersection with St. Andrews Church Road, Eighth Election District; and

WHEREAS, EVERETT D. PINKERTON, FRANK RICE, AND ZENNA B. POLATY are the owners of parcels of property abutting the Barley property; and

WHEREAS, The Board of County Commissioners have caused a map to be drawn of these properties;

NOW, THEREFORE, BE IT RESOLVED, That the map is hereby made a part of the CL-O Text Amendment, and those properties as shown thereon are comprehensively rezoned.

This Date: 9/29/81

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

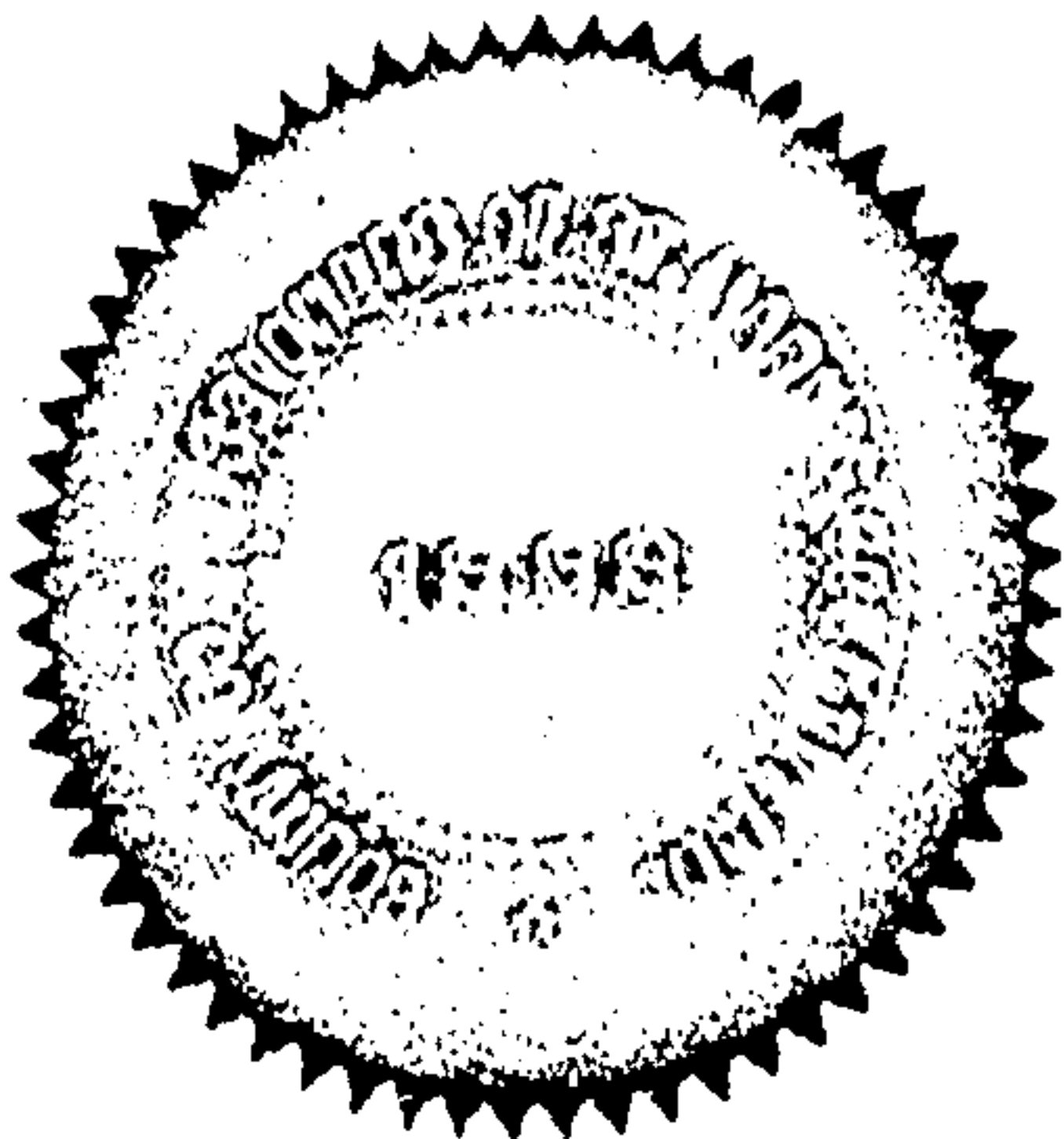
George R. Aud  
George R. Aud, President

Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner



ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Del. Co. Comm.

10-2-81

MARY R. BELL, CLERK

OCT-2-81 \* 22801 \*\*\*\*\*.00  
OCT-2-81 A 22801 \*\*\*\*\*.00

LIBER 002 PAGE 355

ZONING AMENDMENT RESOLUTION NO. Z-81-13  
LEONARD SOMERVILLE (CLEMENTS RSC)  
ZONE #81-0300

RECORDED  
MA

781 OCT 2 AM 11 ZONING AMENDMENT RESOLUTION

WHEREAS, Application has been made to rezone certain properties located on Tax Maps 24 and 31 in the community of Clements in the Third and Fourth Election Districts from R-1, Residential, to RSC, Rural Service Center.

WHEREAS, Public hearings on the request have been held by the Planning Commission, which has recommended approval by comprehensive rezoning of properties located in the community of Clements from R-1 to RSC.

WHEREAS, A public hearing has been held by the County Commissioners of St. Mary's County, Maryland on the application and the Commissioners unanimously agree that the following parcels of land should be included in the CLEMENTS RURAL SERVICE CENTER classification.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED By the County Commissioners of St. Mary's County, Maryland this 29th day of SEPT. 1981 that the following properties be and they hereby are by act of comprehensive rezoning declared to be within the CLEMENTS RURAL SERVICE CENTER:

TAX MAP 24, p/o Parcel 76, Philip H. Hurry

- TAX MAP 31:
- Parcel 85, Robert L. Anderson
  - Parcel 86, Francis L. Hurry
  - p/o Parcel 46, Philip H. Hurry
  - Parcel 44, Philip H. Hurry
  - Parcel 45, J. Stanton Guy
  - Parcel 165, Howard V. Hammett
  - Parcel 83, Mary A. Hammett
  - Parcel 84, Albert F. Guy
  - Parcel 141, Bernard I. Mattingly
  - Parcel 82, Arnes A. Guy
  - p/o Parcel 35, Agnes A. & Fred Guy
  - Parcels 32/96, L. S. Somerville
  - Parcel 33, Charles P. Guy
  - Parcel 123, Albert F. Guy
  - Parcel 57, Steven E. Gragan

as shown on the attached map, dated SEPT. 29, 1981, and signed by Commissioner George R. Aud, President.

IT IS FURTHER RESOLVED AND ORDAINED That the official zoning map of St. Mary's County, Maryland be amended accordingly.



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*For L. Dean*  
For L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:  
*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
*Joseph E. Bell, II*  
Joseph E. Bell, II  
County Attorney

*Del. to Co. Comm.*      *10/2/81*      MARY R. BELL, CLERK

ZONING AMENDMENT RESOLUTION NO. Z81-14  
RAYMOND CRADDOCK  
ZONE #81-0708

OCT 20-81 \* 23485 \*\*\*\*\*00  
OCT 20-81 B #23485 \*\*\*\*\*00

ZONING AMENDMENT RESOLUTION

WHEREAS, Raymond Craddock has made application to rezone a parcel of land containing approximately .98 acres, more or less, located at the Southeast corner of the intersection of Maryland Routes 2 and 4 and Maryland Route 235 in the Eighth Election District of St. Mary's County, Maryland, the same being Parcel 181, Block 16, Tax Map 34. The application seeks reclassification from R-1, Residential, to CL-O, Commercial Limited - Office.

WHEREAS, The Planning Commission for St. Mary's County, after due notice, public hearing and consideration of the application, has recommended that it be denied.

WHEREAS, The County Commissioners have likewise conducted a public hearing on the rezoning request.

The County Commissioners find as fact that:

1. Subject property consists of approximately 0.98 acres and is located at the Southeast corner of the intersection of Maryland Routes 2 and 4 and Maryland Route 235, in the Eighth Election District and is currently zoned R-1, Residential.
2. Subject property is denied direct access to either Routes 2 and 4 or Route 235. Ingress and egress is by St. Nicholas Road which is in effect a service road serving this property and five other parcels.
3. Subject property is adjacent to and among many other parcels which are zoned and developed residential.
4. The applicant has alleged that with the construction of Routes 2 and 4 extended, there has been "a great deal of change in that area." While "change" is in evidence, it is noted that:
  - a. A major intersection has existed at this location for a long standing period - with Routes 235 and St. Andrews Church Road.
  - b. The subject property is well separated from Routes 2 and 4 by distance, a rather wide parcel of land between Routes 2 and 4 and St. Nicholas Road and a deep drainage ditch.
  - c. St. Nicholas Road, prior to the construction of Routes 2 and 4 extended was a "through" road passing in front of the subject property. It is now a dead-end road ending at the subject property.

RECORDED

91 OCT 20 PM 1 05

5. The applicant alleges that the subject property is not suitable as a residence, or place to raise children. It is noted that when the dwelling was constructed, the major highway, Route 235, and the intersection with St. Andrews Church Road were already in existence. It is also noted that there are many other homes adjacent to the subject property which are inhabited and well-kept. It is further noted that the existing house, by testimony of the applicant, is "smaller than two bedrooms" and perhaps that factor, more than location renders the property less than suitable to rent to families with children. It is finally noted that rental property in the Eighth Election District is in demand and it would seem that this property could be readily rented to a couple without children.

6. The Planning Commission has recommended against the rezoning based on the predominant residential character of the surrounding community.

7. There was no mistake made when the property was zoned residential.

8. There has been no change in the character of the neighborhood to warrant rezoning.

Based on the finding of fact in this case, the Board denies the application, finding that the applicant has not sufficiently shown either change or mistake and further that the predominant character of the adjacent properties is residential and that the continued residential use of the subject property is entirely feasible.

This motion carried by a 3 to 1 vote, with Commissioner Aud abstaining.

This Date:

October 6, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud, President

Larry Millison, Vice-President

Richard D. Arnold, Commissioner

Ford L. Nean, Commissioner

David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

*Mel's Co Commrs*

*10/20/81*

MARY R. BELL, CLERK

LECR 002 PAGE 358

SUBJ: GENERAL OBLIGATION BOND  
ANTICIPATION NOTES

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY 24756 \*\*\*\*\*00

Resolution No. 81-92 NOV 16-81 B 24756 \*\*\*\*\*00

TIME 11:14 P.M.  
MARY B. HILL CLERK  
ST. MARY'S CO.

A RESOLUTION of the Board of County Commissioners of St. Mary's County providing for the borrowing of Four Million Dollars (\$4,000,000) under the provisions of Chapter 705 of the Laws of Maryland of 1981, and, pursuant to the authority of said statute, providing for the evidencing of said borrowing by the issue and sale of a like aggregate par value of its general obligation bonds, to be designated as "Public Improvements Bonds," said bonds to be issued and sold and the proceeds thereof to be disbursed for the purpose of providing funds for the public purpose of financing the construction, improvement or development of certain public facilities, as provided in said Chapter 705; making certain findings and determinations concerning the current state of the bond market and the need to provide a flexible approach to financing certain capital projects necessary or desirable for the welfare of the citizens of St. Mary's County, Maryland; authorizing and empowering the County Commissioners of St. Mary's County to issue, sell and deliver upon its full faith and credit Four Million Dollars (\$4,000,000) aggregate principal amount of its general obligation bond anticipation notes in anticipation of the issuance and sale of the Public Improvements Bonds, pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement) and said Chapter 705, to be designated as "General Obligation Bond Anticipation Notes, Series 1981," said notes to be issued and sold and the proceeds thereof to be disbursed for the public purpose of providing interim financing for the public works to be financed by the Public Improvements Bonds; prescribing the form and tenor of such notes, the form of the

notice of public sale thereof and the terms and conditions for the issuance and sale thereof at public sale; prescribing the form of proposal to be used at said sale; prescribing the terms and conditions of said notes and all other details incident thereto; providing for the disbursement of the proceeds of said notes; providing that the proceeds of said notes, or any moneys which may be deemed to be proceeds, will not be used in a manner which would cause said notes to be arbitrage bonds; covenanting to pay the principal or redemption price of and the interest on said notes not paid from other sources from the first proceeds of the Public Improvements Bonds; covenanting to issue said Public Improvements Bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists; providing that the principal or redemption price of and interest on said notes may also be paid from the tax revenues and other sources of revenue pledged for the repayment of the Public Improvements Bonds; covenanting to levy and collect all taxes necessary to provide for the payment of the principal and redemption premium of and interest on said notes; authorizing the preparation and distribution of a preliminary and final official statement in connection with the sale of said notes; and generally relating to the issuance, sale, delivery and payment of all said notes.

#### RECITALS

For convenience of reference, County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland, is hereinafter sometimes referred to as the "County".

The authority for the powers herein exercised is contained in Chapter 705 of the Laws of Maryland of 1981 (the

"Enabling Act") and in Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement) (the "Bond Anticipation Note Act").

The Enabling Act authorizes and empowers the County to borrow money for the purpose of financing the construction, improvement or development of public facilities and to evidence such borrowing by the issuance and sale upon its full faith and credit of its general obligation bonds in accordance with the provisions of the Enabling Act.

Present bond market conditions are unusual, erratic, and extraordinarily unfavorable when compared to historical bond market conditions, and an inflexible approach to borrowing by the County threatens its ability to initiate capital projects today and will diminish the resources available to provide for the needs of the citizens of the County in the future.

The Enabling Act authorizes the issuance and sale by the County of \$10,000,000 aggregate principal amount of its general obligation bonds for the purpose of financing the construction, improvement or development of certain public facilities in St. Mary's County.

The Bond Anticipation Note Act authorizes and empowers the County to issue and sell its bond anticipation notes, in aggregate amount not greater than the authorized amount of the bonds in anticipation of the sale of which said notes are issued and sold, the principal of and interest on said notes to be payable from (i) the first proceeds of the sale of said bonds (which bonds shall be issued when, and as soon as, the reason for deferring their issuance no longer exists) or (ii) the tax or other revenue which the County shall have previously determined to apply to the payment of such bonds and the interest thereon; provided, however, that twelve (12)



months' interest on such notes, or any renewal thereof, may be paid from the proceeds of the sale of such notes.

The County proposes to spend the net proceeds of the notes hereby authorized on the following public projects which are described on Page 56 of the St. Mary's County Board of County Commissioners Approved Budget for 1981-82 (subject to the provisions of Section 9 of this Ordinance):

BOOK  
TITLE  
COUNTY  
SERIAL  
SIZE

District Court	\$ 32,000
Grand Jury	\$ 14,000
Courthouse Interior	\$ 60,000
Jail	\$ 100,000
Villa Road	\$ 400,000
Mattapany	\$ 120,000
Asphalt Overlay	\$2,399,000
Oakville Transfer Station	\$ 39,000
Northern Special Education School	\$ 211,000
Chopticon High School	\$ 135,000
Great Mills High School	\$ 221,000
School Paving	\$ 69,000
Charlotte Hall Library	\$ 200,000

The Enabling Act provides that in each and every fiscal year that any of its bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency.

TYPE  
OF  
PAPER

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, THAT:

Section 1: Acting pursuant to the authority of the Enabling Act, the County hereby determines that the net proceeds from the sale of its Public Improvements Bonds, authorized to be issued and sold by this Resolution, shall be used and applied

for the public purpose of financing the construction, improvement or development of certain public facilities, all as stated in the Recitals of this Resolution and as authorized by the Enabling Act (collectively, the "Projects").

Section 2: It is hereby determined that the County shall borrow money and incur indebtedness in order to finance the Projects. To evidence such borrowing and indebtedness and acting pursuant to the authority of the Enabling Act, the County shall issue and sell, upon its full faith and credit, Four Million Dollars (\$4,000,000) aggregate principal amount of its general obligation bonds, said issue of bonds to be known as "Public Improvements Bonds" (the "bonds"), the net proceeds of such sale to be used and applied as provided in Section 1 of this Resolution. The bonds hereby authorized shall be sold prior to the maturity of the bond anticipation notes authorized by this Resolution upon the terms and conditions set forth in a supplemental resolution of the Board of County Commissioners of St. Mary's County.

Section 3: The County Commissioners of St. Mary's County, on behalf of the County, make the following findings and determinations:

(a) Funds are currently needed to pay part or all of the costs of the Projects, which are necessary or desirable for the welfare of the citizens of the County.

(b) Current bond market conditions are unusual, erratic, and extraordinarily unfavorable when compared to historical bond market conditions. An inflexible approach to borrowing by the County threatens its ability to initiate and continue the Projects today and will diminish the resources available to provide for the needs of the citizens of the County in the future. In order to provide the County with the flexibility demanded by present bond market conditions, and in order to

LIBER 002 PAGE 363

permit the construction of the Projects to proceed prior to the issuance of the bonds, the County has determined to issue and sell its bond anticipation notes pursuant to this Resolution in such amounts, on such terms and conditions and according to such procedures as are hereinafter provided.

Section 4: Pursuant to the Bond Anticipation Note Act and the Enabling Act, the County shall issue and sell, upon its full faith and credit, Four Million Dollars (\$4,000,000) aggregate principal amount of its general obligation bond anticipation notes in anticipation of the issuance and sale of its Public Improvements Bonds authorized to be issued and sold hereby. Said bond anticipation notes shall be known as "General Obligation Bond Anticipation Notes, Series 1981" (the "notes"). The net proceeds of the notes shall be used to provide interim financing for the Projects.

Section 5: The notes shall all be dated as of the first day of the month in which they are initially delivered; shall be coupon notes in the denomination of Five Thousand Dollars (\$5,000) each, registrable as to principal only; shall be numbered from one (1) consecutively upwards; and shall mature on that date which is three (3) years from the date of the notes, subject to prior redemption as hereinafter provided.

Section 6: The notes shall be subject to redemption and prepayment prior to maturity, on or after the date which is one year after the date of the notes as a whole at any time or in part on any interest payment date, at the option of the County, upon the payment of a redemption price equal to the outstanding principal amount of the notes to be redeemed plus accrued interest, if any, on such notes plus a redemption premium as follows (expressed as a percentage of the principal amount to be redeemed):

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20, if redeemed on or after the date which is one year after the date of the notes to, but not inclusive of, the date which is one and a half years from the date of the notes,

1 1/20, if redeemed on or after the date which is one and a half years after the date of the notes to, but not inclusive of, the date which is one day less than two years from the date of the notes,

10, if redeemed on or after the date which is two years after the date of the notes to, but not inclusive of, the date which is two and a half years from the date of the notes,

and without premium, if redeemed thereafter; so that if the date of the notes were December 1, 1981, the redemption premium would be as follows:

20, if redeemed December 1, 1982 to May 31, 1983, inclusive;

1 1/20, if redeemed June 1, 1983 to November 30, 1983, inclusive;

10, if redeemed December 1, 1983 to May 31, 1984, inclusive;

and without premium, if redeemed thereafter.

In the event that less than all of the notes shall be called for redemption, then the particular notes to be redeemed shall be selected by lot by the Paying Agent (hereinafter provided for), in such manner as the Paying Agent in its discretion, shall determine.

A notice calling for redemption of the notes to be redeemed shall be published once in each of four successive calendar weeks in a newspaper of general circulation in the County, and in a financial journal or a daily newspaper of general circulation published in the Borough of Manhattan, City and State of New York, the first such publication to be made not less than 30 days prior to the date fixed for redemption (the "redemption date"). Such notice shall specify the

numbers of the notes to be redeemed, which statement of numbers may be from one number to another, inclusive, the redemption date and the redemption price, and shall further require that on such date the notes called for redemption be presented for redemption and payment at the principal office of the Paying Agent in Leonardtown, Maryland or at the principal office of the Alternate Paying Agent in Baltimore, Maryland, and shall state that, from and after such date, interest thereon shall cease to accrue. A similar notice shall be mailed first class, postage prepaid, at least 30 days prior to the redemption date, to all registered owners of the notes to be redeemed, at their last addresses appearing on the registration books kept by the Paying Agent (hereinafter provided for), but failure to mail any such notice or any defect in the notice so mailed, or in the mailing thereof shall not affect the validity of any redemption proceedings.

On the date so designated for redemption, notice having been given as hereinabove provided, and money for the payment of the redemption price plus accrued interest being held by the Paying Agent, the notes so called for redemption shall become and be due and payable at the redemption price provided for redemption of such notes on such date, interest on such notes shall cease to accrue, the coupons for any interest payable subsequent to the redemption date shall be void, and the holders or registered owners of such notes shall have no rights in respect thereof except to receive payment of the redemption price provided in the notes upon presentation and surrender of the notes at the office of the Paying Agent or the Alternate Paying Agent.

Section 7: All of the notes authorized by this Resolution shall bear interest from the date of such notes at the

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rate or rates named by the successful bidder or bidders for said notes in accordance with the terms of the Notice of Sale set forth in Section 8 of this Resolution. The interest on all of the notes shall be payable semiannually following the date of such notes, until the date of maturity or the date of prepayment of such notes, whichever is earlier, upon presentation and surrender of the coupons representing such interest as such coupons respectively fall due at the principal office of the Paying Agent or the Alternate Paying Agent.

All of the notes shall be executed in the name of the County and on its behalf by the President of the Board of County Commissioners of the County (the "Board"). Such signature of the President of the Board shall be imprinted on such notes in facsimile; a facsimile of the corporate seal of the County shall also be imprinted on such notes, attested by the manual signature of the County Administrator; and the coupons attached to the notes shall be authenticated by the facsimile signature of the President of the Board, all in accordance with and pursuant to the authority of Sections 13 to 18, inclusive, of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume) and the Enabling Act.

There shall be printed on each note the text of the approving opinion of bond counsel with respect to such note. Such printed text shall be certified, in the name of the County, to be a correct copy of said opinion by the facsimile signature of the President of the Board.

In the event any official whose signature shall appear on the notes shall cease to be such official prior to the delivery of the notes, or in the event any such official whose signature shall appear on the notes shall have become such

after the date of issue thereof, the notes shall nevertheless be valid and legally binding obligations of the County in accordance with their terms.

All of the notes shall be subject to registration as to principal only in the name or names of the owner or owners thereof on books kept for such purpose at the office of the Note Registrar. The holder of any note may register or discharge from registration such note upon such books.

The County, the Paying Agent and the Alternate Paying Agent may deem and treat the bearer of any note which shall not at the time be registered as to principal, and the bearer of any coupon, whether the note to which such coupon appertains shall be registered as to principal or not, as the absolute owner of such note or coupon, as the case may be (whether or not such note or coupon shall be overdue and notwithstanding any notation of ownership or other writing thereon made by anyone other than the County or the Note Registrar), for the purpose of receiving payment thereof or on account thereof and for all other purposes, and neither the County, the Note Registrar, the Paying Agent nor the Alternate Paying Agent shall be affected by any notice to the contrary. The County, the Paying Agent and the Alternate Paying Agent may deem and treat the person in whose name any note registered as to principal only shall be registered as the absolute owner thereof (whether or not such note shall be overdue and notwithstanding any notation of ownership or other writing thereon made by anyone other than the County or the Note Registrar) for the purpose of receiving payment of or on account of the principal of such note, and for all other purposes except to receive payment of any interest represented by coupons appertaining to any such note, and neither the County, the Paying Agent nor

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the Alternate Paying Agent shall be affected by any notice to the contrary. All such payments so made to any such bearer or registered owner, as the case may be, or upon his order, shall be valid and, to the extent of the sum or sums so paid, effectual to satisfy and discharge the liability for moneys payable upon any such note or coupon.

The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, is hereby designated Note Registrar and Paying Agent and Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland is hereby designated Alternate Paying Agent. The principal of and interest on the notes shall be payable at the principal office of the Paying Agent in Leonardtown, Maryland or at the principal office of the Alternate Paying Agent in Baltimore, Maryland, and registration and transfer of registration of the notes shall be effected at the principal office of the Note Registrar and Paying Agent in Leonardtown, Maryland.

Except as provided hereinafter or in resolutions of the Board adopted prior to the issuance and delivery of the notes, all notes shall be substantially in the following form, with such insertions, changes or modifications as the President of the Board shall deem appropriate and as are within the limitations of this Resolution, the Bond Anticipation Note Act and the Enabling Act, which form is hereby adopted by the County as and for the form of obligation to be incurred by the County, and all of the covenants and conditions therein contained are hereby made binding upon the County, including the promise to pay therein contained:



UNITED STATES OF AMERICA  
STATE OF MARYLAND  
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY  
General Obligation Bond Anticipation Note, Series 1981

No. \_\_\_\_\_ \$5,000

Dated \_\_\_\_\_

County Commissioners of St. Mary's County (the "County"), a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland, hereby acknowledges itself indebted and, for value received, promises to pay to the bearer hereof, or if this note be registered otherwise than to bearer, then to the registered holder hereof, or registered assigns or legal representative (unless this note shall have been called for prior redemption and payment of the redemption price made or provided for), the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on \_\_\_\_\_

upon presentation and surrender of this note, and to pay interest thereon from the date of this note at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable on \_\_\_\_\_ and semiannually thereafter on the \_\_\_\_\_ days of \_\_\_\_\_ and \_\_\_\_\_ in each year until maturity or prior redemption upon presentation and surrender of the coupons appertaining hereto as such coupons severally become due and payable.

Both the principal of and interest on this note will be paid in lawful money of the United States of America, at the time of payment, at the principal office of The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Note Registrar and Paying Agent, or at the principal office of Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland, Alternate Paying Agent, except that the principal amount of any registered note shall be paid only at the principal office of the Paying Agent.

This note shall pass by delivery unless registered as to principal, in the owner's name, upon registration books of the County kept by the Note Registrar and unless such registration shall be noted on the back of this note by said Note Registrar, after which no transfer hereof shall be valid unless so made on said registration books upon the order of the registered owner hereof in person or by his attorney, duly authorized, in form satisfactory to the Note Registrar, and similarly noted on this note; but this note may thereafter be discharged from registry by being transferred in the manner aforesaid to bearer, after which it shall again be transferable by delivery, but it may again be registered as before. The registry of this note as to principal shall not restrain the transferability of the interest coupons appertaining hereto which shall continue to be payable to bearer.

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This note is one of a duly authorized issue or series of notes of the County aggregating Four Million Dollars (\$4,000,000) in principal amount designated "General Obligation Bond Anticipation Notes, Series 1981," all dated \_\_\_\_\_, and all of like tenor and effect, except as to number. Said notes are issued pursuant to and in full conformity with the provisions of Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement), and Chapter 705 of the Laws of Maryland of 1981, and by virtue of due proceedings had and taken by the Board of County Commissioners of the County, particularly a resolution adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1981, as supplemented (the "Resolution").

The notes are issuable only in the form of coupon notes, in the denomination of \$5,000 each, and are registrable as to principal only. The notes are numbered consecutively from No. 1 upward and mature on \_\_\_\_\_.

The notes of this issue are subject to redemption prior to their maturity, at the option of the County, on or after \_\_\_\_\_, either as a whole at any time, or in part on any interest payment date at a price of par and accrued interest to the date fixed for redemption, plus the following premiums, calculated as a percentage of the principal amount of the notes so redeemed:

2%, if redeemed \_\_\_\_\_, to \_\_\_\_\_, inclusive,

1 1/2%, if redeemed \_\_\_\_\_, to \_\_\_\_\_, inclusive,

1%, if redeemed \_\_\_\_\_, to \_\_\_\_\_, inclusive, and without premium, if redeemed thereafter.

If, in accordance with the foregoing option, the County elects to redeem all outstanding notes, or less than all, it will give notice of its intention to redeem by publication at least once in each of four (4) successive calendar weeks (the first publication to be not less than thirty (30) days prior to the date fixed for redemption) in a newspaper of general circulation in the County, and in a financial journal or a daily newspaper of general circulation published in the Borough of Manhattan, City and State of New York. Said notice shall state whether said notes are redeemed in whole or in part and, if in part, the numbers of the notes called, shall state that the interest on the notes so called shall cease on the date fixed for redemption, and shall require that the notes to be redeemed be then presented for redemption and payment at the principal office of the Paying Agent or Alternate Paying Agent. With respect to coupon notes registered as to principal to be so redeemed, the County will give a similar redemption notice by letter mailed first class, postage prepaid, to the holders of such notes at least thirty (30) days prior to the redemption date, at the addresses of such holders appearing on the registration books kept by the Note Registrar, provided, however, that the failure to give notice as provided herein to the registered holder of any note shall not affect

the validity of the proceedings for the redemption thereof. From and after the date fixed for redemption, if notice has been given as herein provided, and the funds sufficient for payment of the redemption price shall be available therefor on such date, the notes and the coupons, if any, appertaining thereto, maturing subsequent to such date fixed for redemption shall be surrendered with the notes to which they are appurtenant prior to the payment of the redemption price, and accrued interest on such coupon notes shall be paid only upon surrender of the respective coupons, if any, for such interest. Upon presentation and surrender in compliance with said notices, the notes so called for redemption shall be paid by the Paying Agent or the Alternate Paying Agent at the redemption price. If not so paid on presentation thereof, said notes so called shall continue to bear interest at the rates expressed therein until paid. All notes redeemed and paid hereunder will be cancelled.

It is hereby certified, recited and declared by the County: (a) that the series of notes, of which this note is one, has been authorized for a valid public purpose which the County is empowered by law to undertake and perform; (b) that the County is authorized by law to issue and sell its bonds to provide funds for such public purpose and for the payment of this note and the interest hereon; (c) that the County has, by official action, covenanted to issue and sell its bonds in an amount at least equal to the sum of the face amount of said series of notes as soon as the reason for deferring the issuance thereof no longer exists, and has provided for the payment of all the notes of said series and the interest thereon not paid from other sources from the proceeds of sale of said bonds before expenditure of said proceeds on any other project; (d) that, by such official action, the County has also pledged to the payment of the notes of said series and the interest thereon, the proceeds of the taxes or other charges levied or imposed for the payment of said bonds and the interest thereon, until such time as all of said notes and the interest thereon are fully paid; (e) that the total authorized notes of said series, together with all outstanding indebtedness of the County is within every debt and other limit prescribed by the Constitution and Laws of the State of Maryland; (f) that all other acts, conditions and things required to exist, to be done, to have happened and to be performed, precedent to and in the issuance of this note, do exist, have been done, have happened and have been performed, in full and strict compliance with the Constitution and Laws of the State of Maryland and with the Resolution; (g) that the full faith and credit of the County are hereby unconditionally pledged to the payment of the principal and redemption price, if any, of, and the interest on, this note.

IN WITNESS WHEREOF, this note has been executed by the manual or facsimile signature of the President of the Board of County Commissioners of the County, and a facsimile of the

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corporate seal of the County has been imprinted hereon,  
attested by the manual signature of the County Administrator,  
all as of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

[SEAL]

ATTEST:

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY

\_\_\_\_\_  
County Administrator

By /s/ George R. Aud  
President of the Board  
of County Commissioners

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(Form of Registration)

(No writing hereon except by The First National Bank of St. Mary's, Leonardtown, Maryland, Note Registrar)

This Note can be registered only by The First National Bank of St. Mary's, Leonardtown, Maryland, Note Registrar and Paying Agent.

Date of Registry	Name of Registered Holder	Authorized Officer of Note Registrar
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Form of Coupon)

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the \_\_\_ day of \_\_\_\_\_, 19\_\_\_, unless the note hereinafter mentioned shall have been duly called for prior redemption and payment of the redemption price made or provided for, County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the laws of the State of Maryland, will pay to the bearer hereof at the principal office of The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Paying Agent, or at the principal office of Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland, Alternate Paying Agent, upon presentation and surrender of this coupon, the amount shown hereon in lawful money of the United States of America, being the semiannual interest then due on its General Obligation Bond Anticipation Note, 1981 Series, dated \_\_\_\_\_, 19\_\_\_ and bearing No. \_\_\_\_\_.

/s/ George R. Aud  
 President of the Board of  
 County Commissioners

(Form of Certification of Legal Opinion to appear on panel to left of Filing Back)

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete approving legal opinion of Piper & Marbury, Baltimore, Maryland, with respect to the issue of notes of which this note is one, that the original of said opinion was manually executed, dated and issued as of the date

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of delivery of, and payment for, said issue of notes and that an executed copy thereof is on file with the Paying Agent and the Alternate Paying Agent.

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY

/s/ George R. Aud  
President of the Board  
of County Commissioners

[Here insert text of legal opinion  
relating to the issue of \$4,000,000  
General Obligation Bond Anticipation  
Notes, Series 1981]

Section 8: All of the notes hereby authorized to be issued and sold shall be sold by bids on sealed proposals to the bidder or bidders therefor for cash whose bid or bids are determined to be for the best interest of the County, after having given public notice by advertisement published at least twice in one or more daily or weekly newspapers having a general circulation in St. Mary's County, Maryland, and published once in "The Daily Bond Buyer", a financial journal published in the City of New York, New York. At least one publication of the advertisement in a newspaper of general circulation in St. Mary's County shall be made not less than ten (10) days before the sale of said notes. The sale of said notes shall be held on Tuesday, December 1, 1981, in the 6th Floor Main Conference Room of Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland, at 11:00 o'clock A.M. (E.S.T.). The notice of sale and proposal for the notes authorized by this Resolution shall be in substantially the following forms, and the terms, provisions and conditions set forth in said forms of notice of sale and proposal are hereby adopted and approved as the terms, provisions and conditions under which and the manner in which such notes shall be sold, issued and delivered at public sale:

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ST. MARY'S COUNTY, MARYLAND

NOTICE OF SALE OF

\$4,000,000

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY  
GENERAL OBLIGATION BOND ANTICIPATION NOTES,  
SERIES 1981

Dated \_\_\_\_\_, 19\_\_

Sealed proposals will be received until 11 a.m. Eastern Standard Time, on \_\_\_\_\_, 19\_\_ by the County Administrator of St. Mary's County, Maryland at the offices of Mercantile-Safe Deposit and Trust Company, Corporate Trust Department, 6th floor Main Conference Room, Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland, for the purchase of the above-described general obligation bond anticipation notes of the County, aggregating \$4,000,000, all dated \_\_\_\_\_, 19\_\_, and maturing, subject to prior redemption, as herein stated, on \_\_\_\_\_, 19\_\_.

County Commissioners of St. Mary's County will not consider and will reject any proposal for the purchase of less than all of the notes for which a proposal is made.

The notes will be in coupon form, each in the denomination of \$5,000, separately numbered from No. 1 upward. Principal of notes payable to bearer and semi-annual interest (\_\_\_\_\_ and \_\_\_\_\_) on the notes will be payable at the principal office of The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Paying Agent, or, at the option of the holders, at the principal office of Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland, Alternate Paying Agent. The notes will be registrable as to principal only by the Paying Agent, which has also been designated Note Registrar, and the principal of the notes so registered will be payable on \_\_\_\_\_, 19\_\_ only at the principal office of The First National Bank of St. Mary's at Leonardtown.

The notes are subject to redemption prior to maturity, on or after \_\_\_\_\_, 19\_\_, at the option of the County, either as a whole at anytime, or in part on any interest payment date, at the option of the County, at a price of par and accrued interest on the date fixed for redemption, plus the following premiums, calculated as a percentage of the principal amount of the notes so redeemed:



\_\_\_\_\_, if redeemed \_\_\_\_\_, 19\_\_\_\_, to  
 \_\_\_\_\_, 19\_\_\_\_, inclusive;

\_\_\_\_\_, if redeemed \_\_\_\_\_, 19\_\_\_\_, to  
 \_\_\_\_\_, 19\_\_\_\_, inclusive;

\_\_\_\_\_, if redeemed \_\_\_\_\_, 19\_\_\_\_, to  
 \_\_\_\_\_, 19\_\_\_\_, inclusive;

and without premium, if redeemed thereafter.

Bidders shall state in their proposals a single rate of interest to be paid on all the notes, and each proposal shall be based and submitted on the rate stated therein. The notes will be awarded to the bidder naming the lowest net interest cost for the notes in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest net interest cost will be determined with respect to each proposal by calculating the interest actually to be paid on all of said bond anticipation notes and subtracting therefrom any premium in the purchase price offered. Where the proposals of two or more bidders result in the same lowest net interest cost, the bond anticipation notes may be apportioned between such bidders, but if this shall not be acceptable, the County shall have the right to award all of the notes to one bidder. The right is reserved to the County to reject any or all proposals. The County Administrator's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice.

Each proposal must be submitted on the form accompanying the Preliminary Official Statement and must be enclosed in a sealed envelope addressed to the County Administrator, St. Mary's County, Maryland; c/o Mr. Randall W. Perkins; Corporate Trust Department; Mercantile-Safe Deposit and Trust Company; Mercantile Bank and Trust Building; 2 Hopkins Plaza; Baltimore, Maryland, and marked on the outside "Bid for Purchase of St. Mary's County General Obligation Bond Anticipation Notes, Series 1981". A certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution in the amount of \$80,000 and made payable to the order of County Commissioners of St. Mary's County, Maryland, must accompany each proposal as security for compliance with said proposal. No interest will be allowed on any such deposit. Checks of unsuccessful bidders will be returned promptly after the notes are awarded.

The notes are authorized by Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement), Chapter 705 of the Laws of Maryland of 1981 and Resolution No. \_\_\_\_\_, passed by the Board of County Commissioners of St. Mary's County, Maryland, on November \_\_\_\_, 1981. Said notes are issued in anticipation of the issuance and sale of the general obligation bonds authorized by Chapter 705 of the Laws of Maryland of 1981, and said Resolution.

The proceeds of the notes for which proposals are solicited herein will be used to provide interim financing for the following public purposes: general county projects.

public libraries, county buildings, school projects, and roads and bridges.

The notes are general obligations of County Commissioners of St. Mary's County. County Commissioners of St. Mary's County has covenanted to pay the principal of and interest on (to the extent such interest has not been provided for by appropriations from current revenues) the notes from the proceeds of the sale of the bonds in anticipation of the sale of which said notes are issued, and further covenants to issue said bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists. If the County is unable, for reasons beyond its control, to issue and sell its bonds as aforesaid, then in lieu thereof the revenues from the taxes and other sources intended for application to debt service on said bonds shall be applied first to the payment of the interest on said notes, and thereafter to the retirement of the principal of said notes. The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are unconditionally pledged to the payment of said notes and of the interest to accrue thereon.

The notes described above will be issued and sold subject to approval as to legality by Piper & Marbury, of Baltimore, Maryland, whose approving opinion will be delivered, upon request, to the purchaser or purchasers of the notes, without charge, and the text of the opinion will also be printed on each note.

In the opinion of Bond Counsel, under existing statutes, regulations and decisions, interest on the above-described notes is exempt from Federal and State of Maryland income taxation.

As soon as practicable after the award of the notes to the successful bidder therefor on the day of sale, the County, by its President of the Board of County Commissioners, will authorize its Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested by the purchaser or purchasers of an issue at or before the close of business on the date of the sale, the County will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the notes of such issue by the successful bidder therefor ("Reoffering Information"), if any, as may be specified and furnished in writing by such bidder. If no Reoffering Information is specified and furnished by a successful bidder, the Official Statement will include the rate on the notes resulting from the bid of such successful bidder and the other statements with respect to reoffering contained in the Preliminary Official Statement. The successful bidder for each issue shall be responsible to the County and its officials for the Reoffering Information furnished by such bidder, and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the notes including the presentation or exclusion of any Reoffering Information in any documents, including the Official Statement. The successful bidder for each issue will also be furnished, without cost, with up to 300 copies of the Official Statement (and any amendments or supplements thereto).

Delivery of said notes, without expense, will be made by the County Administrator to the purchaser or purchasers on \_\_\_\_\_, 19\_\_\_\_, or as soon as practicable thereafter, at The Signature Company in the City of New York, New York, and, thereupon, said purchaser or purchasers will be required to accept delivery of the notes purchased and pay, in Federal funds, the balance of the purchase price due. Said notes will be accompanied by the customary closing documents, including a no-litigation certificate, effective as of the date of delivery, stating that there is no litigation pending affecting the validity of any of the notes included in this issue. It shall be a condition to the obligation of said purchaser or purchasers to accept delivery of and pay for the notes that, simultaneously with or before delivery and payment for the notes, said purchaser or purchasers shall be furnished a certificate or certificates of the President of the Board of County Commissioners to the effect that, to the best of his knowledge and belief, the Official Statement (and any amendment or supplement thereto) (except for the Reoffering Information, as to which no view will be expressed) as of the date of sale and as of the date of delivery of the notes does not contain any untrue statement of a material fact and does not omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading and that between the date of sale and the date of delivery of the notes there has been no material adverse change in the financial position or revenues of the County, except as reflected or contemplated in the Official Statement.

The Preliminary Official Statement, together with this Notice of Sale and the required form of proposal may be obtained from the office of the County Administrator, St. Mary's County, Maryland, Governmental Center, Leonardtown, Maryland 20650.

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY

George R. Aud  
President of the Board of  
County Commissioners

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PROPOSAL FOR GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 1981

\_\_\_\_\_, 19\_\_

County Administrator  
County Commissioners of St. Mary's County  
c/o Mr. Randall W. Perkins  
Corporate Trust Department  
Sixth Floor  
Mercantile-Safe Deposit and Trust Company  
Mercantile Bank and Trust Building  
2 Hopkins Plaza  
Baltimore, Maryland 21201

Sir:

We make the following offer to purchase the \$4,000,000 aggregate principal amount of bond anticipation notes of County Commissioners of St. Mary's County, Maryland, designated General Obligation Bond Anticipation Notes, Series 1981, dated \_\_\_\_\_, 19\_\_ and described in the annexed Notice of Sale which is hereby made a part of this bid.

For the Notes so described, maturing on \_\_\_\_\_, 19\_\_ and bearing interest at the rate of (\_\_\_\_) percentum per annum, we will pay Four Million Dollars (\$4,000,000) plus a premium of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) plus interest on said bonds accrued from \_\_\_\_\_, 19\_\_ to the date of delivery.

We enclose herewith a certified, bank cashier's, treasurer's or official check for \$80,000, payable to the order of County Commissioners of St. Mary's County, Maryland, which check is to be returned to us if this proposal is not accepted and said sum is to be held as security for the performance of this proposal, and is to be applied to the purchase price of the Notes when the Notes are delivered and paid for under the terms of this proposal, or is to be retained as and for full liquidated damages in case we fail so to take up and pay for the Notes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(NOTE: Not part of proposal. The following information is requested to expedite and facilitate prompt determination of the best bid. The omission or inaccuracy of this figure will not affect the validity of the proposal. Total net interest cost of the proposal is \$\_\_\_\_\_.)

For your information you will find attached a list of the group of underwriters associated with us in this proposal.

Section 9: Immediately after the sale of the notes, the interest rate or rates payable thereon shall be fixed by supplemental resolution, in accordance with the terms and conditions of the sale of the notes, and the notes shall thereupon be suitably printed or engraved and delivered to the purchasers thereof in accordance with the conditions of delivery set forth in the foregoing notice of sale. The actual proceeds of the sale of the notes, including any premium and accrued interest received therefor, shall be paid directly to the County Commissioners of St. Mary's County, and shall be deposited in the proper accounts of the County. There shall be deducted from the gross proceeds received from the sale of the notes the cost of preparing the same and all other outlays and expenses incurred by the County in connection with the issue of said bonds, including the cost of advertising, printing and legal fees and expenses. There shall also be deducted from the total gross proceeds amounts received on account of accrued interest, which amounts shall be set apart by the Director of Finance of St. Mary's County in a separate fund for application on account of the first maturing interest liability on said notes. In addition, the Director of Finance of St. Mary's County shall set apart any premium received on the sale of such notes which shall be used for the purpose of paying the principal thereof at maturity. The entire balance of the proceeds of the sale of the notes shall be retained by the Director of Finance of St. Mary's County until needed to pay for the purposes specified in Section 1 of this Resolution and the Enabling Act and the Director of Finance shall make disbursements for the Projects in accordance with the established procedure of the County.

If the funds derived from the sale of the notes shall exceed the amount needed to finance the Projects described in this Resolution, or if the Board determines by resolution that the public interest requires a change in the capital improvements program of the County, the funds so borrowed and not expended for the public improvements provided by this Resolution shall be set apart in a separate fund by the Director of Finance of the County and applied to the prepayment of the notes at the earliest practicable date, unless the Board shall adopt a resolution allocating such funds to some other public capital improvement project or projects of the County which may be financed under the terms and provisions of the Enabling Act.

Section 10: In order to provide for the payment on the date of maturity (or on the date of prepayment as provided in the notes) of the principal or redemption price of and interest on the notes hereby authorized, and for the purpose of permanently financing the costs of the Projects described in the Recitals hereof, the County shall, on or before the date of maturity of the notes, borrow money and incur indebtedness in an amount not less than that which is necessary to provide (together with any other funds legally available for the purpose) for the payment of the total principal or redemption price of and interest on its notes authorized hereby maturing and due on the date of maturity by the issuance, upon its full faith and credit, of its Public Improvements Bonds pursuant to a resolution supplemental hereto, or otherwise.

The County solemnly covenants with each of the holders from time to time of any of the notes, that the County will pay the notes and any interest thereon not paid from other sources from the first proceeds of the Public Improvements Bonds in anticipation of the sale of which said notes are

issued, and further covenants that it will issue said bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists.

If the County shall be unable, for reasons beyond its control, to issue and sell its Public Improvements Bonds as aforesaid, or if the proceeds from the sale of such bonds shall be insufficient to pay the principal or redemption price of and interest on the notes when due, then the revenues from the taxes and other sources intended for application to debt service on said bonds shall be applied to the payment of the principal or redemption price of and interest on the notes. The foregoing provisions shall not be construed so as to prohibit the County from paying the principal or redemption price of and interest on any note issued hereunder from the proceeds of the sale of any other obligations of the County, or from any other funds legally available for that purpose. It is anticipated that the interest on the notes will be paid from tax revenues or other sources legally available for that purpose.

If, as aforesaid, the County shall be unable, for reasons beyond its control, to issue and sell its Public Improvements Bonds, or if the proceeds from the sale of such bonds shall be insufficient to pay the principal or redemption price of or interest on the notes when due, then the County shall levy or cause to be levied in each and every fiscal year that any of said notes are outstanding, ad valorem taxes upon all property within the corporate limits of the County, assessable for unlimited taxation, in rate and amount sufficient to provide for the payment, when due, of the principal or redemption price of and interest on all of said notes maturing in each such fiscal year; and in the event the proceeds from taxes so

levied in any such fiscal year shall prove inadequate for the above purposes, additional taxes shall be levied in the succeeding fiscal years to make up such deficiency. The full faith and credit and unlimited taxing power of the County shall be irrevocably pledged to the levy and collection of the taxes hereinabove prescribed as and when such taxes may become necessary in order to provide sufficient funds to pay the principal or redemption price of or interest on such notes; this pledge is made hereby for the benefit of the holders, from time to time, of the notes hereby authorized.

Prior to each semiannual interest payment date, the Director of Finance shall deposit with the Paying Agent the amounts needed to pay the principal or redemption price of and interest on the notes coming due on each such interest payment date. All moneys so deposited with the Paying Agent shall be deemed and treated by said Paying Agent as trust funds for the use and benefit of the holders from time to time of the notes hereby authorized. Any such trust funds so held by said Paying Agent for the payment of particular notes for periods of more than six (6) years from the maturity date of such notes, shall, upon the expiration of any such six-year period, and the failure of the holders of said notes to present the same for payment within such period, be returned by said Paying Agent to the County and, thereafter, the holders of any such notes shall have claims only against the County for payment of the obligations held by them and said Paying Agent shall be relieved of the trust hereby imposed.

Section 11: CUSIP numbers may, in the discretion of the Director of Finance of the County upon the advice of bond counsel to the County, be printed on the notes, provided, however, that the printing of CUSIP numbers on the notes



(even if incorrect) shall have no legal effect and shall not in any way affect the enforceability or validity of any note. Any expenses in relation to the printing of CUSIP numbers on the notes, including any CUSIP Service Bureau charge for the assignment of such numbers, may, in the discretion of the Director of Finance, be paid for by the County from the proceeds of the notes.

Section 12: The President of the Board is hereby authorized to make such modifications in the form of note set forth in Section 7 hereof as he shall deem necessary to effect the purposes of this Resolution or to comply with recommendations of legal counsel, and as will not alter the substance of such form, all such modifications to be in accordance with and pursuant to the authority of the Enabling Act and the Bond Anticipation Note Act.

Section 13: The President of the Board and the Director of Finance shall be the officers of the County responsible for the issuance of the notes within the meaning of Section 1.103-13 (a)(2)(ii)(C) of the Arbitrage Regulations (defined herein). The President of the Board and the Director of Finance shall also be the officers of the County responsible for the execution and delivery (on the date of issuance of the notes) of a certificate of the County (the "Section 103(c) Certificate") which complies with the requirements of Section 103(c) of the Internal Revenue Code of 1954, as amended ("Section 103(c)"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and directed to execute the Section 103(c) Certificate and to deliver the same to bond counsel on the date of the issuance of the notes.

The County shall set forth in the Section 103(c) Certificate its reasonable expectations as to relevant facts,

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1007-1002 PAGE 386

estimates and circumstances relating to the use of the proceeds of the notes, or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be proceeds of the notes pursuant to Section 103(c) or the Arbitrage Regulations (collectively, "Note Proceeds"). The County covenants with each of the holders of any of the notes that the facts, estimates and circumstances set forth in the Section 103(c) Certificate will be based on the County's reasonable expectations on the date of issuance of the notes and will be, to the best of the certifying officials' knowledge, true and correct, as of that date.

The County covenants with each of the holders of any of the notes that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Note Proceeds which would cause the notes to be "arbitrage bonds" within the meaning of Section 103(c) and the Arbitrage Regulations. The County further covenants that it will comply with Section 103(c) and the regulations thereunder which are applicable to the notes on the date of issuance of the notes and which may subsequently lawfully be made applicable to the notes.

Section 14: Authority is hereby conferred on the President of the Board to arrange for the preparation and distribution of, and to execute, an appropriate Official Statement with respect to the sale of the notes.

Section 15: This Resolution shall take effect from the date of its passage.

Passed and approved on the 10<sup>th</sup> day of November, 1981.

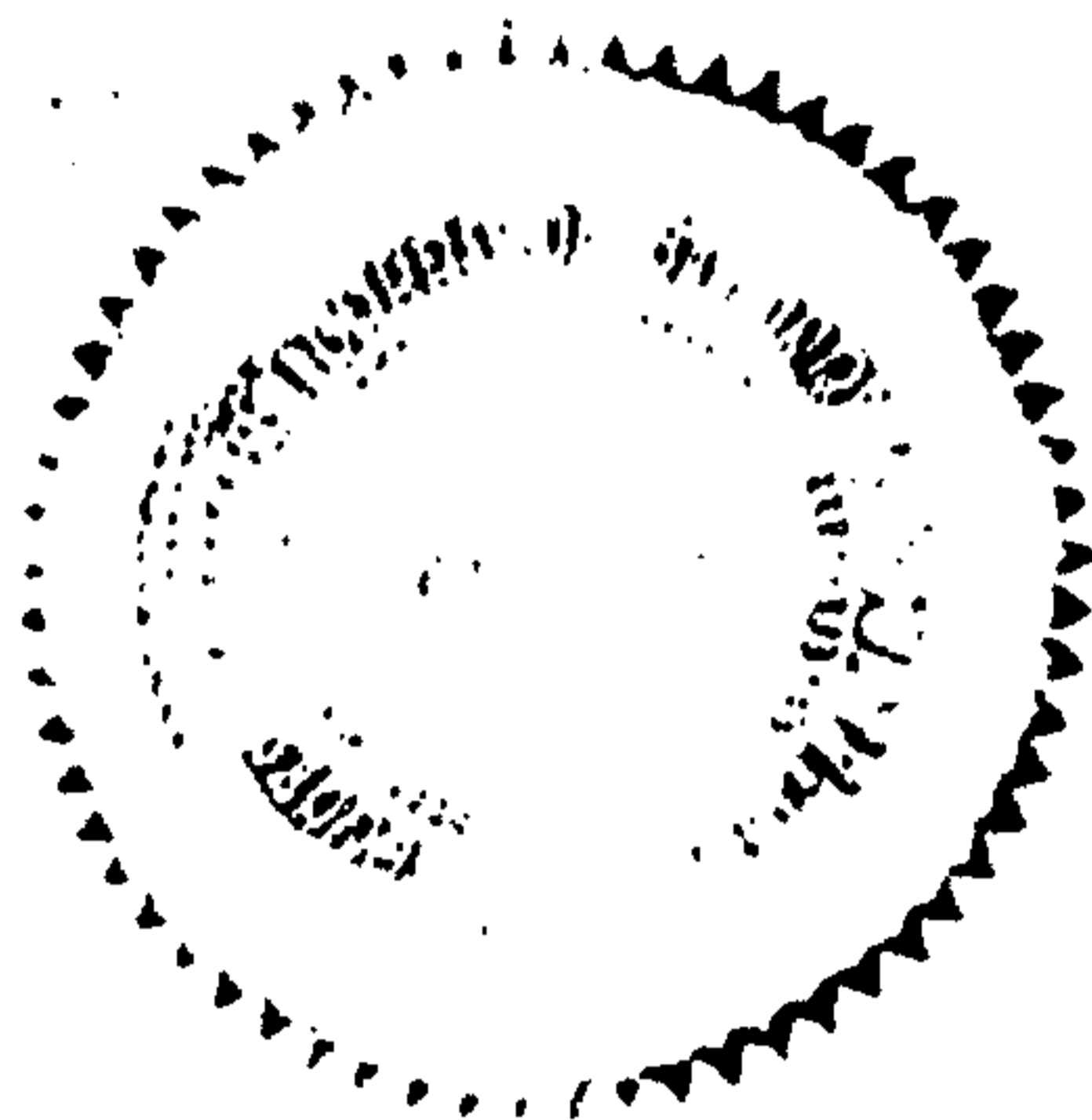
George R. Aud  
George R. Aud,  
President

J. Laurence Millison,  
Vice President

David F. Sayre  
David F. Sayre,  
Commissioner

Ford L. Dean  
Ford L. Dean,  
Commissioner

Richard D. Arnold  
Richard D. Arnold,  
Commissioner



ATTEST:

Edward V. Cox  
Edward V. Cox,  
County Administrator

Approved as to form and legal sufficiency:

Joseph E. Bell II  
Joseph E. Bell, II  
County Attorney

LETTER 002 PAGE 388

No. 81-96

Subj: TEXT CHANGES TO ZONING ORDINANCE  
ZONE #81-0696; ZONE #81-0867;  
ZONE #81-1263

(Page 1 of 3)

NOV 27-81 \* 25210 \*\*\*\*\*.00

NOV 27-81 B #25210 \*\*\*\*\*.00

RESOLUTION

TIME 3:15 P. M.

MARY R. STELL GUY  
ST. MARY'S CO.

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the County Commissioners to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment;

WHEREAS, the Board of County Commissioners did, on the 28th day of May, 1974, adopt a St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, morals, and general welfare of the County; and

WHEREAS, this Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June 1978; and

WHEREAS, after due notice, public hearings were held by the Board of County Commissioners on September 8, 1981, October 13, 1981, and Oct. 27, 1981, concerning proposed text changes to the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED that, in open meeting on November 3, 1981, after due consideration and deliberation, the Board of County Commissioners declared that the following changes be made in the text of the St. Mary's County Zoning Ordinance:

- (1) Article 31.00.2.j and 32.01.3.d - change to read:  
"Extraction of natural resources under 5 acres,  
per Article 5."
- (2) 31.00.4.l and 32.01.5.k - change to read:  
"Extraction of natural resources over 5 acres,  
per Article 5, and commercial sawmill and  
forestry operations."
- (3) Add 31.00.2.m and 32.01.2.g: "Day Care Centers."
- (4) 32.01.4.b(4) - change "Board of Appeals" to  
"Zoning Administrator".
- (5) 34.05.4.c - change to read: "Service Garage."
- (6) 34.05.4.d - delete the words: "and service."
- (7) 41.01.6.d - delete existing paragraph and substitute:  
"Use of modular office or mobile home for use as  
construction or sales office while construction  
is underway is allowed in any subdivision or on  
any construction site."
- (8) Delete 48.03.4.b.

Subj: TEXT CHANGES TO ZONING ORDINANCE  
ZONE #81-0696; ZONE #81-0867;  
ZONE #81-1263

(Page 2 of 3)

- (9) Delete wording of 49.04.2 and 49.04.3 and substitute the following in both instances: "Notice is required as provided in Section 64.00.9."
- (10) Add:  
"64.00.9 NOTIFICATION REQUIREMENTS  
"a. The Board of Appeals shall fix a reasonable time for hearing on the application and shall give at least fifteen (15) days notice of the time and place of such hearing by publication of notice in an official paper of general circulation in St. Mary's County.  
"b. Due notice by Certified Mail shall be given to all contiguous property owners by the applicant at least ten (10) days prior to hearing."
- (11) 64.01.3 - delete existing paragraphs and substitute: "Notification should be in accordance with Section 64.00.9."
- (12) 53.06.6 - delete "in Residential Districts" in line 2.
- (13) Add: "53.08.8 Home occupations primarily concerned with over-the-counter retail or wholesale sales are permitted only as a conditional use."
- (14) 64.02.2 - change last sentence to read: "Notice of the time and place of such public hearing shall be in accordance with the procedure set forth in Section 64.00.9."
- (15) 70.02.3 - change to read:  
"The Planning Commission shall promptly consider the application and may conduct public hearings on the application. Within sixty (60) days from the Planning Commission's final hearing on the application, the Planning Commission shall transmit the application to the Board of County Commissioners together with its recommendations for approval or disapproval."
- (16) 71.04 - Penalties. Change sub-paragraph 2 to sub-paragraph 3; change sub-paragraph 3 to sub-paragraph 4. Add new sub-paragraph 2:  
"Civil Violations. Pursuant to Section 7.01, sub. B of Article 66B of the Annotated Code of Maryland, violations of this Ordinance are civil zoning violations. If such a violation is believed to exist, the Zoning Administrator shall deliver a citation to the person or firm responsible for the violation. The violation carries a fine not to exceed \$100 and the person cited is subjected to Court procedures established in Article 25, County Commissioners, of the Annotated Code of Maryland."

Resolution No. 81-96

Subj: TEXT CHANGES TO ZONING ORDINANCE  
ZONE #81-0696; ZONE #81-0867;  
ZONE #81-1263

(Page 3 of 3)

(17) Page 8-14, Definitions - change Mobile Home Park definition to read:

"MOBILE HOME PARK is any site, lot, parcel or tract of land which is improved, used, or intended for the accommodation of mobile homes which are used for living purposes, where the provisions of Article 40.01.2 are exceeded."

This date: November 24, 1981

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

George R. AED  
GEORGE R. AED, President

Larry Millison  
LARRY MILLISON, Vice-President

Richard D. Arnold  
RICHARD D. ARNOLD, Commissioner

For L. Dean  
FOR L. DEAN, Commissioner

David F. Sayre  
DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell II  
JOSEPH E. BELL, II  
County Attorney

*Del. to Co. Comm.*

*H-27-81*

MARY-R. BELL, CLERK

SUBJ: General Obligation Bond Anticipation  
Notes

1982 002 PG:391

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY NOV 30-81 \* 25250 \*\*\*\*\*00

TIME 11:25 A. M.  
MARY S. BELL, CLERK  
ST. MARY'S CO.

Resolution No. 81-94 NOV 30-81 A 25250 \*\*\*\*\*00

A RESOLUTION of the Board of County Commissioners of St. Mary's County providing for the borrowing of Two Million Dollars (\$2,000,000) under the provisions of Chapter 705 of the Laws of Maryland of 1981, and, pursuant to the authority of said statute, providing for the evidencing of said borrowing by the issue and sale of a like aggregate par value of its general obligation bonds, to be designated as "Public Improvements Bonds," said bonds to be issued and sold and the proceeds thereof to be disbursed for the purpose of providing funds for the public purpose of financing the construction, improvement or development of certain public facilities, as provided in said Chapter 705; making certain findings and determinations concerning the current state of the bond market and the need to provide a flexible approach to financing certain capital projects necessary or desirable for the welfare of the citizens of St. Mary's County, Maryland; authorizing and empowering the County Commissioners of St. Mary's County to issue, sell and deliver upon its full faith and credit Two Million Dollars (\$2,000,000) aggregate principal amount of its general obligation bond anticipation notes in anticipation of the issuance and sale of the Public Improvements Bonds, pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement) and said Chapter 705, to be designated as "General Obligation Bond Anticipation Notes, Series 1982," said notes to be issued and sold and the proceeds thereof to be disbursed for the public purpose of providing interim financing for the public works to be financed by the Public Improvements Bonds; prescribing the form and tenor of such notes, the form of the

notice of public sale thereof and the terms and conditions for the issuance and sale thereof at public sale; prescribing the form of proposal to be used at said sale; prescribing the terms and conditions of said notes and all other details incident thereto; providing for the disbursement of the proceeds of said notes; providing that the proceeds of said notes, or any moneys which may be deemed to be proceeds, will not be used in a manner which would cause said notes to be arbitrage bonds; covenanting to pay the principal or redemption price of and the interest on said notes not paid from other sources from the first proceeds of the Public Improvements Bonds; covenanting to issue said Public Improvements Bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists; providing that the principal or redemption price of and interest on said notes may also be paid from the tax revenues and other sources of revenue pledged for the repayment of the Public Improvements Bonds; covenanting to levy and collect all taxes necessary to provide for the payment of the principal and redemption premium of and interest on said notes; authorizing the preparation and distribution of a preliminary and final official statement in connection with the sale of said notes; and generally relating to the issuance, sale, delivery and payment of all said notes.

#### RECITALS

For convenience of reference, County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland, is hereinafter sometimes referred to as the "County".

The authority for the powers herein exercised is contained in Chapter 705 of the Laws of Maryland of 1981 (the



USEN (102 PAGE:33)

"Enabling Act") and in Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement) (the "Bond Anticipation Note Act").

The Enabling Act authorizes and empowers the County to borrow not more than Ten Million Dollars (\$10,000,000) for the purpose of financing the construction, improvement or development of public facilities and to evidence such borrowing by the issuance and sale upon its full faith and credit of its general obligation bonds in accordance with the provisions of the Enabling Act.

Present bond market conditions are unusual, erratic, and extraordinarily unfavorable when compared to historical bond market conditions, and an inflexible approach to borrowing by the County threatens its ability to initiate capital projects today and will diminish the resources available to provide for the needs of the citizens of the County in the future.

The Bond Anticipation Note Act authorizes and empowers the County to issue and sell its bond anticipation notes, in aggregate amount not greater than the authorized amount of the bonds in anticipation of the sale of which said notes are issued and sold, the principal of and interest on said notes to be payable from (i) the first proceeds of the sale of said bonds (which bonds shall be issued when, and as soon as, the reason for deferring their issuance no longer exists) or (ii) the tax or other revenue which the County shall have previously determined to apply to the payment of such bonds and the interest thereon; provided, however, that twelve (12) months' interest on such notes, or any renewal thereof, may be paid from the proceeds of the sale of such notes.

The County proposes to spend the net proceeds of the notes hereby authorized on the following public projects which are

81-94

described on Page 56 of the St. Mary's County Board of County Commissioners Approved Budget for 1981-82 (subject to the provisions of Section 9 of this Ordinance):

Villa Road	\$ 400,000
Asphalt Overlay	\$ 833,000
Northern Special Education School	\$ 211,000
Chopticon High School	\$ 135,000
Great Mills High School	\$ 221,000
Charlotte Hall Library	\$ 200,000

The Enabling Act provides that in each and every fiscal year that any of its bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency.

Since November 10, 1981, the date of passage of Resolution No. 81-92 by the Board of County Commissioners of St. Mary's County, it has been determined that the County has a revenue surplus in the amount of at least \$2,000,000, which surplus can be used to finance certain of the projects authorized to be financed by the proceeds of the sale of the County's bond anticipation notes pursuant to Resolution No. 81-92, and, therefore, the County has determined to rescind Resolution No. 81-92 and authorize the issuance and sale of the County's bonds and bond anticipation notes in the aggregate principal amount of \$2,000,000 pursuant to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, THAT:

Section 1: Acting pursuant to the authority of the Enabling Act, the County hereby determines that the net proceeds from the sale of its Public Improvements Bonds, authorized to be issued and sold by this Resolution, shall be used and applied for the public purpose of financing the construction, improvement or development of certain public facilities, all as stated in the Recitals of this Resolution and as authorized by the Enabling Act (collectively, the "Projects").

Section 2: It is hereby determined that the County shall borrow money and incur indebtedness in order to finance the Projects. To evidence such borrowing and indebtedness and acting pursuant to the authority of the Enabling Act, the County shall issue and sell, upon its full faith and credit, Two Million Dollars (\$2,000,000) aggregate principal amount of its general obligation bonds, said issue of bonds to be known as "Public Improvements Bonds" (the "bonds"), the net proceeds of such sale to be used and applied as provided in Section 1 of this Resolution. The bonds hereby authorized shall be sold prior to the maturity of the bond anticipation notes authorized by this Resolution upon the terms and conditions set forth in a supplemental resolution of the Board of County Commissioners of St. Mary's County.

Section 3: The County Commissioners of St. Mary's County, on behalf of the County, make the following findings and determinations:

(a) Funds are currently needed to pay part or all of the costs of the Projects, which are necessary or desirable for the welfare of the citizens of the County.

(b) Current bond market conditions are unusual, erratic, and extraordinarily unfavorable when compared to historical bond market conditions. An inflexible approach to borrowing by the County threatens its ability to initiate and continue the Projects today and will diminish the resources available to provide for the needs of the citizens of the County in the future. In order to provide the County with the flexibility demanded by present bond market conditions, and in order to permit the construction of the Projects to proceed prior to the issuance of the bonds, the County has determined to issue and sell its bond anticipation notes pursuant to this Resolution in such amounts, on such terms and conditions and according to such procedures as are hereinafter provided.

Section 4: Pursuant to the Bond Anticipation Note Act and the Enabling Act, the County shall issue and sell, upon its full faith and credit, Two Million Dollars (\$2,000,000) aggregate principal amount of its general obligation bond anticipation notes in anticipation of the issuance and sale of its Public Improvements Bonds authorized to be issued and sold hereby. Said bond anticipation notes shall be known as "General Obligation Bond Anticipation Notes, Series 1982" (the "notes"). The net proceeds of the notes shall be used to provide interim financing for the Projects.

Section 5: The notes shall all be dated as of the first day of the month in which they are initially delivered; shall be coupon notes in the denomination of Five Thousand Dollars (\$5,000) each, registrable as to principal only; shall be numbered from one (1) consecutively upwards; and shall mature on that date which is three (3) years from the date of the notes, subject to prior redemption as hereinafter provided.

Section 6: The notes shall be subject to redemption and prepayment prior to maturity, on or after the date which is one year after the date of the notes, as a whole at any time or in part on any interest payment date, at the option of the County, upon the payment of a redemption price equal to the outstanding principal amount of the notes to be redeemed plus accrued interest, if any, on such notes plus a redemption premium as follows (expressed as a percentage of the principal amount to be redeemed):

2%, if redeemed on or after the date which is one year after the date of the notes to, and inclusive of, the date which is one day less than one and a half years from the date of the notes,

1 1/2%, if redeemed on or after the date which is one and a half years after the date of the notes to, and inclusive of, the date which is one day less than two years from the date of the notes,

1%, if redeemed on or after the date which is two years after the date of the notes to, and inclusive of, the date which is one day less than two and a half years from the date of the notes,

and without premium, if redeemed thereafter; so that if the date of the notes were December 1, 1981, the redemption premium would be as follows:

2%, if redeemed December 1, 1982 to May 31, 1983, inclusive;

1 1/2%, if redeemed June 1, 1983 to November 30, 1983, inclusive;

1%, if redeemed December 1, 1983 to May 31, 1984, inclusive;

and without premium, if redeemed thereafter.

In the event that less than all of the notes shall be called for redemption, then the particular notes to be redeemed shall be selected by lot by the Paying Agent (hereinafter provided for), in such manner as the Paying Agent in its discretion, shall determine.

A notice calling for redemption of the notes to be redeemed shall be published once in each of four successive calendar weeks in a newspaper of general circulation in the County, and in a financial journal or a daily newspaper of general circulation published in the Borough of Manhattan, City and State of New York, the first such publication to be made not less than 30 days prior to the date fixed for redemption (the "redemption date"). Such notice shall specify the numbers of the notes to be redeemed, which statement of numbers may be from one number to another, inclusive, the redemption date and the redemption price, and shall further require that on such date the notes called for redemption be presented for redemption and payment at the principal office of the Paying Agent in Leonardtown, Maryland or at the principal office of the Alternate Paying Agent in Baltimore, Maryland, and shall state that, from and after such date, interest thereon shall cease to accrue. A similar notice shall be mailed first class, postage prepaid, at least 30 days prior to the redemption date, to all registered owners of the notes to be redeemed, at their last addresses appearing on the registration books kept by the Paying Agent (hereinafter provided for), but failure to mail any such notice or any defect in the notice so mailed, or in the mailing thereof shall not affect the validity of any redemption proceedings.

On the date so designated for redemption, notice having been given as hereinabove provided, and money for the payment of the redemption price plus accrued interest being held by the Paying Agent, the notes so called for redemption shall become and be due and payable at the redemption price provided for redemption of such notes on such date, interest on such notes shall cease to accrue, the coupons for any interest

payable subsequent to the redemption date shall be void, and the holders or registered owners of such notes shall have no rights in respect thereof except to receive payment of the redemption price provided in the notes upon presentation and surrender of the notes at the office of the Paying Agent or the Alternate Paying Agent.

Section 7: All of the notes authorized by this Resolution shall bear interest from the date of such notes at the rate or rates named by the successful bidder or bidders for said notes in accordance with the terms of the Notice of Sale set forth in Section 8 of this Resolution. The interest on all of the notes shall be payable semiannually following the date of such notes, until the date of maturity or the date of prepayment of such notes, whichever is earlier, upon presentation and surrender of the coupons representing such interest as such coupons respectively fall due at the principal office of the Paying Agent or the Alternate Paying Agent.

All of the notes shall be executed in the name of the County and on its behalf by the President of the Board of County Commissioners of the County (the "Board"). Such signature of the President of the Board shall be imprinted on such notes in facsimile; a facsimile of the corporate seal of the County shall also be imprinted on such notes, attested by the manual signature of the County Administrator; and the coupons attached to the notes shall be authenticated by the facsimile signature of the President of the Board, all in accordance with and pursuant to the authority of Sections 13 to 18, inclusive, of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume) and the Enabling Act.

There shall be printed on each note the text of the approving opinion of bond counsel with respect to such note.

Such printed text shall be certified, in the name of the County, to be a correct copy of said opinion by the facsimile signature of the President of the Board.

In the event any official whose signature shall appear on the notes shall cease to be such official prior to the delivery of the notes, or in the event any such official whose signature shall appear on the notes shall have become such after the date of issue thereof, the notes shall nevertheless be valid and legally binding obligations of the County in accordance with their terms.

All of the notes shall be subject to registration as to principal only in the name or names of the owner or owners thereof on books kept for such purpose at the office of the Note Registrar. The holder of any note may register or discharge from registration such note upon such books.

The County, the Paying Agent and the Alternate Paying Agent may deem and treat the bearer of any note which shall not at the time be registered as to principal, and the bearer of any coupon, whether the note to which such coupon appertains shall be registered as to principal or not, as the absolute owner of such note or coupon, as the case may be (whether or not such note or coupon shall be overdue and notwithstanding any notation of ownership or other writing thereon made by anyone other than the County or the Note Registrar), for the purpose of receiving payment thereof or on account thereof and for all other purposes, and neither the County, the Note Registrar, the Paying Agent nor the Alternate Paying Agent shall be affected by any notice to the contrary. The County, the Paying Agent and the Alternate Paying Agent may deem and treat the person in whose name any note registered as to principal only shall be registered as the absolute owner thereof



(whether or not such note shall be overdue and notwithstanding any notation of ownership or other writing thereon made by anyone other than the County or the Note Registrar) for the purpose of receiving payment of or on account of the principal of such note, and for all other purposes except to receive payment of any interest represented by coupons appertaining to any such note, and neither the County, the Paying Agent nor the Alternate Paying Agent shall be affected by any notice to the contrary. All such payments so made to any such bearer or registered owner, as the case may be, or upon his order, shall be valid and, to the extent of the sum or sums so paid, effectual to satisfy and discharge the liability for moneys payable upon any such note or coupon.

The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, is hereby designated Note Registrar and Paying Agent and Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland is hereby designated Alternate Paying Agent. The principal of and interest on the notes shall be payable at the principal office of the Paying Agent in Leonardtown, Maryland or at the principal office of the Alternate Paying Agent in Baltimore, Maryland, and registration and transfer of registration of the notes shall be effected at the principal office of the Note Registrar and Paying Agent in Leonardtown, Maryland. The principal of the notes so registered will be payable only at the principal office of the Note Registrar and Paying Agent in Leonardtown, Maryland.

Except as provided hereinafter or in resolutions of the Board adopted prior to the issuance and delivery of the notes, all notes shall be substantially in the following form, with such insertions, changes or modifications as the President of

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the Board shall deem appropriate and as are within the limitations of this Resolution, the Bond Anticipation Note Act and the Enabling Act, which form is hereby adopted by the County as and for the form of obligation to be incurred by the County, and all of the covenants and conditions therein contained are hereby made binding upon the County, including the promise to pay therein contained:

UNITED STATES OF AMERICA

STATE OF MARYLAND

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

General Obligation Bond Anticipation Note, Series 1981

No. \_\_\_\_\_

\$5,000

Dated \_\_\_\_\_

County Commissioners of St. Mary's County (the "County"), a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland, hereby acknowledges itself indebted and, for value received, promises to pay to the bearer hereof, or if this note be registered otherwise than to bearer, then to the registered holder hereof, or registered assigns or legal representative (unless this note shall have been called for prior redemption and payment of the redemption price made or provided for), the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on \_\_\_\_\_

upon presentation and surrender of this note, and to pay interest thereon from the date of this note at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable on \_\_\_\_\_, and semiannually thereafter on the \_\_\_\_\_ days of \_\_\_\_\_ and \_\_\_\_\_ in each year until maturity or prior redemption upon presentation and surrender of the coupons appertaining hereto as such coupons severally become due and payable.

Both the principal of and interest on this note will be paid in lawful money of the United States of America, at the time of payment, at the principal office of The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Note Registrar and Paying Agent, or at the principal office of Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland, Alternate Paying Agent.

This note shall pass by delivery unless registered as to principal, in the owner's name, upon registration books of

the County kept by the Note Registrar and unless such registration shall be noted on the back of this note by said Note Registrar, after which no transfer hereof shall be valid unless so made on said registration books upon the order of the registered owner hereof in person or by his attorney, duly authorized, in form satisfactory to the Note Registrar, and similarly noted on this note; but this note may thereafter be discharged from registry by being transferred in the manner aforesaid to bearer, after which it shall again be transferable by delivery, but it may again be registered as before. The registry of this note as to principal shall not restrain the transferability of the interest coupons appertaining hereto which shall continue to be payable to bearer.

This note is one of a duly authorized issue or series of notes of the County aggregating Two Million Dollars (\$2,000,000) in principal amount designated "General Obligation Bond Anticipation Notes, Series 1982," all dated \_\_\_\_\_, and all of like tenor and effect, except as to number. Said notes are issued pursuant to and in full conformity with the provisions of Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement), and Chapter 705 of the Laws of Maryland of 1981, and by virtue of due proceedings had and taken by the Board of County Commissioners of the County, particularly a resolution adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1981, as supplemented (the "Resolution").

The notes are issuable only in the form of coupon notes, in the denomination of \$5,000 each, and are registrable as to principal only. The notes are numbered consecutively from No. 1 upward and mature on \_\_\_\_\_.

The notes of this issue are subject to redemption prior to their maturity, at the option of the County, on or after \_\_\_\_\_, either as a whole at any time or in part on any interest payment date, at a price of par and accrued interest to the date fixed for redemption, plus the following premiums, calculated as a percentage of the principal amount of the notes so redeemed:

2%, if redeemed \_\_\_\_\_, to  
\_\_\_\_\_, inclusive,

1 1/2%, if redeemed \_\_\_\_\_, to  
\_\_\_\_\_, inclusive,

1%, if redeemed \_\_\_\_\_, to  
\_\_\_\_\_, inclusive,

and without premium, if redeemed thereafter.

If, in accordance with the foregoing option, the County elects to redeem all outstanding notes, or less than all, it will give notice of its intention to redeem by publication at least once in each of four (4) successive calendar weeks (the first publication to be not less than thirty (30) days prior to the date fixed for redemption) in a newspaper of general circulation in the County, and in a financial journal or a daily newspaper of general circulation published in the Borough of Manhattan, City and State of New York. Said notice

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shall state whether said notes are redeemed in whole or in part and, if in part, the numbers of the notes called, shall state that the interest on the notes so called shall cease on the date fixed for redemption, and shall require that the notes to be redeemed be then presented for redemption and payment at the principal office of the Paying Agent or Alternate Paying Agent. With respect to coupon notes registered as to principal to be so redeemed, the County will give a similar redemption notice by letter mailed first class, postage prepaid, to the holders of such notes at least thirty (30) days prior to the redemption date, at the addresses of such holders appearing on the registration books kept by the Note Registrar; provided, however, that the failure to give notice as provided herein to the registered holder of any note shall not affect the validity of the proceedings for the redemption thereof. From and after the date fixed for redemption, if notice has been given as herein provided, and the funds sufficient for payment of the redemption price shall be available therefor on such date, the notes and the coupons, if any, appertaining thereto, maturing subsequent to such date fixed for redemption shall be surrendered with the notes to which they are appurtenant prior to the payment of the redemption price, and accrued interest on such coupon notes shall be paid only upon surrender of the respective coupons, if any, for such interest. Upon presentation and surrender in compliance with said notices, the notes so called for redemption shall be paid by the Paying Agent or the Alternate Paying Agent at the redemption price. If not so paid on presentation thereof, said notes so called shall continue to bear interest at the rates expressed therein until paid. All notes redeemed and paid hereunder will be cancelled.

It is hereby certified, recited and declared by the County: (a) that the series of notes, of which this note is one, has been authorized for a valid public purpose which the County is empowered by law to undertake and perform; (b) that the County is authorized by law to issue and sell its bonds to provide funds for such public purpose and for the payment of this note and the interest hereon; (c) that the County has, by official action, covenanted to issue and sell its bonds in an amount at least equal to the sum of the face amount of said series of notes as soon as the reason for deferring the issuance thereof no longer exists, and has provided for the payment of all the notes of said series and the interest thereon not paid from other sources from the proceeds of sale of said bonds before expenditure of said proceeds on any other project; (d) that, by such official action, the County has also pledged to the payment of the notes of said series and the interest thereon, the proceeds of the taxes or other charges levied or imposed for the payment of said bonds and the interest thereon, until such time as all of said notes and the interest thereon are fully paid; (e) that the total authorized notes of said series, together with all outstanding indebtedness of the County is within every debt and other limit prescribed by the Constitution and Laws of the State of Maryland; (f) that all other acts, conditions and things required to exist, to be done, to have happened and to be performed, precedent to and in the issuance of this note, do exist, have been done, have happened and have been performed, in full and strict compliance with the Constitution and Laws of the State of Maryland and with the Resolution; (g) that the

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full faith and credit of the County are hereby unconditionally pledged to the payment of the principal and redemption price, if any, of, and the interest on, this note.

IN WITNESS WHEREOF, this note has been executed by the manual or facsimile signature of the President of the Board of County Commissioners of the County, and a facsimile of the corporate seal of the County has been imprinted hereon, attested by the manual signature of the County Administrator, all as of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(SEAL)

ATTEST:

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY

\_\_\_\_\_  
County Administrator

By /s/ George R. Aud  
\_\_\_\_\_  
President of the Board  
of County Commissioners

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(Form of Registration)

(No writing hereon except by The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Note Registrar)

This Note can be registered only by The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Note Registrar and Paying Agent.

<u>Date of Registry</u>	<u>Name of Registered Holder</u>	<u>Authorized Officer of Note Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Form of Coupon)

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the \_\_\_ day of \_\_\_\_\_, 19\_\_\_, unless the note hereinafter mentioned shall have been duly called for prior redemption and payment of the redemption price made or provided for, County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the laws of the State of Maryland, will pay to the bearer hereof at the principal office of The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Paying Agent, or at the principal office of Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland, Alternate Paying Agent, upon presentation and surrender of this coupon, the amount shown hereon in lawful money of the United States of America, being the semiannual interest then due on its General Obligation Bond Anticipation Note, 1982 Series, dated \_\_\_\_\_, 19\_\_\_ and bearing No. \_\_\_\_\_.

/s/ George R. Aud  
President of the Board of  
County Commissioners

(Form of Certification of Legal Opinion to appear on panel to left of Filing Back)

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete approving legal opinion of Piper & Marbury, Baltimore, Maryland, with respect to the issue of notes of which this note is one, that the original of said opinion was manually executed, dated and issued as of the date

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of delivery of, and payment for, said issue of notes and that an executed copy thereof is on file with the Paying Agent and the Alternate Paying Agent.

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY

/s/ George R. Aud  
President of the Board  
of County Commissioners

[Here insert text of legal opinion  
relating to the issue of \$4,000,000  
General Obligation Bond Anticipation  
Notes, Series 1982]

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Section 8: All of the notes hereby authorized to be issued and sold shall be sold by bids on sealed proposals to the bidder or bidders therefor for cash whose bid or bids are determined to be for the best interest of the County, after having given public notice by advertisement published at least twice in one or more daily or weekly newspapers having a general circulation in St. Mary's County, Maryland, and published once in "The Daily Bond Buyer", a financial journal published in the City of New York, New York. At least one publication of the advertisement in a newspaper of general circulation in St. Mary's County shall be made not less than ten (10) days before the sale of said notes. The sale of said notes shall be held on Tuesday, December 15, 1981, in the 6th Floor Main Conference Room of Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland, at 11:00 o'clock A.M. (E.S.T.). The notice of sale and proposal for the notes authorized by this Resolution shall be in substantially the following forms, and the terms, provisions and conditions set forth in said forms of notice of sale and proposal are hereby adopted and approved as the terms, provisions and conditions under which and the manner in which such notes shall be sold, issued and delivered at public sale:



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ST. MARY'S COUNTY, MARYLAND

NOTICE OF SALE OF

\$2,000,000

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY  
GENERAL OBLIGATION BOND ANTICIPATION NOTES,  
SERIES 1982

Dated \_\_\_\_\_, 19\_\_

Sealed proposals will be received until 11 a.m. Eastern Standard Time, on \_\_\_\_\_, 19\_\_ by the County Administrator of St. Mary's County, Maryland at the offices of Mercantile-Safe Deposit and Trust Company, Corporate Trust Department, 6th floor Main Conference Room, Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland, for the purchase of the above-described general obligation bond anticipation notes of the County, aggregating \$2,000,000, all dated \_\_\_\_\_, 19\_\_, and maturing, subject to prior redemption, as herein stated, on \_\_\_\_\_, 19\_\_.

County Commissioners of St. Mary's County will not consider and will reject any proposal for the purchase of less than all of the notes for which a proposal is made.

The notes will be in coupon form, each in the denomination of \$5,000, separately numbered from No. 1 upward. Principal of notes payable to bearer and semi-annual interest (\_\_\_\_\_ and \_\_\_\_\_) on the notes will be payable at the principal office of The First National Bank of St. Mary's at Leonardtown, Leonardtown, Maryland, Paying Agent, or, at the option of the holders, at the principal office of Mercantile-Safe Deposit and Trust Company, Baltimore, Maryland, Alternate Paying Agent. The notes will be registrable as to principal only by the Paying Agent, which has also been designated Note Registrar.

The notes are subject to redemption prior to maturity, on or after \_\_\_\_\_, 19\_\_, at the option of the County, either as a whole at anytime, or in part on any interest payment date, at the option of the County, at a price of par and accrued interest on the date fixed for redemption, plus the following premiums, calculated as a percentage of the principal amount of the notes so redeemed:

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\_\_\_%, if redeemed \_\_\_\_\_, 19\_\_\_, to  
 \_\_\_\_\_, 19\_\_\_, inclusive;

\_\_\_%, if redeemed \_\_\_\_\_, 19\_\_\_, to  
 \_\_\_\_\_, 19\_\_\_, inclusive;

\_\_\_%, if redeemed \_\_\_\_\_, 19\_\_\_, to  
 \_\_\_\_\_, 19\_\_\_, inclusive;

and without premium, if redeemed thereafter.

Bidders shall state in their proposals a single rate of interest to be paid on all the notes, and each proposal shall be based and submitted on the rate stated therein. The notes will be awarded to the bidder naming the lowest net interest cost for the notes in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest net interest cost will be determined with respect to each proposal by calculating the interest actually to be paid on all of said bond anticipation notes and subtracting therefrom any premium in the purchase price offered. Where the proposals of two or more bidders result in the same lowest net interest cost, the bond anticipation notes may be apportioned between such bidders, but if this shall not be acceptable, the County shall have the right to award all of the notes to one bidder. The right is reserved to the County to reject any or all proposals. The County Administrator's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice.

Each proposal must be submitted on the form accompanying the Preliminary Official Statement and must be enclosed in a sealed envelope addressed to the County Administrator, St. Mary's County, Maryland; c/o Mr. Randall W. Perkins; Corporate Trust Department; Mercantile-Safe Deposit and Trust Company; Mercantile Bank and Trust Building; 2 Hopkins Plaza; Baltimore, Maryland, and marked on the outside "Bid for Purchase of St. Mary's County General Obligation Bond Anticipation Notes, Series 1982". A certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution in the amount of \$40,000 and made payable to the order of County Commissioners of St. Mary's County, Maryland, must accompany each proposal as security for compliance with said proposal. No interest will be allowed on any such deposit. Checks of unsuccessful bidders will be returned promptly after the notes are awarded.

The notes are authorized by Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1981 Cumulative Supplement), Chapter 705 of the Laws of Maryland of 1981 and Resolution No. \_\_\_\_\_, passed by the Board of County Commissioners of St. Mary's County, Maryland, on November \_\_\_, 1981. Said notes are issued in anticipation of the issuance and sale of the general obligation bonds authorized by Chapter 705 of the Laws of Maryland of 1981, and said Resolution.

The proceeds of the notes for which proposals are solicited herein will be used to provide interim financing for

the following public purposes: general county projects, public libraries, school projects, and roads and bridges.

The notes are general obligations of County Commissioners of St. Mary's County. County Commissioners of St. Mary's County has covenanted to pay the principal of and interest on (to the extent such interest has not been provided for by appropriations from current revenues) the notes from the proceeds of the sale of the bonds in anticipation of the sale of which said notes are issued, and further covenants to issue said bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists. If the County is unable, for reasons beyond its control, to issue and sell its bonds as aforesaid, then in lieu thereof the revenues from the taxes and other sources intended for application to debt service on said bonds shall be applied first to the payment of the interest on said notes, and thereafter to the retirement of the principal of said notes. The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are unconditionally pledged to the payment of said notes and of the interest to accrue thereon.

The notes described above will be issued and sold subject to approval as to legality by Piper & Marbury, of Baltimore, Maryland, whose approving opinion will be delivered, upon request, to the purchaser or purchasers of the notes, without charge, and the text of the opinion will also be printed on each note.

In the opinion of Bond Counsel, under existing statutes, regulations and decisions, interest on the above-described notes is exempt from Federal and State of Maryland income taxation.

As soon as practicable after the award of the notes to the successful bidder therefor on the day of sale, the County, by its President of the Board of County Commissioners, will authorize its Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested by the purchaser or purchasers of an issue at or before the close of business on the date of the sale, the County will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the notes of such issue by the successful bidder therefor ("Reoffering Information"), if any, as may be specified and furnished in writing by such bidder. If no Reoffering Information is specified and furnished by a successful bidder, the Official Statement will include the rate on the notes resulting from the bid of such successful bidder and the other statements with respect to reoffering contained in the Preliminary Official Statement. The successful bidder for each issue shall be responsible to the County and its officials for the Reoffering Information furnished by such bidder, and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the notes including the presentation or exclusion of any Reoffering Information in any documents, including the Official Statement. The successful bidder for each issue will also be furnished, without cost, with up to 300 copies of the Official Statement (and any amendments or supplements thereto).

Delivery of said notes, without expense, will be made by the County Administrator to the purchaser or purchasers on \_\_\_\_\_, 19\_\_\_\_, or as soon as practicable thereafter, at The Signature Company in the City of New York, New York, and, thereupon, said purchaser or purchasers will be required to accept delivery of the notes purchased and pay, in Federal funds, the balance of the purchase price due. Said notes will be accompanied by the customary closing documents, including a no-litigation certificate, effective as of the date of delivery, stating that there is no litigation pending affecting the validity of any of the notes included in this issue. It shall be a condition to the obligation of said purchaser or purchasers to accept delivery of and pay for the notes that, simultaneously with or before delivery and payment for the notes, said purchaser or purchasers shall be furnished a certificate or certificates of the President of the Board of County Commissioners to the effect that, to the best of his knowledge and belief, the Official Statement (and any amendment or supplement thereto) (except for the Reoffering Information, as to which no view will be expressed) as of the date of sale and as of the date of delivery of the notes does not contain any untrue statement of a material fact and does not omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading and that between the date of sale and the date of delivery of the notes there has been no material adverse change in the financial position or revenues of the County, except as reflected or contemplated in the Official Statement.

The Preliminary Official Statement, together with this Notice of Sale and the required form of proposal may be obtained from the office of the County Administrator, St. Mary's County, Maryland, Governmental Center, Leonardtown, Maryland 20650.

COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY

\_\_\_\_\_  
George R. Aud  
President of the Board of  
County Commissioners

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PROPOSAL FOR GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 1982

\_\_\_\_\_, 19\_\_

County Administrator  
County Commissioners of St. Mary's County  
c/o Mr. Randall W. Perkins  
Corporate Trust Department  
Sixth Floor  
Mercantile-Safe Deposit and Trust Company  
Mercantile Bank and Trust Building  
2 Hopkins Plaza  
Baltimore, Maryland 21201

Sir:

We make the following offer to purchase the \$2,000,000 aggregate principal amount of bond anticipation notes of County Commissioners of St. Mary's County, Maryland, designated General Obligation Bond Anticipation Notes, Series 1982, dated \_\_\_\_\_, 19\_\_ and described in the annexed Notice of Sale which is hereby made a part of this bid.

For the Notes so described, maturing on \_\_\_\_\_, 19\_\_ and bearing interest at the rate of (\_\_\_\_) percentum per annum, we will pay Two Million Dollars (\$2,000,000) plus a premium of \_\_\_\_\_ Dollars (\$\_\_\_\_) plus interest on said Notes accrued from \_\_\_\_\_, 19\_\_ to the date of delivery.

We enclose herewith a certified, bank cashier's, treasurer's or official check for \$40,000, payable to the order of County Commissioners of St. Mary's County, Maryland, which check is to be returned to us if this proposal is not accepted and said sum is to be held as security for the performance of this proposal, and is to be applied to the purchase price of the Notes when the Notes are delivered and paid for under the terms of this proposal, or is to be retained as and for full liquidated damages in case we fail so to take up and pay for the Notes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(NOTE: Not part of proposal. The following information is requested to expedite and facilitate prompt determination of the best bid. The omission or inaccuracy of this figure will not affect the validity of the proposal. Total net interest cost of the proposal is \$\_\_\_\_\_.)

For your information you will find attached a list of the group of underwriters associated with us in this proposal.

Section 9: Immediately after the sale of the notes, the interest rate or rates payable thereon shall be fixed by supplemental resolution, in accordance with the terms and conditions of the sale of the notes, and the notes shall thereupon be suitably printed or engraved and delivered to the purchasers thereof in accordance with the conditions of delivery set forth in the foregoing notice of sale. The actual proceeds of the sale of the notes, including any premium and accrued interest received therefor, shall be paid directly to the County Commissioners of St. Mary's County, and shall be deposited in the proper accounts of the County. There shall be deducted from the gross proceeds received from the sale of the notes the cost of preparing the same and all other outlays and expenses incurred by the County in connection with the issue of said bonds, including the cost of advertising, printing and legal fees and expenses. There shall also be deducted from the total gross proceeds amounts received on account of accrued interest, which amounts shall be set apart by the Director of Finance of St. Mary's County in a separate fund for application on account of the first maturing interest liability on said notes. In addition, the Director of Finance of St. Mary's County shall set apart any premium received on the sale of such notes which shall be used for the purpose of paying the principal thereof at maturity. The entire balance of the proceeds of the sale of the notes shall be retained by the Director of Finance of St. Mary's County until needed to pay for the purposes specified in Section 1 of this Resolution and the Enabling Act and the Director of Finance shall make disbursements for the Projects in accordance with the established procedure of the County.

If the funds derived from the sale of the notes shall exceed the amount needed to finance the Projects described in this Resolution, or if the Board determines by resolution that the public interest requires a change in the capital improvements program of the County, the funds so borrowed and not expended for the public improvements provided by this Resolution shall be set apart in a separate fund by the Director of Finance of the County and applied to the prepayment of the notes at the earliest practicable date, unless the Board shall adopt a resolution allocating such funds to some other public capital improvement project or projects of the County which may be financed under the terms and provisions of the Enabling Act.

Section 10: In order to provide for the payment on the date of maturity (or on the date of prepayment as provided in the notes) of the principal or redemption price of and interest on the notes hereby authorized, and for the purpose of permanently financing the costs of the Projects described in the Recitals hereof, the County shall, on or before the date of maturity of the notes, borrow money and incur indebtedness in an amount not less than that which is necessary to provide (together with any other funds legally available for the purpose) for the payment of the total principal or redemption price of and interest on its notes authorized hereby maturing and due on the date of maturity by the issuance, upon its full faith and credit, of its Public Improvements Bonds pursuant to a resolution supplemental hereto, or otherwise.

The County solemnly covenants with each of the holders from time to time of any of the notes, that the County will pay the notes and any interest thereon not paid from other sources from the first proceeds of the Public Improvements Bonds in anticipation of the sale of which said notes are

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issued, and further covenants that it will issue said bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists.

If the County shall be unable, for reasons beyond its control, to issue and sell its Public Improvements Bonds as aforesaid, or if the proceeds from the sale of such bonds shall be insufficient to pay the principal or redemption price of and interest on the notes when due, then the revenues from the taxes and other sources intended for application to debt service on said bonds shall be applied to the payment of the principal or redemption price of and interest on the notes. The foregoing provisions shall not be construed so as to prohibit the County from paying the principal or redemption price of and interest on any note issued hereunder from the proceeds of the sale of any other obligations of the County, or from any other funds legally available for that purpose. It is anticipated that the interest on the notes will be paid from tax revenues or other sources legally available for that purpose.

If, as aforesaid, the County shall be unable, for reasons beyond its control, to issue and sell its Public Improvements Bonds, or if the proceeds from the sale of such bonds shall be insufficient to pay the principal or redemption price of or interest on the notes when due, then the County shall levy or cause to be levied in each and every fiscal year that any of said notes are outstanding, ad valorem taxes upon all property within the corporate limits of the County, assessable for unlimited taxation, in rate and amount sufficient to provide for the payment, when due, of the principal or redemption price of and interest on all of said notes maturing in each such fiscal year; and in the event the proceeds from taxes so



levied in any such fiscal year shall prove inadequate for the above purposes, additional taxes shall be levied in the succeeding fiscal years to make up such deficiency. The full faith and credit and unlimited taxing power of the County shall be irrevocably pledged to the levy and collection of the taxes hereinabove prescribed as and when such taxes may become necessary in order to provide sufficient funds to pay the principal or redemption price of or interest on such notes; this pledge is made hereby for the benefit of the holders, from time to time, of the notes hereby authorized.

Prior to each semiannual interest payment date, the Director of Finance shall deposit with the Paying Agent the amounts needed to pay the principal or redemption price of and interest on the notes coming due on each such interest payment date. All moneys so deposited with the Paying Agent shall be deemed and treated by said Paying Agent as trust funds for the use and benefit of the holders from time to time of the notes hereby authorized. Any such trust funds so held by said Paying Agent for the payment of particular notes for periods of more than six (6) years from the maturity date of such notes, shall, upon the expiration of any such six-year period, and the failure of the holders of said notes to present the same for payment within such period, be returned by said Paying Agent to the County and, thereafter, the holders of any such notes shall have claims only against the County for payment of the obligations held by them and said Paying Agent shall be relieved of the trust hereby imposed.

Section 11: CUSIP numbers may, in the discretion of the Director of Finance of the County upon the advice of bond counsel to the County, be printed on the notes, provided, however, that the printing of CUSIP numbers on the notes

(even if incorrect) shall have no legal effect and shall not in any way affect the enforceability or validity of any note. Any expenses in relation to the printing of CUSIP numbers on the notes, including any CUSIP Service Bureau charge for the assignment of such numbers, may, in the discretion of the Director of Finance, be paid for by the County from the proceeds of the notes.

Section 12: The President of the Board is hereby authorized to make such modifications in the form of note set forth in Section 7 hereof as he shall deem necessary to effect the purposes of this Resolution or to comply with recommendations of legal counsel, and as will not alter the substance of such form, all such modifications to be in accordance with and pursuant to the authority of the Enabling Act and the Bond Anticipation Note Act.

Section 13: The President of the Board and the Director of Finance shall be the officers of the County responsible for the issuance of the notes within the meaning of Section 1.103-13 (a)(2)(ii)(C) of the Arbitrage Regulations (defined herein). The President of the Board and the Director of Finance shall also be the officers of the County responsible for the execution and delivery (on the date of issuance of the notes) of a certificate of the County (the "Section 103(c) Certificate") which complies with the requirements of Section 103(c) of the Internal Revenue Code of 1954, as amended ("Section 103(c)"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and directed to execute the Section 103(c) Certificate and to deliver the same to bond counsel on the date of the issuance of the notes.

The County shall set forth in the Section 103(c) Certificate its reasonable expectations as to relevant facts,

estimates and circumstances relating to the use of the proceeds of the notes, or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be proceeds of the notes pursuant to Section 103(c) or the Arbitrage Regulations (collectively, "Note Proceeds"). The County covenants with each of the holders of any of the notes that the facts, estimates and circumstances set forth in the Section 103(c) Certificate will be based on the County's reasonable expectations on the date of issuance of the notes and will be, to the best of the certifying officials' knowledge, true and correct, as of that date.

The County covenants with each of the holders of any of the notes that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Note Proceeds which would cause the notes to be "arbitrage bonds" within the meaning of Section 103(c) and the Arbitrage Regulations. The County further covenants that it will comply with Section 103(c) and the regulations thereunder which are applicable to the notes on the date of issuance of the notes and which may subsequently lawfully be made applicable to the notes.

Section 14: Authority is hereby conferred on the President of the Board to arrange for the preparation and distribution of, and to execute, an appropriate Official Statement with respect to the sale of the notes.

Section 15: Resolution No. 81-92 of the County is hereby rescinded as of the date of passage of this Resolution.

Section 16: This Resolution shall take effect from the date of its passage.

Passed and approved on the 24 day of November, 1981.

George R. Aud  
George R. Aud,  
President

J. Laurence Millison  
J. Laurence Millison,  
Vice President

David F. Sayre  
David F. Sayre,  
Commissioner

Ford L. Dean  
Ford L. Dean,  
Commissioner

Richard D. Arnold  
Richard D. Arnold,  
Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox,  
County Administrator

Approved as to form and legal sufficiency:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

DEC-3-81 \* 25401 \*\*\*\*\*00  
DEC-3-81 A 25401 \*\*\*\*\*00

ZONING RESOLUTION NO. Z-81-15  
SUBJ: MARY O. CALLAWAY  
ZONE #79-261

ZONING AMENDMENT

WHEREAS, MARY O. CALLAWAY has made application to rezone a tract of land owned by her, located at the intersection of Maryland Route 5 in Callaway, located in the Second Election District of St. Mary's County, and known as Parcel 21, Tax Map 50, containing 4.09 acres, more or less, from AR-2 and RSC to C-2.

WHEREAS, The Planning Commission of St. Mary's County, after published notice, a public hearing and consideration of the request, have recommended a denial of the rezoning application.

WHEREAS, The County Commissioners have likewise, after due notice and public hearing, considered the request for reclassification.

The County Commissioners Find as fact:

1. The the neighborhood that contains the subject property is found to be within one-half (1/2) mile of either side of Route 5 from Camp Cosoma Road to Indian Bridge Road.
2. That there is a mistake in the original zoning of AR-2 and the rezoning of the property to RSC.
3. That the property is ideally situated for commercial development.
4. That there is a need for commercially developed property in the vicinity of the subject property.
5. That there has not been a substantial population change in the immediate area of the subject property.
6. That there is presently no public water or sewer available to the subject property.
7. That the present and future transportation property patterns in the area of the subject property are essentially unchanged.

USER 002 PAGE 122

8. That the rezoning would be compatible with the existing and proposed development for the area.

9. That the subject property is outside of the Urban centers and community service centers, as delineated in the comprehensive land-use plan.

10. That the physical impact of the rezoning of the subject property is negligible.

11. That the subject property is suitable to the uses permitted under both the existing and proposed classifications.

THEREFORE, A majority of the Board are of the opinion that the request for rezoning should be granted. Now, therefore, it is resolved and ordained this 24th day of November, 1981, that the land of Mary O. Callaway mentioned above is hereby reclassified from RSC Rural Service Center to C2 Commercial.

BOARD OF COUNTY COMMISSIONERS OF  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

*Larry Millison*  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

Ford L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II  
County Attorney

LOT 002 PG-123

4.09 ACRES

17° 25' E  
325.12

300.00

300.00

17° 25' E  
325.12

300.00

ROUTE 2

12





NO: 81-101  
SUBJ: VIOLENCE AND EXTREMISM

TIME 1:16 P.M.

RESOLUTION

DEC 21 81 \* 25108 \*\*\*\*\*  
DEC 21 81 B 25108 \*\*\*\*\*

WHEREAS, The social, emotional, physical and mental growth of children and youth is provided best in an atmosphere where differences are understood and appreciated, and where all persons are treated fairly, with respect and without discrimination or threats of violence or abuse; and

WHEREAS, The recent incidents of cross-burnings, painting of swastikas, defacing of places of worship and other public buildings, threatened violence against the persons of civil rights organizations, distribution of hate literature to school children and similar acts by members of the Ku Klux Klan, Neo-Nazi organizations and other hate groups in Maryland are cause for concern and constructive response by all persons of good will; and

WHEREAS, Such deliberate acts of wanton hatred must not be tolerated in this county or state; and

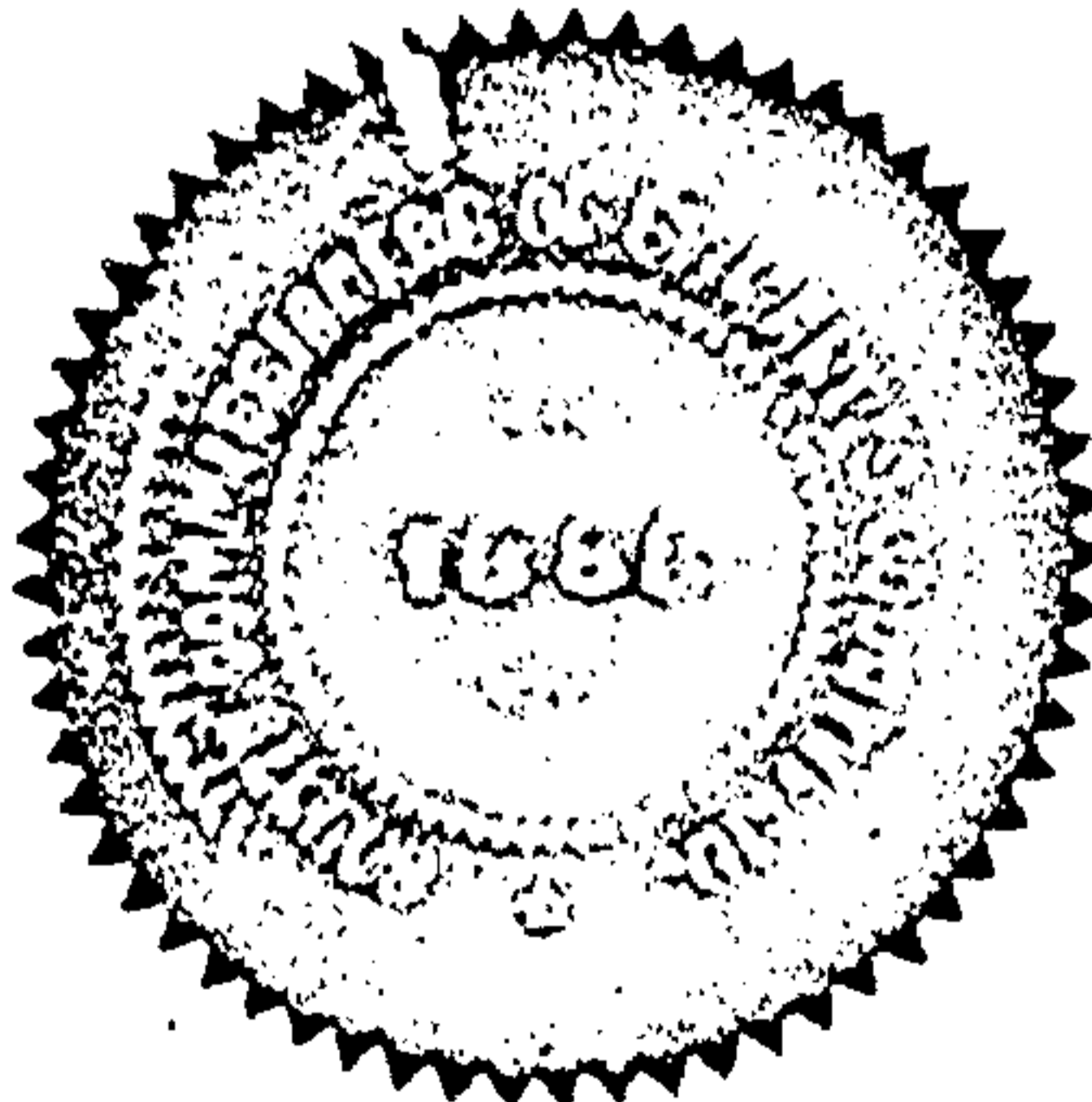
WHEREAS, The State of Maryland has an affirmative responsibility to create within itself an atmosphere of respect, understanding, fair-mindedness and tolerance among racial, ethnic and religious groups consistent with the democratic principles on which this nation is built; and

WHEREAS, action, inaction, works and their absence by all citizens contribute significantly to the climate which either breeds or discourages racial, ethnic and religious bigotry;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners finds intolerable and condemns individuals or organizations that believe in, practice, or support verbal abuse, threats, or physical violence directed against others;

FURTHER, That all citizens of good will are urged to speak out against those who would stir up hatred and seek to divide us; and to cooperate in every way possible with the Governor's Task Force on Violence and Extremism.

This Date:  
December 15, 1981



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Judd  
George R. Judd, President  
Larry Millison  
Larry Millison, Vice-President  
Richard D. Arnold  
Richard D. Arnold, Commissioner  
Forrest L. Dean  
Forrest L. Dean, Commissioner  
David F. Sayre  
David F. Sayre, Commissioner

ATTEST:  
Edward V. Cox  
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
Joseph E. Bell, II  
Joseph E. Bell, II, County Attorney

*Ret. to: Co. Comm.*

DEC 21 1981

MARY R. BELL, CLERK

RESOLUTION

REC 21-81 \* 26109 \*\*\*\*\*.00  
DEC 21-81 B #26109 \*\*\*\*\*.00

WHEREAS, by St. Mary's County Resolution No. 81-62 the Board of County Commissioners established the process by which the County Health Officer will be evaluated as required by Article 43, Section 51 B of the Annotated Code of Maryland; and

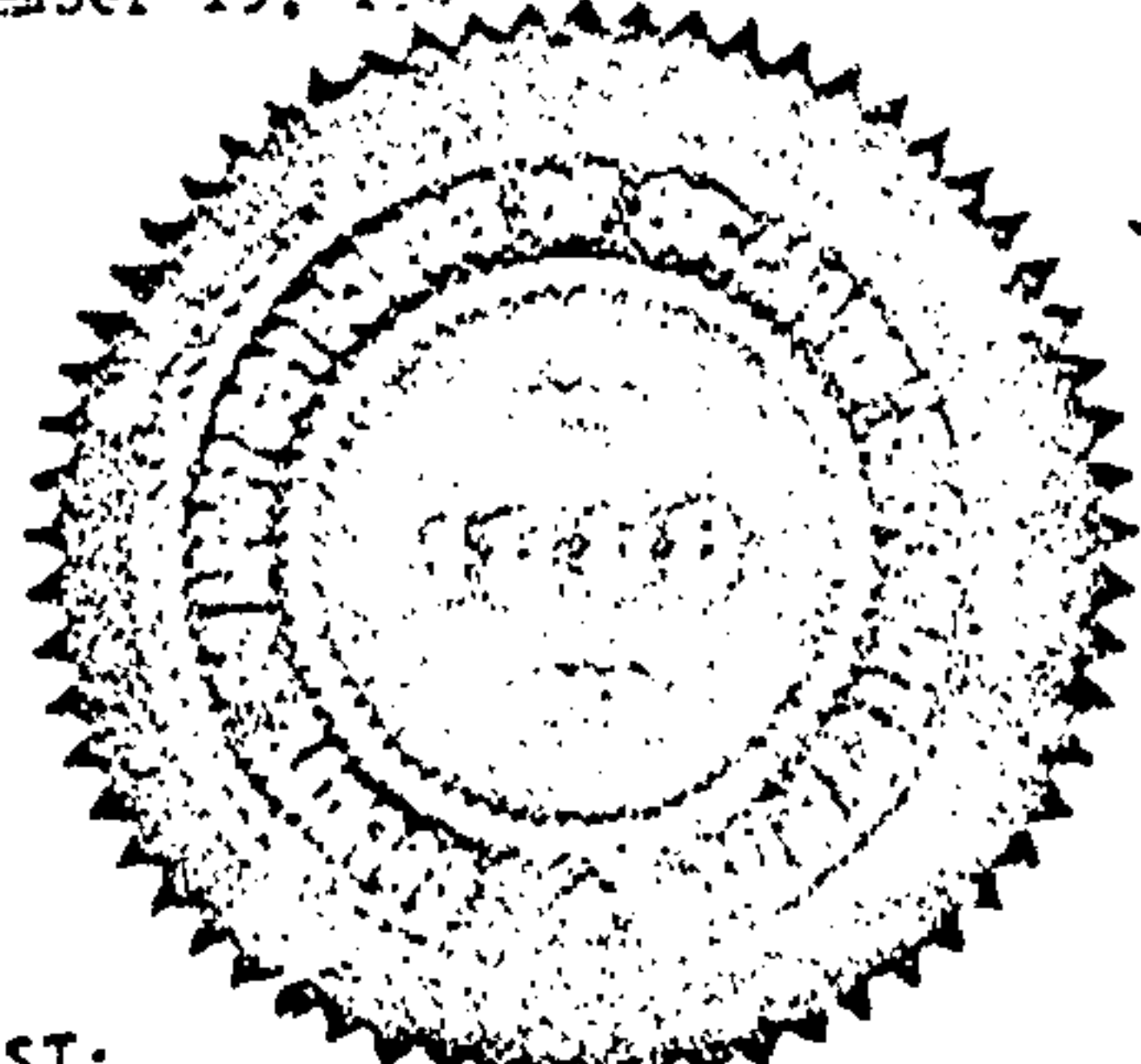
WHEREAS, Article 43, Section 51 A requires that the governing body of each county shall establish the process by which the county nominates an individual for Health Officer to the Secretary of the State Department of Health and Mental Hygiene;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that in St. Mary's County the process by which an individual is nominated for Health Officer is as follows:

1. The Board of County Commissioners shall announce the vacancy and shall direct that the position be advertised in appropriate media sources;
2. An adequate description of required qualifications, position responsibilities, and salary statement will be made available to all applicants;
3. Applicants will be required within a published period of time to complete a county employment application and to submit a resume of former experience, education, and training;
4. Applicant will be screened and interviewed for compliance with required qualifications. References will be checked as considered necessary;
5. The Board of County Commissioners will rate the candidates and will select one or more for nomination to the Secretary.

This Date:

December 15, 1981



BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President  
Larry M. Wilson  
Larry M. Wilson, Vice-President  
Richard D. Arnold  
Richard D. Arnold, Commissioner  
Ford L. Dean  
Ford L. Dean, Commissioner  
David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY

Joseph E. Bell, II  
Joseph E. Bell, II, County Attorney

Ret. to: Co. Comm.

DEC 21 1981

MARY R. BELL, CLERK

R E S O L U T I O N

1.18 P

DEC 21 3: 20:00 \*\*\*\*\*  
20:00 \*\*\*\*\*

WHEREAS, The Board of Education of St. Mary's County has prepared a Six Year Capital Improvements Program Request for FY 1983 through FY 1988 which requests State funding for various public school facilities projects in St. Mary's.

WHEREAS, The County Commissioners have reviewed the said Capital Improvements Program Request.

NOW, THEREFORE, BE IT RESOLVED, By the County Commissioners of St. Mary's County, Maryland that they are fully knowledgeable of the fact that in addition to the requested State funding, county funds may be required to design, construct, and equip the school facilities projects contained in the Capital Improvements Program Request; and

FURTHER, BE IT RESOLVED, That the County Commissioners of St. Mary's County, Maryland fully intend to provide such operational funds and services as are or may become necessary to adequately operate, maintain and staff those public school facilities constructed with the use of State funds provided by the State Public School Construction Program for FY 1983.

This Date:  
December 15, 1981

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Milfison  
Larry Milfison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Bean  
Ford L. Bean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner



ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell  
Joseph E. Bell  
County Attorney

Ret. to: Co. Comm.

DEC 21 1981

MARY R. BELL, CLERK

ZONING RESOLUTION No. Z-81-18  
SUBJ: MARY O. CALLAWAY  
ZONE #79-261 DEC 23-81 \* 26250 \*\*\*\*\*.00  
DEC 23-81 A #26250 \*\*\*\*\*.00

1887 002 PAGE 428

TIME 2:30 P. M.  
MARY H. BELL, CLERK  
ST. MARY'S CO.

ZONING AMENDMENT

WHEREAS, MARY O. CALLAWAY has made application to rezone a tract of land owned by her, located at the intersection of Maryland Route 5 in Callaway, located in the Second Election District of St. Mary's County, and known as Parcel 21, Tax Map 50, containing 6.30 acres, more or less, from AR-2 and RSC to C-2; and

WHEREAS, The Planning Commission of St. Mary's County, after published notice, a public hearing and consideration of the request, have recommended a denial of the rezoning application; and

WHEREAS, The County Commissioners have, likewise, after due notice and public hearing, considered the request for reclassification; and

WHEREAS, The County Commissioners, on November 24, 1981, adopted a Resolution (#Z 81-15) approving the rezoning of 4.09 acres within Parcel 21; and

WHEREAS, Parcel 21, which is comprised of two tracts of land, contains 6.30 acres of land; and

WHEREAS, It was the intent of the Commissioners when adopting Resolution Z 81-15 to rezone all of Parcel 21; and

WHEREAS, This resolution is enacted in order to carry out that intent;

The County Commissioners find as fact:

1. That the neighborhood that contains the subject property is found to be within one-half (1/2) mile of either side of Route 5 from Camp Cosoma Road to Indian Bridge Road.
2. That there is a mistake in the original zoning of AR-2 and the rezoning of the property to RSC.
3. That the property is ideally situated for commercial development.
4. That there is a need for commercially developed property in the vicinity of the subject property.
5. That there has not been a substantial population change in the immediate area of the subject property.
6. That there is presently no public water or sewer available to the subject property.
7. That the present and future transportation patterns in the area of the subject property are essentially unchanged.

8. That the rezoning would be compatible with the existing and proposed development for the area.

9. That the subject property is outside of the urban centers and community service centers, as delineated in the Comprehensive Land Use Plan.

10. That the physical impact of the rezoning of the subject property is negligible.

11. That the subject property is suitable to the uses permitted under both the existing and proposed classifications.

THEREFORE, A majority of the Board are of the opinion that the request for rezoning should be granted. NOW THEREFORE, IT IS RESOLVED AND ORDAINED this 22nd day of December, 1981, that the land of MARY O. CALLAWAY mentioned above is hereby reclassified from RSC, Rural Service Center, to C-2, Commercial.

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
GEORGE R. AUD, President

*Larry Millison*  
LARRY MILLISON, Vice-President

*Richard D. Arnold*  
RICHARD D. ARNOLD, Commissioner

FORD L. DEAN, Commissioner  
*David F. Sayre*  
DAVID F. SAYRE, Commissioner

ATTEST:  
*Edward V. Cox*  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:  
*Joseph E. Bell II*  
JOSEPH E. BELL, II  
County Attorney

LIBER 002 PAGE 130

TIME 11:02 P. M.

MARY E. BELL, CLERK  
ST. MARY'S CO.

DEC 28-81 \* 26293 \*\*\*\*\*.00

NO: 81-17 DEC 28-81 A 26293 \*\*\*\*\*.00

J. HARRY NORRIS  
ZONE #81-0891

ZONING AMENDMENT RESOLUTION

WHEREAS, J. Harry Norris has made an application for the rezoning of a tract of land located North of Leonardtown along Maryland Route 5 containing 5.414 acres, more or less, from AR-2 to C-1, the same being Zoning Case No. 81-0891. The tract is Parcel 186, Block 2 on Tax Map 32.

WHEREAS, after due notice a public hearing was held on the application by the Planning Commission which after consideration of it has recommended that the reclassification be approved.

WHEREAS, The County Commissioners likewise have held a public hearing on the request and they find as fact as follows:

1. The parcel of land adjoins a tract of industrially zoned property that is developed with oil storage tanks.

2. The parcel of land is directly across Route 5 from a commercially zoned (C-2) and developed parcel.

3. The subject parcel, as well as others in the vicinity, lies within an area that is presently being used for commercial purposes, some of these uses being non-conforming.

4. The subject parcel, as well as adjoining ones, namely Parcels 4, 48, 198, 200 and 305 on the tax map, is clustered so as to form a node. The primary uses of these properties are non-residential. The development patterns, in both usage and zoning classifications, of the area are in effect an extension outward from the commercial center of Leonardtown. A pattern of commercial development from the node above-mentioned to Leonardtown is fairly well established.

5. Given the established developmental patterns of the node, the Board finds that Parcel #186, the subject parcel, and Parcel #313, which is already zoned C-2, should form the boundaries beyond which further commercial development should be curtailed for the foreseeable future so as to not further intrude upon the agricultural-residential nature of the properties northwest of the node.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED By the County Commissioners of St. Mary's County, Maryland, this 15TH day of December 1981 that Parcels 4, 48, 186, 198, 200 and 305 on Tax Map 32 be, and they hereby are, rezoned from AR-2 to C-2.

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*George R. Aud*  
George R. Aud, President

NOT PRESENT  
Larry Millison, Vice-President

*Richard D. Arnold*  
Richard D. Arnold, Commissioner

*Fred L. Dean*  
Fred L. Dean, Commissioner

*David F. Sayre*  
David F. Sayre, Commissioner

ATTEST:

*Edward V. Cox*  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

*Joseph E. Bell II*  
Joseph E. Bell, II  
County Attorney

*Ed V. Cox, Administrator*

12-28-81

MARY E. BELL, CLERK

Resolution No. 81-105

SUBJ: Industrial Revenue Bond -  
Maryland Rock Industries

PREAMBLE

A RESOLUTION authorizing the execution of an agreement with Maryland Rock Industries, Inc., a Maryland corporation, hereinafter referred to as "Maryland Rock," pertaining to the financing of an industrial facility within the boundaries of St. Mary's County, Maryland, for the use of Maryland Rock.

RECITALS

WHEREAS, The County of St. Mary's, Maryland, Issuer by virtue of the laws of the State of Maryland, particularly Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), and the authorities therein mentioned, wishes to take the necessary actions for the issuance of revenue bonds of the Issuer, in order to assist Maryland Rock in the financing of the industrial facility (the "Project") more particularly described in the form of agreement attached hereto as Exhibit 1, which Project will be located within the boundaries of the Issuer;

NOW, THEREFORE, be it resolved by the County Commissioners of St. Mary's County in the State of Maryland:

Section 1. This Board of County Commissioners does hereby find and determine that:

- (a) The Project will be an industrial building within the meaning of that term as defined in Section 266A of the Act; and
- (b) The Project is consistent with the purpose of Section 266B, to relieve unemployment, to promote economic development, and to promote the health, welfare, and safety of the residents of the State of Maryland.

Section 2. In order to assist in the financing of the Project, this Board hereby agrees to authorize and issue revenue bonds of the Issuer in the aggregate amount now estimated not to exceed \$6 million, pursuant to the Act, upon the terms provided in the form of agreement, to bind and inure to the benefit of the Issuer and Maryland Rock, which form of agreement is attached hereto as Exhibit 1 and is hereby in all respects approved. Any three (3) commissioners are hereby authorized and directed to execute such agreement substantially in such form with such changes as are not adverse to the Issuer as such commissioners may approve, such execution being conclusive evidence of approval of any such changes.

Section 3. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This Resolution shall be in full force and take effect immediately upon its adoption.

WITNESS, the hand of the County Commissioners of St. Mary's County, Maryland, this 22nd day of December, 1981.

ATTEST:

Edward V. Cox  
Edward V. Cox, County  
Administrator

Theodore P. Weiner  
Theodore P. Weiner  
County Attorney

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner



AGREEMENT TO ISSUE BONDS

This Agreement entered into this 22nd day of December, 1981, between the County of St. Mary's, Maryland, Issuer, a county duly organized and validly existing under the Constitution and Laws of the State of Maryland, and Maryland Rock Industries, Inc., a Maryland corporation, hereinafter referred to as Project Owner, has been executed in furtherance of the public purposes of Section 266B of the Act, as hereinafter defined, to relieve unemployment, to promote the health, welfare and safety of the residents of Maryland under the following circumstances:

A. The Project Owner desires to finance costs of an industrial facility (the "Project"), which will include the acquisition of parcels of land containing sand and gravel reserves, and areas to be used as a processing and shipping facility including processing and shipping equipment, located in the Third Election District of St. Mary's County, Maryland, within the boundaries of the Issuer, which project will be owned by the Project Owner. These bonds are issued upon the condition that all access to waterway transportation of sand and gravel will be limited to use of the loading and shipping area of the property currently known as the Breton Bay Sand and Gravel Processing Site on Breton Bay. In no event shall loading or shipping facilities be located or constructed on properties fronting on the Potomac River.

B. The Project Owner has requested that the Issuer issue industrial development revenue bonds pursuant to Section 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the Act), in an aggregate principal amount now estimated not to exceed \$6,000,000.00 (Bonds), to assist in the financing of the Project, and is agreeable to making payments to the Issuer sufficient to pay all the principal and premium, if any, and interest on the Bonds.

C. The Issuer is willing to issue the Bonds and desires to obtain the economic benefits from the Project. As an inducement to and in consideration of the Project Owner's plan with respect to the Project, the Issuer and the Project Owner agree as follows:

1. The Project Owner shall commence and continue to cause to be commenced and continued, the acquisition, construction and equipping of the Project as soon as feasible, and the Project Owner will provide, or cause to be provided, at its own expense, the necessary interim financing to permit such acquisition, construction and equipping of the Project to commence and continue. Upon the issuance of the Bonds, the Issuer and the Project Owner will enter into one or more agreements (Financing Agreement) with respect to the Project and the financing therefor. The Financing Agreement shall be in the form of a loan agreement, a conditional or installment sale agreement, or a lease with the option to purchase and may contain such terms and conditions as provided or permitted under the Act;

Provided, however, that the Financing Agreement shall require payment sufficient to pay the principal of and premium, if any, and interest on such Bonds as may be issued with respect to the Project, or a portion thereof, which is the subject of such Financing Agreement. In order to secure the payment of the principal of and premium, if any, and interest on the bonds, the Issuer may also enter into a trust agreement or mortgage which shall have such terms and conditions as may be provided or permitted under the Act. The Issuer shall not have any financial responsibility with respect to the Bonds or the Project except

from income and revenues actually derived by the Issuer with respect to the Bonds and the Project.

2. Upon receipt of a request from the Project Owner, the Issuer will promptly issue the Bonds in one or more series, maturing in such amounts and times, bearing interest at such rate or rates, payable on such dates and containing such optional and mandatory redemption features and prices as are requested by the Project Owner and will deliver the Bonds to the purchaser or purchasers thereof and cooperate to its fullest extent in consummating the transaction.

3. In order to induce the Issuer to execute and deliver this Agreement and ultimately to issue the Bonds, the Project Owner hereby represents and agrees:

- a. The acquisition, construction and installment of the Project was not commenced prior to the date thereof.
- b. The provision of the assistance to be provided under this Agreement and the commitments thereto made by the Board have induced the Project Owner to be conducted by use of the Project will create additional jobs and employment opportunities within the Issuer.
- c. The Project Owner will defend, indemnify and hold the Issuer and any and all officials thereof harmless against any and all losses, costs, expenses, claims or actions arising out of or connected with the execution of this Agreement, and the preparation of proceedings for, and the issuance, sale or delivery of, the Bonds.

4. This Agreement will be binding upon the Project Owner, its successors, heirs and assigns and will be recorded among the land records of St. Mary's County.

IN WITNESS WHEREOF, the Issuer, pursuant to the Resolution duly adopted on December 22, 1981, by its Board of County Commissioners, has caused this Agreement to be executed by at least three (3) County Commissioners and the Project Owner has caused it to be executed, all as of the date and year first above written.

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George P. Add  
George P. Add, President

Larry Millison  
Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Ford L. Dean  
Ford L. Dean, Commissioner

David F. Syare  
David F. Syare, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner  
Theodore P. Weiner  
Assistant County Attorney

MARYLAND ROCK INDUSTRIES, INC.

BY: F. Stevens Nelson  
F. Stevens Nelson, General Manager

Warren K. Rich  
Warren K. Rich, Attorney

TIME 9:48 P. M.

MARY R. BELL, CLERK  
ST. MARY'S CO.

DEC 29-81 \* 26353 \*\*\*\*\*.00

DEC 29-81 A #26355 \*\*\*\*\*.00

1628 002 PAGE 435

NO: 81-16  
ROBERT A EVANS  
ZONE #81-0474

ZONING AMENDMENT RESOLUTION

Robert A. Evans, the owner of a tract of land located on St. George's Island in the Ninth Election District of St. Mary's County, Maryland, has made application to rezone Parcels 9 and 10 in Block 2 on Tax Map 69.

The County Commissioners have held a public hearing on the request and find as fact as follows:

1. The subject property consists of 2.63 acres, is currently zoned R-1, Residential.
2. Since 1964, property has been used, as it is currently, for the purposes of a seafood restaurant and the buying and selling of seafood.
3. The applicant proposes to open a shellfish house on the site.
4. The Office of Planning and Zoning and the Planning Commission have recommended in favor of the rezoning to CM, Commercial Marine.
5. The subject property is located on St. George's Island which in large measure is a locality involved with seafood harvesting and other water oriented activities.
6. The applicant has recently received approval for expansion and obtained approval of a site plan to bring the facility into conformance with requirements of the Zoning Ordinance.
7. The subject property, in terms of historical use, location and compatibility with the neighborhood fully meets the intent of the Commercial Marine District regulations of the County Zoning Ordinance which state in part: "the Commercial Marine District is intended for the less intensive Commercial Marine activities related to tourism, vacationers, sport and pleasure boating and water employment." Fish or shellfish sales and restaurants are specific permitted uses in the zoning district.

In considering the above, the Board of County Commissioners finds that the original zoning failed to take into account the above factors and accordingly, the application for CM, Commercial Marine is approved.

In adopting the resolution, the Commissioners are aware of the applicant's agreement to construct a fence on the northern side of the property as a buffer with the adjoining property owner. It is the Commissioners' understanding that further development of the site will include construction of the fence.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED this 15<sup>TH</sup> day of December, 1981 that the above-mentioned land of Robert A. Evans located on St. George's Island be and the same is hereby rezoned to Commercial Marine (CM).

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

George R. Aud  
George R. Aud, President

NOT PRESENT

Larry Millison, Vice-President

Richard D. Arnold  
Richard D. Arnold, Commissioner

Forrest L. Dean  
Forrest L. Dean, Commissioner

David F. Sayre  
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Del. to: Co. Admin. (Sandis) 12-29-81

MARY R. BELL, CLERK

LIBER 002 PAGE 136 SUBJ: BOND ANTICIPATION NOTES

JAN -6-82 \* 26577 \*\*\*\*\*.00  
JAN -6-82 A 26577 \*\*\*\*\*.00

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

Resolution No. 81-104

TIME 12:44 P. M.  
MARY R. BELL, CLERK  
ST. MARY'S CO.

A RESOLUTION of the Board of County Commissioners of St. Mary's County providing for the award of Two Million Dollars (\$2,000,000) aggregate principal amount of general obligation bond anticipation notes designated General Obligation Bond Anticipation Notes, Series 1982, authorized to be issued pursuant to Resolution No. 81-94 passed on November 24, 1981; fixing the interest rate payable upon the Notes so authorized and awarding such Notes to the successful bidder therefor upon the basis of the bids received this day in accordance with the Notice of Sale of said Notes prescribed in such Resolution; and determining various matters in connection therewith.

RECITALS

Resolution No. 81-94 of the Board of County Commissioners of St. Mary's County authorized the sale at public sale of Two Million Dollars (\$2,000,000) aggregate principal amount of general obligation bond anticipation notes of County Commissioners of St. Mary's County, designated General Obligation Bond Anticipation Notes, Series 1982 (the "Notes"); and such public sale was held this day in the Sixth Floor Main Conference Room of Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland, at 11 a.m. (E.S.T.), in accordance with the terms of the Notice of Sale prescribed by Resolution No. 81-94, which Notice of Sale was duly published in accordance with such Resolution.

County Commissioners of St. Mary's County is now ready to accept the best bid for the Notes, at the price named by the bidder in such bid, the Notes to bear interest in accordance with the terms of such bid, and also to fix the interest rate

payable on the Notes in accordance with the terms of such bid.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, that:

Section 1. The syndicate headed by Baker, Watts and Company (the "successful bidder") for the Two Million Dollars (\$2,000,000) aggregate principal amount of General Obligation Bond Anticipation Notes, Series 1982, is hereby found and determined to be the bidder whose bid is for the best interest of County Commissioners of St. Mary's County.

Section 2. The bid of the successful bidder for the Notes be and the same is hereby accepted.

Section 3. The Notes are hereby awarded to the successful bidder, at the price named in its bid, and the Notes, when prepared in definitive form, shall be duly executed and delivered to the successful bidder in accordance with the terms and conditions of said Notice of Sale, such delivery to be made at The Signature Company in New York, New York, or at such other location as the successful bidder and the County Administrator may mutually agree and upon receipt of the total purchase price for the Notes, plus accrued interest, less the good faith deposit received from the successful bidder to secure its bid which has been accepted, said purchase price for the Notes to be paid to the County Administrator, as agent of the County for the purpose of receiving said purchase price and delivering the Notes to the successful bidder.

Section 4. The Notes shall bear interest at the rate per annum of 9.75 % and such rate of interest is hereby fixed as and for the rate of interest payable on the Notes.

Section 5. The County Administrator of the County be and he is hereby authorized and directed to return, in accordance

with the provisions of the Notice of Sale, the certified and other checks received with the proposals not hereby accepted.

Section 7. This Resolution shall take effect immediately upon its passage.

Passed and approved on the 15th day of December, 1981.

George P. Aud  
George P. Aud,  
President

Laurence Millison  
Laurence Millison,  
Vice President

David F. Sayre  
David F. Sayre,  
Commissioner

Ford L. Doan  
Ford L. Doan,  
Commissioner

Richard D. Arnold  
Richard D. Arnold,  
Commissioner

ATTEST:

Edward V. Cox  
Edward V. Cox,  
County Administrator

Approved as to form and legal sufficiency:

Joseph E. Bell, II  
Joseph E. Bell, II  
County Attorney

Ret. to: Co. Admin. (Margaret Nelson)

JAN 6 1982

MARY R. BELL, CLERK

ZONING RESOLUTION No. Z-81-18  
 SUBJ: MARY O. CALLAWAY  
 ZONE #79-261

TIME 9:44 P. M.  
 MARY S. BELL CLERK  
 ST. MARY'S CO.

JAN -7-82 \* 26618 \*\*\*\*\*00  
 JAN -7-82 A 26618 \*\*\*\*\*00

ZONING AMENDMENT

WHEREAS, MARY O. CALLAWAY has made application to rezone a tract of land owned by her, located at the intersection of Maryland Route 5 in Callaway, located in the Second Election District of St. Mary's County, and known as Parcel 21, Tax Map 50, containing 6.30 acres, more or less, from AR-2 and RSC to C-2; and

WHEREAS, The Planning Commission of St. Mary's County, after published notice, a public hearing and consideration of the request, have recommended a denial of the rezoning application; and

WHEREAS, The County Commissioners have, likewise, after due notice and public hearing, considered the request for reclassification; and

WHEREAS, The County Commissioners, on November 24, 1981, adopted a Resolution (#Z 81-15) approving the rezoning of 4.09 acres within Parcel 21; and

WHEREAS, Parcel 21, which is comprised of two tracts of land, contains 6.30 acres of land; and

WHEREAS, It was the intent of the Commissioners when adopting Resolution Z 81-15 to rezone all of Parcel 21; and

WHEREAS, This resolution is enacted in order to carry out that intent; The County Commissioners find as fact:

1. That the neighborhood that contains the subject property is found to be within one-half (1/2) mile of either side of Route 5 from Camp Conoma Road to Indian Bridge Road.
2. That there is a mistake in the original zoning of AR-2 and the rezoning of the property to RSC.
3. That the property is ideally situated for commercial development.
4. That there is a need for commercially developed property in the vicinity of the subject property.
5. That there has not been a substantial population change in the immediate area of the subject property.
6. That there is presently no public water or sewer available to the subject property.
7. That the present and future transportation patterns in the area of the subject property are essentially unchanged.

8. That the rezoning would be compatible with the existing and proposed development for the area.
9. That the subject property is outside of the urban centers and community service centers, as delineated in the Comprehensive Land Use Plan.
10. That the physical impact of the rezoning of the subject property is negligible.
11. That the subject property is suitable to the uses permitted under both the existing and proposed classifications.


THEREFORE, A majority of the Board are of the opinion that the request for rezoning should be granted. NOW THEREFORE, IT IS RESOLVED AND ORDAINED this 22nd day of December, 1981, that the land of MARY O. CALLAWAY mentioned above is hereby reclassified from RSC, Rural Service Center, to C-2, Commercial.

BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND


  
GEORGE R. AUD, President

  
LARRY MILLISON, Vice-President

  
RICHARD D. ARNOLD, Commissioner

FORD L. DEAN, Commissioner  
  
DAVID F. SAYRE, Commissioner

ATTEST:

  
EDWARD V. COX  
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

  
JOSEPH E. BELL, II  
County Attorney



RESOLUTION No. Z-82-1Subj: ZONE #81-0774  
HENRY E. ZOLLENHOFERREZONING RESOLUTION

JAN 25 82 \* 27155 \*\*\*\*\*00  
 JAN 25 82 A 27155 \*\*\*\*\*00  
 TIME 10:40 A. M.  
 MAIL & BILL CLERK  
 ST. MARY'S CO.

WHEREAS, HENRY E. ZOLLENHOFER, the owner of adjoining Parcels 188, 204, 269 and 325 in Block 2, Tax Map 34, located at Sandy Bottom, Sixth Election District of St. Mary's County, Maryland, has made application to rezone the property from R-1, Residential, to I-1, General Industrial. The property, which is located on the Northeast corner of the Route 235 and Clarke's Landing Road intersection, contains four acres, more or less. The case is identified as ZONE #81-0774.

WHEREAS, After due notice, the Planning Commission conducted a public hearing on the request. The Planning Commission has recommended that the property be reclassified to C-2, Commercial.

WHEREAS, The County Commissioners have likewise held a public hearing on the request and the Commissioners find as fact that:

1. The subject property is located in a defined neighborhood which abounds with existing commercially developed property;
2. The subject property is currently partially developed with "commercial type" buildings located thereon, having been originally constructed and used as a cabinet and woodworking shop;
3. With the impending dualization of State Route 235, the existing Route 235, which fronts the subject property, will become a service road only;
4. The property, given its corner location and adjacent commercial development, is less than ideally suited for uses permitted under its present zoning classification;
5. Both the Planning and Zoning staff and the Planning Commission have recommended that the property be rezoned to C-2, Commercial;

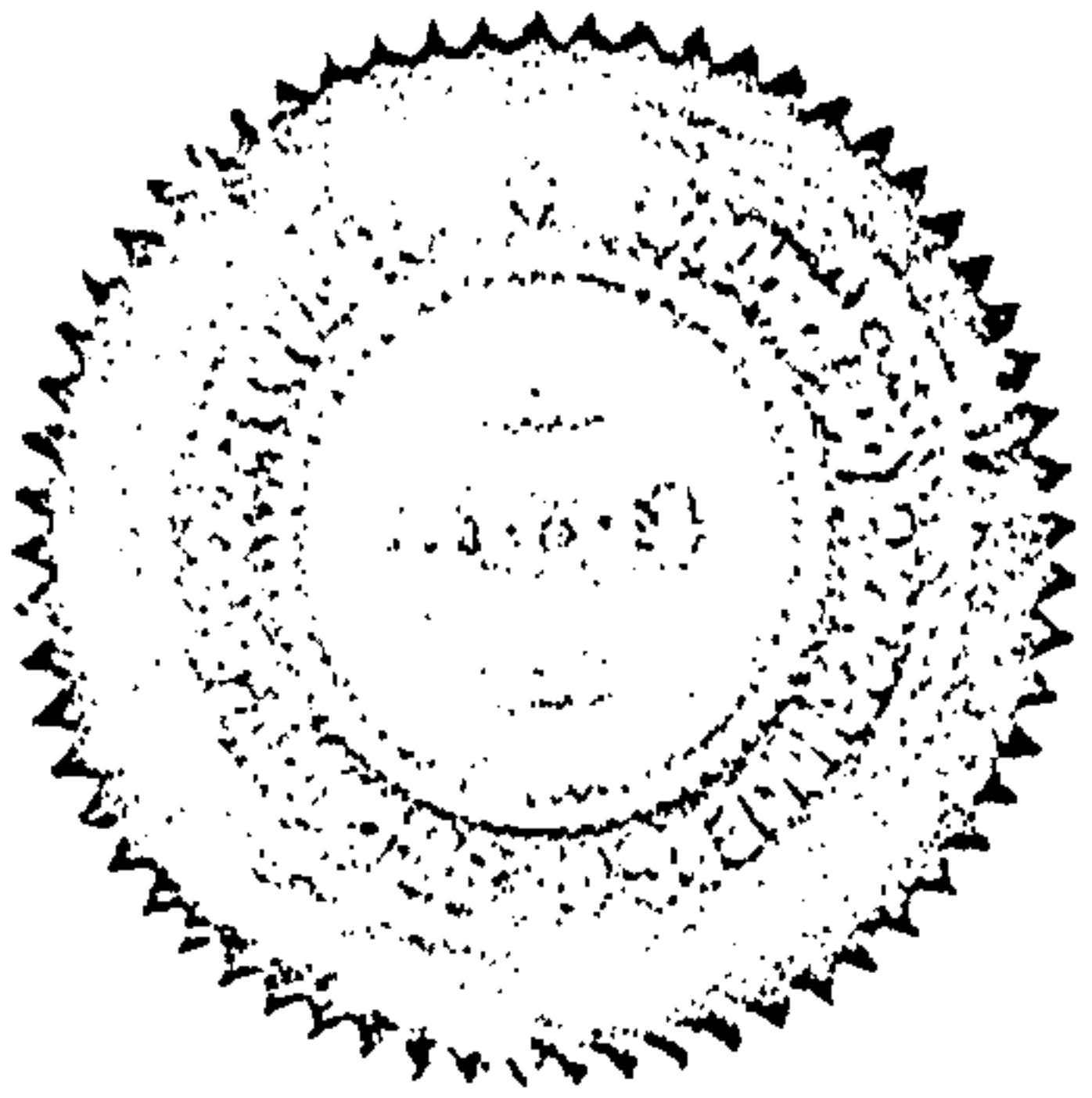
The Board thus concludes that:

1. The application for rezoning to I-1, General Industrial, is not appropriate because such designation is not in keeping with the general character of the defined neighborhood.
2. Rezoning to C-2, Commercial, is appropriate based upon mistake in original zoning for the factors enumerated above.

Subj: ZONE #81-0774  
HENRY E. ZOLLENHOFER

(Page 2 of 2)

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 19th day of January, 1982, that the above mentioned property of HENRY E. ZOLLENHOFER, in ZONE #81-0774, be, and it hereby is reclassified to C-2, Commercial.



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

*George R. McD.*  
GEORGE R. MCD., President

LARRY MILLISON, Vice-President

*Richard D. Arnold*  
RICHARD D. ARNOLD, Commissioner

*For L. Dean*  
FOR L. DEAN, Commissioner

*David F. Sayre*  
DAVID F. SAYRE, Commissioner

ATTEST:

*Edward V. Cox*  
EDWARD V. COX  
County Administrator

APPROVED AS TO FORM:

*Joseph Ernest Bell II*  
JOSEPH ERNEST BELL, II  
County Attorney

Ret. to: Sandy Abell (Co Admin. Off.)

JAN 25 1982

MARY R. BELL, CLERK

USER 002 7/51-443

RESOLUTION No. Z-82-2

Subj: ZONE #80-2649  
VALLEY DRIVE ESTATES

TIME 11:41A

MAY 25-82 \* 27156 \*\*\*\*\*  
MAY 25-82 A 27156 \*\*\*\*\*

REZONING RESOLUTION

WHEREAS, JULIUS J. FINNACOM, the owner of a tract of land located on Valley Drive in Lexington Park, Eighth Election District of St. Mary's County, Maryland, and containing 5.51 acres, more or less, has made application to reclassify the property from C-1, Commercial, to R-15, Townhouse - Garden Apartment. The property is further identified as Parcel 422, Block 16, Tax Map 43. The case is identified as ZONE #80-2649.

WHEREAS, After due notice, the Planning Commission conducted a public hearing on the request. The Planning Commission has recommended approval of the request.

The County Commissioners have likewise conducted a public hearing on the request and the Commissioners find as fact:

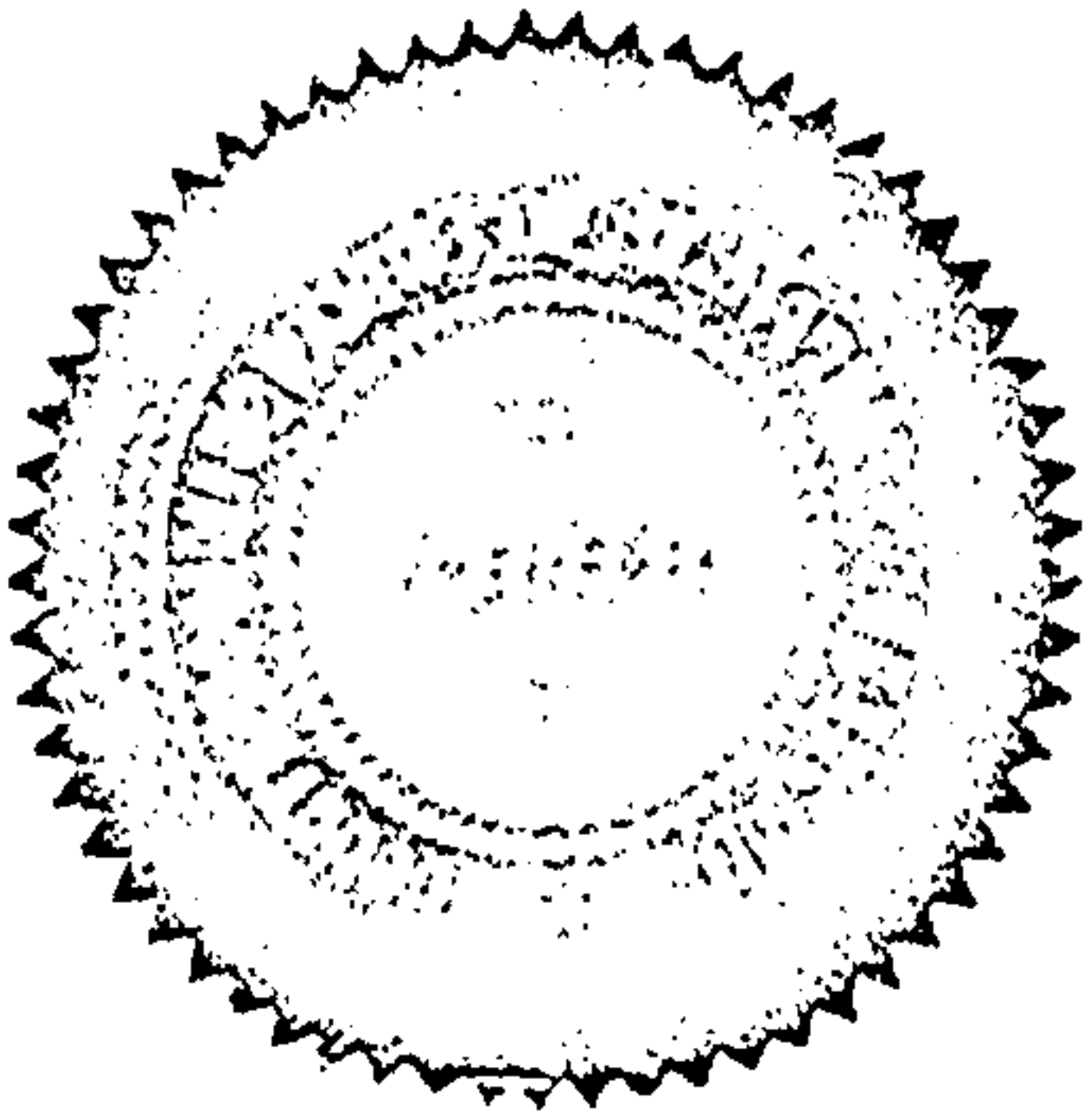
1. That there has been a considerable increase in residential development in the neighborhood of the subject parcel since the enactment of comprehensive zoning in St. Mary's County in 1974, making the character of the neighborhood more residential than commercial;
  2. That reclassification of the property to residential is more compatible with adjoining properties than the present commercial category;
  3. That public water and sewer is available to serve the property;
  4. That high density residential property is needed in the vicinity of the subject parcel;
  5. That a reclassification of the property to a residential use will help abate and somewhat contain commercial sprawl within the Lexington Park Urban Planning area;
  6. That the property lies within an urban planning area and outside of the AOA (Aircraft Overflight Area);
  7. That insufficient provision was made in the original Comprehensive Plan for high density residential zoning needed because of the urban nature of the Lexington Park area;
  8. That a mistake was made in the original Comprehensive Plan and there has also been a change in the character of the neighborhood;
- The Board is therefore of the opinion that the requested classification should be granted.

Subj: ZONE #80-2649  
VALLEY DRIVE ESTATES

(Page 2 of 2)

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, THIS 19th day of January, 1982, that the land mentioned above in ZONE #80-2649 is reclassified from C-1 to R-15.

Commissioners Dean and Millison did not participate in this case.



BOARD OF COUNTY COMMISSIONERS  
OF ST. MARY'S COUNTY, MARYLAND

*George P. Auld*  
GEORGE P. AULD, President  
*Richard D. Arnold*  
RICHARD D. ARNOLD, Commissioner  
*David F. Sayre*  
DAVID F. SAYRE, Commissioner

ATTEST:

*Edward V. Cox*  
EDWARD V. COX  
County Administrator

APPROVED AS TO FORM:

*Joseph Ernest Bell, II*  
JOSEPH ERNEST BELL, II  
County Attorney

*Ret. to: (Co. Admin. Off.)*

JAN 25 1982

MARY R. BELL, CLERK