

Tuesday, December 16, 1980

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

The meeting was called to order at 10:05 a.m.

APPROVAL OF BILLS

Commissioner Millison moved, seconded by Commissioner Arnold, to approve payment of the encumbrance vouchers submitted by the Director of Finance. All Commissioners voted in favor.

FRIDAY, DECEMBER 26, 1980

With regard to the previous request by the Employee's Association that Friday, December 26, 1980 be declared a holiday. The County Administrator presented a memorandum from the Governor's Office advising that December 26, 1980 as well as January 2, 1981 be regular working days with liberal leave policy. Mr. Cox recommended that the Commissioners follow the Governor's decision. The Commissioners gave their concurrence for a liberal leave policy but that the Department Heads be responsible for making sure their facilities are open.

POSITION ESTABLISHED  
PART-TIME LAW LIBRARIAN

The Commissioners approved the establishment of a part-time law librarian position for the Judge of the Circuit Court at the rate of \$4.51, paid for hours worked only. The position was established with the understanding that expenditures will not exceed those funds budgeted for the law library and that the continuation of the position will be reviewed during the budget process for FY 81-82.

RESOLUTION NO. 80-92  
SEXUAL HARRASSMENT

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 80-92 resolving that all county employees are to be fully informed that sexual harrassment in the work place is illegal and will not be tolerated. All Commissioners voted in favor.

COUNTY COMMISSIONERS' POLICY  
PERSONAL USE OF COUNTY-OWNED VEHICLES

The County Administrator presented a proposed Policy Memorandum regarding the personal use of county-owned vehicles for the Commissioners' review and approval.

After discussion the Commissioners agreed to approve the Policy Memorandum, but that the Sheriff's Department be



exempted while an evaluation is being made to determine tax resources saved.

#### COMMISSION ON AGING

The County Administrator presented correspondence for the Commissioners' signatures addressed to the Senior Services Coordinator in response to questions posed by her in a memorandum dated December 2, 1980 concerning the Senior Center and escrow funds related to the Davis-Bacon wage rates appeal. The Commissioners agreed to sign and forward the correspondence, which stated the County's position regarding funds received by way of community donations and the availability of those funds should the County win its appeal concerning the Davis-Bacon wage rates.

#### INSURANCE COVERAGE FOR COUNTY-OWNED BUILDINGS

Present: Harris Sterling, Director of Finance

The Director of Finance reviewed with the Commissioners his analysis of the proposed increase in value for county-owned buildings for insurances purposes and the consequent rate increases to obtain insurance coverage. Mr. Sterling indicated that he reviewed with the Insurance Buyers' Council the proposed upgrading in values and recommended the Commissioners' acceptance of same. Also, he stated that he had analyzed possible savings for the County by self insuring certain structures, but found no appreciable savings by doing so and recommended the Commissioners approve the proposed insurance coverage for all buildings.

After some discussion, the Commissioners approved the recommendations of the Director of Finance.

#### TRI-COUNTY YOUTH SERVICES BUREAU

The County Administrator presented correspondence from the Tri-County Youth Services Bureau requesting that a letter be forwarded to the State Juvenile Services Administration advising that St. Mary's County will participate in at least 12½% share of the funding in the grant for TCYSB. The Commissioners gave their concurrence.

#### TRANSPORTATION GRANT

The County Administrator presented in correspondence for the Commissioners' signature to the Maryland Department of Transportation advising that the County is in compliance with the four conditions set forth in their letter of October 2 with regard to the Public Transportation Grant for St. Mary's County. The Commissioners agreed to sign and forward said letter.



In compliance with one of the conditions of the grant, Commissioner Dean moved, seconded by Commissioner Arnold, to award the contract for the audit of the Grant to Wooden and Benson. All Commissioners voted in favor.

MEMORANDUM TO SETTLEMENT ATTORNEYS, REALTORS AND MORTGAGE LENDERS  
DISCLOSURE STATEMENT - AOA ZONE 4

Commissioner Dean advised that with the adoption of the amendments to the Zoning Ordinance relative to the AOA Zone 4, the AOA Building Construction Standards, and the Disclosure State for the AOA 4 Zone, that settlement attorneys, realtors and mortgage lenders should be forwarded a copy of the Disclosure Statement. Therefore, Commissioner Dean presented a memorandum for the Commissioners' review explaining the purpose of the Disclosure Statement and forwarding same. The Commissioners gave their concurrence in forwarding said memorandum.

RESIDENT MAINTENANCE ENGINEER REPORT

Present: John D. Raley, Maintenance Engineer

Mr. Raley presented a status report of various road, sign and drainage problems and received input from the Commissioners as to additional areas of concern.

TAXPAYERS' ASSOCIATION

Present: Claude Jarboe  
Elizabeth Jarboe  
Robert Miedzinski

The referenced members of the Taxpayers' Association appeared before the Commissioners for the purpose of expressing their concerns regarding county policies and a variety of issues related to taxation.

PRIVATE INDUSTRY COUNCIL

Present: William Heimer  
Les Shaw

The referenced representatives of the Balance of State Private Industry Council appeared before the Commissioners to explain the various programs of the Council by way of a slide presentation and discussed how the Council can be of assistance to county government.

The Commissioners thanked the representatives for their informative presentation and advised that they would contract them if additional information is needed.



OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

SNOW EMERGENCY OPERATIONS PLAN - Mr. Norris presented the Snow Emergency Operations Plan listing buildings and grounds, sites, agency codes and responsibilities. The Commissioners gave their concurrence.

NORTH INDIAN CREEK SUBDIVISION - Mr. Norris advised that the bond and irrevocable letter of credit for the referenced subdivision will expire on December 17, 1980. He stated that \$6,000 of work is left to be done, and that the work would not be able to be done this winter. Mr. Norris recommended that the Commissioners grant an extension to Spring, if a Public Works Addendum is presented, and further to reduce the amount to approximately \$6,000. The Commissioners gave their concurrence.

SOTTERLY MANOR SUBDIVISION, SECTION 2 - Mr. Norris presented a Deed dated June 15, 1978 by and between Kenneth W. Summer and the County Commissioners of St. Mary's County conveying Whiskey Creek Road in Sotterly Manor Subdivision, Section 2, Sixth Election District, into the County Highway Maintenance System. Commissioner Dean moved, seconded by Commissioner Arnold to accept said Deed. All Commissioners voted in favor.

BEVERLY ESTATES, SECTION I - Mr. Norris presented a Deed dated December 3, 1980 by and between Elizabeth Ann Fowler, surviving tenant of the entirety of Joseph A. Fowler, who died May 2, 1977, and the Board of County Commissioners of St. Mary's County conveying Dogwood Lane, Dogwood Court, and Beverly Drive in Beverly Estates, Section I, into the County Highway Maintenance System. Commissioner Arnold moved, seconded by Commissioner Sayre, to accept said Deed. All Commissioners voted in favor.

PAYMENT APPROVAL - WALDEN COUNSELING CENTER - Mr. Norris presented a partial payment in the amount of \$15,480 payable to Johnson Builders for the Walden Counseling Center construction project (Project No. SM 80-4-1). Commissioner Millison moved, seconded by Commissioner Sayre, to approve said payment. All Commissioners voted in favor.

ESTIMATE NO. 17 - CONTRACT AND RENTAL SERVICE - Commissioner Dean moved, seconded by Commissioner Millison, to approve payment of Voucher No. 134568 as presented by the County Engineer, payable to Raymond Woodburn in the amount of \$25,796 for contract and rental services for Jones Wharf Road and Willows Road. All Commissioners voted in favor.



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FIRE ARMS RANGE - Mr. Norris requested authorization that his office do the site preparation work at the firearm range on the state-owned property at Indian Bridge Road. The Commissioners gave their authorization so that negotiations for the lease for the property can proceed.

WETLANDS PERMIT - BRETON BEACH - The Commissioners gave their concurrence to authorize Commissioner President Aud to sign the Wetlands License for maintenance dredging at the mouth of the tidal inlet off the Potomac River in St. Mary's County, as presented by the County Engineer.

ARMY CORPS OF ENGINEERS PERMIT - ST. GEORGES CREEK - The Commissioners gave their concurrence to authorize Commissioner President Aud to sign the Army Corps of Engineers permit for the maintenance dredging of the channel under the St. George's Island Bridge, as presented by the County Engineer.

TYPICAL ENTRANCE TO MINOR SUBDIVISION - Mr. Norris presented the Plan for the creation of a new standard to the County's Road Ordinance providing for a typical entrance to a minor subdivision (R-20). Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Plan. All Commissioners voted in favor.

REPLACEMENT OF PROPERTY CORNER MARKER - ST. JOHN'S ROAD  
Mr. Norris requested authorization for the expenditure of \$125 to be made payable to Mr. Jerry Caton as assistance towards the cost for the replacement of property corner markers on his property on St. John's Road on the condition that Mr. Caton would sign a release of lien for any claims.

DEEDS FOR RIGHTS-OF-WAY - MILLSTONE LANDING ROAD - Commissioner Dean moved, seconded by Commissioner Millison and unanimously carried, to accept the following Deeds for right-of-way for the reconstruction of Millstone Landing Road, as presented by the County Engineer:

1. Deed dated November 14, 1980 by and between Thomas D. Somerville and Gertrude Somerville and St. Mary's County;
2. Deed dated November 15, 1980 by and between Burch Oil Company and St. Mary's County
3. Deed dated November 24, 1980 by and between Phyllis A. Ackerman and St. Mary's County;
4. Deed dated December 2, 1980 by and between James C. and Florence B. Lanham and St. Mary's County;
5. Deed dated December 16, 1980 by and between Helen Martha Seville and St. Mary's County.



6. Deed dated April 9, 1980 by and between A. Leola Dean and St. Mary's County;

7. Deed dated November 5, 1980 by and between Stephen Chasen and Mary Ann Chasen and St. Mary's County;

8. Deed dated October 30, 1980 by and between Brent Price and Catherine Price and St. Mary's County;

9. Deed dated December 16, 1980 by and between F.W. Thomas and St. Mary's County;

10. Deed dated April 22, 1980 by and between Mary Louise Smith and St. Mary's County;

11. Deed dated April 22, 1980 by and between Alvis Kathleen Smith and St. Mary's County.

PROJECT STATUS REPORT - Mr. Norris reviewed by category the status of all the various projects of the County Engineer's Office.

NORTH INDIAN CREEK SHOPPING CENTER

Present: James M. McKay  
John Norris, County Engineer

Mr. McKay appeared before the Commissioners to request a waiver of the requirement in the Zoning Ordinance for a Storm Water Management Plan for the North Indian Creek Shopping Center. He stated that the amount of water collected from the area is minimal and that at the present there is no development downstream. Mr. McKay added that should any future development occur at this site or adjacent land that he would be willing to participate in a controlled system downstream. Mr. Norris commented that Mr. McKay's development is adjacent to a flowing stream that is close to tidal water, and that his consulting engineer should attest to the effect on downstream properties. Mr. McKay presented a letter from Lorenzi, Dodds & Gunnill indicating that there was no harmful effect.

After discussion, Commissioner Millison moved, seconded by Commissioner Dean to grant the waiver of the Storm Water Management Plan requirement of the Zoning Ordinance in that according to the engineering firm of Lorenzi, Dodds, and Gunnill, it would not have any harmful effect to the downstream community and further that not granting the waiver would only result in an additional expense to the developer. In addition the granting of the waiver would not cause any harm to the Patuxent River. All Commissioners voted in favor.



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REQUEST FOR EASEMENT ACROSS RAILROAD RIGHT-OF-WAY

Present: James M. McKay  
John Norris, County Engineer

Mr. McKay requested the Commissioners' consideration for an easement across the railroad right-of-way for access to a parcel of land he intends to deed to the Hollywood Rescue Squad for their new building site.

Commissioner Millison moved, seconded by Commissioner Arnold, grant the easement as requested by Mr. McKay. All Commissioners voted in favor.

REQUEST FOR AUTHORIZATION FOR SURVEY - LAYNON PROPERTY

Present: John Norris, County Engineer

Mr. Norris requested authorization from the Commissioners for a survey on the Laynon property relative to the reconstruction of Millstone Landing Road. The Commissioners gave their concurrence for this expenditure, with the source of funds to be determined by the Budget Officer.

STEWART ENVIRONMENTAL SYSTEMS  
PENDING PERMIT APPLICATION  
TRANSFER OF LIQUID FERTILIZER

Commissioner Dean stated that since Stewart Environmental Systems, Inc. has a permit application pending before the State Health Department, Division of Solid Waste, for the transfer of liquid fertilizer to St. Mary's County, that it would be in order that a public hearing be held in the County. Therefore, Commissioner Dean recommended that correspondence be forwarded to the State Health Department requesting that prior to any action being taken on the permit application that there be a hearing held in St. Mary's County. The Commissioners gave their concurrence.

RESOLUTION NO. 80-94  
BOARD OF EDUCATION - CAPITAL IMPROVEMENT PROGRAM

The Commissioners unanimously agreed to approve and sign Resolution No. 80-94 entitled "Board of Education Capital Improvement Program."

LEGISLATIVE ITEMS

The Commissioners reviewed and discussed several items in Category 3 portion of the Legislative Package which have not been forwarded because of the need for additional information and review.



Item No. X - Authority of State's Attorney's Investigator - Disapprove.

Item No. XV - Trailer Tax - Method of Payment - Disapprove.

Item No. XIX - Fence Requirements - Move to Category 1.

Item No. XXI - Scavenger Licenses - Move to Category 1.

Item No. XXVIII - Board of Electrical Examiners - License Requirements - Disapprove.

Item No. XXXI - Recreation and Parks - Control of Behavior - Disapprove.

Item No. XXXIII - Livestock Killed by Dogs - Application Process - Disapprove.

Item No. XXXV - Elected Board of Education - With a vote of three to two, the Commissioners agreed to disapprove this item. (Commissioner Aud, Dean and Sayre voted to disapprove with Commissioner Millison and Arnold voting to include the item)

Item No. XLII - Sale or Transfer of Lots in Unapproved Subdivisions - Move to Category 1.

The following items were postponed for discussion until a later date:

- Item No. IV - County Commissioners' Salaries;
- Item No. V - County Treasurer's Salary;
- Item No. VI - County Sheriff's Salary;
- Item No. XXXII - Retirement System - Sheriff's Deputies;
- Item No. XXXIX - State's Attorney's Salary.

REZONING DECISION DISCUSSION

CASE NO. ZONE #80-1693

JACK AND SUSAN GELRUD

Having conducted a public hearing on November 19 on the application of Jack and Susan Gelrud to rezone approximately 25.5 acres located on the south corner of the intersection of Maryland Rt. 235 and Rt. 245, Tax Map 26, Parcel 89, Sixth Election District, from R-1, Residential to C-2, Commercial, the Commissioners commenced discussion.

Commissioner Aud moved to direct the County Attorney to prepare the appropriate Resolution approving the rezoning to C-2 as requested. Commissioners Aud, Arnold and Sayre voted in favor, with Commissioner Dean voting against. Motion carried with a three-to-one vote.



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During discussion of the motion, Commissioner Dean stated that the staff prepared an extensive report and the Planning Commission made the recommendation to deny the application for rezoning and he was in favor of accepting the staff's and Planning Commission's recommendation. Commissioner Dean highlighted some of the comments in the report stating that Maryland Rt. 235 should be maintained as a viable transportation corridor and to avoid strip development. Further that the residential development that is situated to the west of Rt. 235 in this section is going to be impacted by the dualization and now the commercial development. He stated that for those two main reasons and in addition to the staff report and the Planning Commission's recommendation, that he recommended against the rezoning.

Commissioner Aud commented that when the County adopted zoning in 1974, that the Hollywood area was designated as a commercial area in the future, and that the staff recommended that the other side of the road be commercially developed. He stated that he did not see a problem with it being on the property in question.

Commissioner Sayre stated that there has been strip development along Rt. 235 toward Lexington Park and that all developers should be treated fairly.

Commissioner Arnold stated that out of the entire piece of property consisting of approximately 25 acres, only 2.29 acres can be utilized and that the deciding factor on the extent of the development is going to be the Health Department. He stated that there cannot be extensive development on the small amount of useable acreage. Commissioner Arnold stated he felt that industry is needed in the County and was therefore in favor of the rezoning application.

#### PUBLIC BUS TRANSPORTATION SYSTEM

Present: Robert Russell  
Gerald Grover  
Nancy Taylor

The referenced representatives from the Patuxent River Naval Air Station appeared before the Commissioners to express their endorsement and support of the County's participation in the Public Transportation Grant. They advised the Commissioners of the success of the commuter bus service and that ridership has increased significantly.



EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel (consideration of appointments to Boards, Committees and Commissions.) The Session was held from 3:15 p.m. to 5:30 p.m.

The meeting adjourned at 5:30 p.m.

Approved,



George R. Aud  
President