

BOARD OF COUNTY COMMISSIONERS MEETING

Tuesday, October 7, 1980

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

(Commissioner Millison was not present)

The meeting was called to order at 9:20 a.m.

APPROVAL OF BILLS

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted by the Director of Finance. All Commissioner present voted in favor.

RESIDENT MAINTENANCE ENGINEER REPORT

Present: John D. Raley, Resident Maintenance Engineer

Mr. Raley presented his twice-monthly report on road, drainage and sign problems and received additional input from the Commissioners as to other areas of concern.

EXECUTIVE SESSION

Present: Sheriff Somerville
Ron Clarke, Deputy

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 9:30 a.m. to 9:50 a.m.

REQUEST FOR TELEVISIONS FOR JAIL INMATES

Present: Sheriff Somerville

Sheriff Somerville appeared before the Commissioners to request approval of the purchase of two additional televisions for use by the inmates at the County Jail. He stated that during the last budget he was granted funding for three black and white televisions which have been used on a rotating basis. He stated that the televisions have reduced the boredom and noise of the

inmates and that two additional televisions would be beneficial.

The Commissioners agreed to appropriate approximately \$500 for the purchase of two additional black and white televisions, which would include costs for installation, source of funds to be determined by the Budget Officer.

PROJECT PROPOSAL-DEVELOPMENT APPLICATION
FOX HARBOR PUBLIC WHARF

Present: John Norris, County Engineer

Mr. Norris presented the referenced application for repairs to Fox Harbor Public Wharf at Smith's Creek in the amount of \$5,000 and requested Commissioner President Aud's signature.

The Commissioners authorized Commissioner President Aud to sign name.

PUBLIC WORK AGREEMENT
LEX WOODS COMPLEX

Present: John Norris, County Engineer

Mr. Norris presented the Public Works Agreement by and between Lex Woods Apartments Limited Partnership and St. Mary's County guaranteeing the completion of Lexwoods Drive, the entrance road to the referenced subdivision.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Public Works Agreement. All Commissioners present voted in favor.

SPRING VALLEY SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris stated that the Commissioners had entered into a Cash Agreement with Maryland National Bank in the amount of \$45,000 for the completion of the roads in Coronado Village. The contractor is working on two of the streets, Stoney Brook Court and Stone Brook Road, which will be completed by November 1, 1980. However, repairs are also needed on Rosewood Drive and Rosewood

Terrace. The bank would like to offer a settlement in the amount of \$10,000 which they have allocated for the completion of the work on Stoney Brook Court and Stoney Brook Road, which would cost about \$3,000 to \$4,000 and the balance could apply to what needs to be done on Rosewood Drive and Rosewood Terrace to be done by the County. Mr. Norris advised that the repairs to Rosewood Drive and Rosewood Terrace would cost approximately \$12,000 to \$14,000. Mr. Norris stated that this work is necessary in order to improve the storm drainage problem in that area.

The Commissioners agreed to accept the settlement offer of the bank in the amount of \$10,000 for the work to be done on Rosewood Terrace and Rosewood Drive and apply the remainder to whatever other work needs to be done. Maryland National Bank will complete the work on Stoney Brook Court and Stoney Brook Road. Remaining funds will be released to the bank.

GOLDEN BEACH SPECIAL TAXING DISTRICTS NO. 1 AND 2

Present: John Norris, County Engineer

Mr. Norris advised that paving work will begin next week on Golden Beach Special Taxing District No. 1 and 2. He stated that the County will have to provide for the cost of overhauling in Taxing District No. 2 as it was not put in the contract.

The Commissioners gave their concurrence.

ASPHALT OVERLAY PROJECTS
TOWN CREEK
CHAPTICO WHARF ROAD

Present: John Norris, County Engineer

The Commissioners indicated to Mr. Norris that they are desirous of completing the rest of the streets in Town Creek with the remaining Asphalt Overlay Funds from this fiscal year and also that Chaptico Wharf Road surfacing be a first priority in the next fiscal year.

SOTTERLY MANOR

Present: John Norris, County Engineer

Mr. Norris advised that he had tried to contact the Attorney for the developer of the referenced subdivision and he has not responded. However, Mr. Norris stated that it

was his understanding that the prime was being put down today and that it will be paved tomorrow.

MT. PLEASANT SUBDIVISION - SEVENTH DISTRICT

Present: John Norris, County Engineer

The Commissioners requested the County Engineer to contact the developer again to see if he would honor his obligation to complete the road in Mt. Pleasant Subdivision, Seventh Election District.

OYSTERING AT JONE'S SHORE

Commissioner Sayre apprised the Commissioners of a problem affecting the watermen of St. Mary's County while working the oyster seed area at St. Jone's Shore. He stated that many of the watermen have been arrested for small spat on legal-sized oysters with fines from \$50.00 to \$200.00. He requested that a letter be forwarded to the Potomac River Fisheries Commission expressing concern of the regulation specifying that no marketable oyster can be caught and sold without first removing all spat and that this regulation places a severe burden on St. Mary's County watermen. He requested that the State regulation applicable to oystering in the tributaries which specifies that a marketable legal size oyster can be caught and sold with spat up to one inch be adopted by the Potomac River Fisheries Commission. The Commissioners agreed to sign and forward said letter.

PROGRAM OPEN SPACE

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented an updated status report on the Program Open Space for St. Mary's County. He advised the Commissioners that the County had a balance of development funds in the amount of \$13,000 from the Federal Open Space Program and that this will be used up when bills for current programs are paid.

He further advised the Commissioners that it was estimated by the Federal and State Program that the County would receive approximately \$100,000 in development funds. He mentioned that the county has approximately \$200,000 remaining in Open Space funds for property acquisition in the current year's budget.

In conclusion, Mr. Baggett presented correspondence for the Commissioners' signatures addressed to Delegate Hargraves outlining the value of the Program Open Space to St. Mary's County. The Commissioners agreed to sign and forward said letter.

PROCLAMATION NO. 80-75
NATIONAL BUSINESS WOMEN'S WEEK

Present: Mary Novotny
Valerie VonAllman
Sally Johnson
Dotty Barclift
Irene Langford
Elizabeth Council

The Commissioners presented the reference Proclamation proclaiming the week of October 19 through October 25, 1980 as National Business Women's Week.

PRESS CONFERENCE

Present: Matt Kaye, WKIK
Michael Folks, Enterprise

The regular monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' Office.

PUBLIC HEARING
AMENDMENTS TO ZONING ORDINANCE

Present: Frank Gerred, Director Planning and Zoning
Karen Abrams, Attorney (Briscoe, Kenney and Kaminetz)
Jack Clifford
Al Bingman, NAS
Robert Jarboe
Other interested citizens

The Commissioners conducted a public hearing on proposed amendments to the Zoning Ordinance.

The complete record, minutes and tape are on file in the Office of Planning and Zoning.

AUTHORIZATION TO FILL POSITION OF JANITOR
OFFICE OF PURCHASING AND LOGISTICS

The County Administrator advised that Mr. James Miller has submitted his resignation of the position of Janitor in the Office of Purchasing and Logistics, Grade 5, and Mr. Cox requested authority to advertise for the filling of this position.

Commissioner Sayre moved, seconded by Commissioner Dean, to authorize the advertisement for the filling of the Janitor position in the Office of Purchasing and Logistics, Grade 5. All Commissioners present voted in favor.

RECREATION AND PARKS MAINTENANCE POSITIONS

By correspondence dated October 1, 1980, the Director of Recreation and Parks advised the Commissioners that due to an extremely dry summer, maintenance obligations have not been as great as anticipated. Accordingly, Mr. Baggett recommended that the two positions which have been approved, Maintenance Foreman and Maintenance Man, not be filled until late winter or early spring. The Commissioners agreed to accept Mr. Baggett's recommendation.

GOVERNOR'S COMMISSION ON LAW ENFORCEMENT
AIDE PROGRAM - STATE'S ATTORNEY'S OFFICE

The County Administrator advised that by correspondence dated September 23 from the Governor's Commission on Law Enforcement the County was informed that the AIDE Program of the State's Attorney's Office is being questioned and requested a response from the Commissioners as to whether his program should be refunded. Mr. Cox presented a letter for the Commissioners' signatures recommending refunding as the program only began August 1, 1980 which is a short time period for it to be judged and further said that the program is endorsed by the State's Attorney.

ASSISTANT STATE'S ATTORNEY POSITION

By correspondence dated September 4, 1980, the State's Attorney, Neal Myerberg, made a request to increase the salary of the Assistant State's Attorney, Mr. Nelson Rupp, from \$25,500 to \$27,433 stating that the difference in salary amounts would be obtained by downgrading a secretarial position. However, the Budget Officer pointed out in correspondence dated September 5 that the net effect of the State's Attorney's request is that the County is obligated for additional money in an amount of

about \$1,000 because of Cooperative Reimbursement Grant funding formula.

After discussion the Commissioners agreed to approve the State's Attorney's request provided that the funds be evidenced from savings elsewhere in the State's Attorney's budget so that there is no increased county funding obligations. Also the Commissioners requested that the State's Attorney be advised that any decision involving changes in the budget should be brought to their attention for approval prior to the decision being made.

ORDINANCE NO. 80-63
COUNTY TRANSPORTATION BONDS

The Commissioners had conducted a public hearing on September 23, 1980 to consider a proposed Ordinance which has its purpose the participation of St. Mary's County in the Fiscal Year 1980-81. State Road Bond Program to the extent of One Million Five Hundred and Seventy Thousand (\$1,570,000) Dollars. Said Road Bond will provide funds for needed road projects.

The Commissioners unanimously agreed to approve and sign Ordinance No. 80-63 indicating the County's participation in said bond issue.

ANIMAL WARDEN VEHICLE

The County Administrator presented a memorandum dated October 6, 1980 to request authority for the purchase of a new animal warden vehicle. The reason for the request is that the 1974 van which was purchased in 1979 has deteriorated to the point where a replacement is necessary. He stated that the cost to put a new vehicle on the roads would be approximately \$12,000, source of funds to be determined by the Budget Officer.

The Commissioners gave their concurrence.

TREASURER'S OFFICE AT COURTHOUSE

Present: Al Lacer, Acting President, Bar Association
Marvin Kaminetz, Attorney
Mike Harris, Attorney
Kay D'Esposito, County Treasurer

The referenced members of the St. Mary's County Bar Association appeared before the Commissioners to request that the Treasurer's Office remain at the Courthouse. They stated that this was convenient for real estate lawyers for paying of taxes for recordation of deeds. Further the County Code requires that there shall be an office at the Courthouse. The Bar Association formed a committee to see the Commissioners about their concerns and that if necessary to pursue with legal action to see that the County Code is complied with.

The County Administrator advised that in order to comply with the County Code the Treasurer's Office is open at the Courthouse three days a week from 2:00 p.m. to 4:00 p.m. The representatives of the Bar Association stated that they did not feel that this was adequate particularly in emergency situations.

Mr. Lacer stated that he spoke with Mary Bell, Clerk of Circuit Court, and she expressed willingness to have someone on her staff provide the necessary services for the recordation of documents. If this is done, a staff member of the Clerk's Office would have to be deputized to do this work in the name of the Treasurer.

In conclusion, it was agreed that Key D'Esposito, Edward Cox, and Mary Bell would meet to discuss this possible solution to the matter and if a solution is not presented that the Commissioners will again review the matter.

(Commissioner Aud left the meeting.)

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Present: Joe Mitchell, Housing Coordinator
Robin Guyther, Block Grant Coordinator

The referenced individuals presented the 1981 Community Development Block Grant Application listing proposed projects for review by the Commissioners. Mr. Mitchell advised that projects may be added or deleted and will be re-presented to the Commissioners in priority order.

In closing, Mr. Guyther advised that two public hearings be scheduled later in October regarding the referenced application.

STATUS REPORT

TRANSFER OF SLUDGE FROM DISTRICT OF COLUMBIA

Present: Frank Gerred, Director, Planning and Zoning
Robin Guyther, Block Grant Coordinator, Office of P&Z

Mr. Guyther presented an updated report to the Commissioners which included new information which indicates that there are no plans to transfer sludge from the District of Columbia through St. Mary's County.

The Commissioners agreed that the package of information that was presented to the Commissioners should be distributed at a public meeting for concerned citizens.

INTRODUCTION OF GLENN RUGGLES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. Mitchell introduced Mr. Glenn Ruggles to the Commissioners. Mr. Ruggles has been loaned to the County by the Department of Housing and Urban Development for a year's time in order to assist the Housing Authority.

REZONING DECISION DISCUSSION

ZONE #80-1933 - PAYNE AND STONE

Present: Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

Having conducted a public hearing on September 9, 1980 on the application of Ronald R. Payne and John W. Stone, Jr., to have approximately 2.4 acres located on Md. Rte. 246 about one-quarter of a mile east of Chancellors Run Road, Eighth Election District, Tax Map 51, Block 8, Parcels 20 and 327 from R-15, Residential, to C-2, Commercial, the Commissioners commenced discussion.

Commissioner Dean submitted a Statement of Findings of Fact and after review Commissioner Dean moved, seconded by Commissioner Sayre, to submit the Findings of Fact to the County Attorney to draft the appropriate Zoning Amendment Resolution granting the rezoning request based on the Findings of Fact outlined in Mr. Dean's statement.

All Commissioners present voted in favor.

REZONING DECISION DISCUSSION
ZONE #80-2321 - CHARLES F. PAINTER

Present: Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

Having conducted a public hearing on September 16 on the application of Charles F. Painter to have rezoned approximately 2.04 acres located on Tax Map 43, Parcel 239 on the west side of Md. Rt. 235, adjacent to National Mobile Home Sales, from R-2, Residential to C-2, Commercial, the Commissioners commenced discussion.

Commissioner Dean reviewed the circumstances of two previous rezoning cases in the same area as the referenced zoning application which he stated he had recommended denial because there had been no significant population change in the neighborhood, no demonstration of mistake in the original zoning, and further that the Planning Commission had recommended denial. Also, Commissioner Dean stated that because of the residential nature of the neighborhood that commercial zoning was incompatible. He stated that he was of the opinion that the same factors and conditions exist as in these two previous cases, and therefore he recommended denial of the referenced zoning application. However, the Planning and Zoning staff pointed out that it is adjacent to a mobile home park and bounded by Hewitt Road and therefore recommended that there could be an aggregation of the two parcels owned by the applicant and that he could make a new zoning amendment application for a Mobile Home Park District.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, that the following information be conveyed to the County Attorney for drafting of the appropriate Zoning Amendment Resolution:

That because there had been no significant population change in the area since adoption of comprehensive planning and the Zoning Ordinance and because there has not been presented any evidence of mistake in zoning and because the property lies within a well-defined and established residential neighborhood, commercial development of the property would be incompatible with the primary use and pattern of use in that neighborhood, and further that the Planning Commission has recommended denial of the C-2 zoning request. However, because the

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subject property is adjacent to an established mobile home park on the one side and Hewitt Road on the other that the Commissioners would consider an application for aggregation of the two parcels to establish a mobile home park district for the entire property.

All Commissioners present voted in favor.

The meeting adjourned at 3:30 p.m.

A handwritten signature in cursive script, appearing to read "George Blund". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

