

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 2, 1981

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 9:10 a.m.

SEWERAGE CONNECTION ALLOCATION
WARING MOTEL - NORTH OF CHANCELLORS RUN ROAD

Present: Tom Waring

In accordance with the Sewage Allocation Policy adopted by the County Commissioners, Mr. Waring appeared before the Commissioners to request 34 EDU's in the Pine Hill Run Sanitary Treatment Plant. Mr. Waring presented a letter dated May 28, 1981 from the Metropolitan Commission advising that there is sufficient capacity at the Treatment Plant in that since November 25, 1980 11 EDU's have been allocated out of a total of 483 available EDU's.

Commissioner Dean moved, seconded by Commissioner Sayre, to grant the requested 34 EDU's to Mr. Waring for his proposed motel. All Commissioners present voted in favor.

APPROVAL OF VOUCHERS

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

ST. MARY'S RIVER WATERSHED PROJECT - SITE NO. 2

The County Administrator advised that a problem has arisen with regard to the relocation of the utility lines at the Watershed Project No. 2. He stated that the State and Federal Governments have invested several million dollars in this project and the moving of these lines is the holdup factor at this point. Therefore, Mr. Cox submitted a letter to Southern Maryland Electric expressing the County's continued support of this project. The Commissioners agreed to sign and forward said letter.

RESIDENT MAINTENANCE REPORT

Present: John D. Raley, Resident Maintenance Engineer

Mr. Raley presented his monthly report on the status of various road, drainage and sign projects in the County and received input from the Commissioners as to additional areas of concern.

TRANSFER OF SECURITIES

On behalf of the Director of Finance, the County Administrator presented correspondence to be signed by the Commissioners, the County Administrator and the Director of Finance addressed to the Federal Reserve Bank granting the County's approval for the release of Municipal Bond Securities to the Mercantile Savings Deposit and Trust Company. The Commissioners gave their concurrence to sign said letter.

CLEARINGHOUSE PROJECT NO. 81-5-908
NUTRITION AND COMMUNITY SERVICES PROGRAM

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

REQUEST FROM BOARD OF EDUCATION
WAIVER OF SITE PLAN REVIEW FEE

The County Administrator presented correspondence from the Board of Education requesting a waiver of the \$150 Site Plan Review fee for the Northern District Special Education Facility. The Commissioners gave their concurrence.

POLICY MEMORANDUM NO. 81-1
PERSONAL USE OF COUNTY OWNED VEHICLES

The County Administrator presented the referenced Policy Memorandum which clarifies Policy Memorandum No. 80-2 restricting the personal use of County-owned vehicles to travel to and from home and work site. These clarifications are as follows:

1. As a general rule, unless approved otherwise by the Department Head, no County-owned vehicle is to be driven to and from home and worksite. Vehicles will be parked at designated areas and used only during work hours.
2. Those employees authorized to commute in a County-owned vehicle will be required to reimburse the County at an established mileage rate. The currently approved rate is 18¢ per mile.

3. Certain vehicles are assigned to individuals for both business and unreimbursed personal use (e.g. Sheriff's Deputies), but no unauthorized person is permitted in the vehicle. This will avoid insurance liability.

Mr. Cox stated that if approved, the Policy Memorandum will be forwarded to all spending units.

The Commissioners agreed to postpone a decision on this matter until next week when a full Board was present.

REQUEST FOR WAIVER OF BUILDING PERMIT FEE

The County Administrator presented a letter dated May 19, 1981 from the pastor of the Lexington Park Baptist Church requesting a waiver of the building permit fee for the placement of a mobile classroom. It was the recommendation of the Director of the Office of Planning and Zoning that the waiver be granted.

Commissioner Aud moved, seconded by Commissioner Arnold, to grant the requested waiver. All Commissioners present voted in favor.

APPROVAL OF VOUCHER

ESTIMATE NO. 1

ASPHALT OVERLAY PROJECT - PROJECT NO. SM 81-1-6

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 036975 payable to Dean Construction Company in the amount of \$135,500.71 for the referenced project. The Commissioners gave their concurrence for approval of payment.

FINAL PAYMENT

HEATING/AIR CONDITIONING SYSTEM AT COURTHOUSE

Present: John Norris, County Engineer

Mr. Norris presented the request for final payment from D. Brooks Cross for the preparation of the specifications and drawings of the heating and air conditioning system at the Courthouse in the amount of \$2,000. The Commissioners gave their concurrence for approval of payment.

APPROVAL OF PAYMENT

CATCH BASIN FOR BUNKER HILL DRIVE

Present: John Norris, County Engineer

Mr. Norris presented a request for payment in the amount of \$592.00 to Jim Mayonado for the construction of a catch basin on Bunker Hill Drive in Patuxent Park Subdivision. The Commissioners gave their concurrence for payment.

STREET LIGHT CHANGE ORDER
STATE ROUTE 2 AND 4

Present: John Norris, County Engineer

Mr. Norris presented the referenced Street Light Change Order to the contract dated July 31, 1974, in the amount of \$28.14 at the location of State Route 2 and 4 as it intersects with Kingston Creek Road, north and south Patuxent Beach Road.

The Commissioners gave their concurrence.

NORTH INDIAN CREEK ESTATES
IRREVOCABLE LETTER OF CREDIT

Present: John Norris, County Engineer

Mr. Norris stated that with regard to discussion at last week's meeting regarding the Irrevocable Letter of Credit becoming due, Mr. Guyther submitted a letter dated June 1, 1981 enclosing a personal check in the amount of \$5,140 to replace the Letter of Credit and to cover the balance of the road work that is to be done at North Indian Creek Subdivision. Mr. Guyther stated that his own contractor would perform the work which will be completed by June 25 and requested that the amount be returned to him upon completion. The County Engineer stated that the personal check will be converted to a cash deposit in the County's name until such time as the work is completed. The Commissioners gave their concurrence.

BIRCH MANOR SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris advised that there are a number of items to be completed on the roads in Birch Manor Subdivision and the developer, Hugh Allston, has submitted by letter dated May 28, 1981 the amount of \$5,000 by Certified Check and requesting the County to complete the work. Mr. Norris advised that if approved, the Rental Contract would be used. The Commissioners gave their concurrence.

ACCEPTANCE OF DEEDS FOR VILLA ROAD

Present: John Norris, County Engineer

Mr. Norris presented the following Deeds for acceptance by the Commissioners for a 50-foot right-of-way for the reconstruction of Villa Road:

1. Deed dated June 2, 1981 by and between Richard L. Smith and Mary T. Smith and the Board of County Commissioners;
2. Deed dated June 2, 1981 by and between William Raley and the Board of County Commissioners.

In addition, Mr. Norris advised that a third Deed by and between Mr. R. Wimberly and the Board of County Commissioners is expected to be received shortly and therefore requested approval by the Board to give authorization to Commissioner President Aud to sign all three Deeds.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the three referenced Deeds. All Commissioners present voted in favor.

PROJECT NO. SM 81-1-10
SURFACE TREATMENT SEAL COAT

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended that the contract be awarded to Dean Construction Company, the only bidder, in the amount of \$244,825.00. He stated that two other firms picked up specifications but did not submit a bid.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept the County Engineer's recommendation. Three Commissioners voted in favor, with Commissioner Dean abstaining.

INSPECTION SERVICES
SURFACE TREATMENT PROJECT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the referenced project is in need of inspection services and recommending utilizing the services of George Payne as he is familiar with the Surface Treatment Project. The Commissioners gave their concurrence to hire Mr. Payne for this service at the rate of \$11 per hour and 18¢ per mile.

REVIEW OF COUNTY ENGINEER PROJECTS

Present: John Norris, County Engineer

Mr. Norris reviewed the status of 21 projects in his office and during the review pointed out to the Commissioners which projects have inspectors and those that are in need of inspection services, and made the following requests:

1. Rental Contract - To utilize the services of J.B. Love at the rate of \$6.00 per hour;

2. Various construction projects - Recreation and Parks Shelter Building, Piney Point Bulkhead and dredging project at St. Jerome's Creek - Inspection services at \$6.00 per hour. Inspector unnamed at this time. The Commissioners gave their concurrence.

PROPERTY DISPOSITION - OAKVILLE LANDFILL

Present: John Norris, County Engineer

Mr. Norris recommended to the County Commissioners the disposition of certain property, which was formerly an entrance from Rt. 235 to the Oakville Landfill. The Commissioners directed Mr. Norris to implement the County's disposition procedures.

PRECIOUS METAL - GEM DEALERS
HIGHWAY TRAFFIC ACCIDENTS

Commissioner Dean discussed with the Commissioners correspondence from the Sheriff notifying the Emergency Operations Center that his Department will handle all motor vehicle accidents that come into the EOC on the County's telephone lines. He stated that he has some concern regarding this in that this is one of the primary areas of responsibility of the Maryland State Police which is State-funded. He further mentioned that the assumption of this responsibility by the Sheriff's Department points in the future to more manpower and more dollars. Therefore, Commissioner Dean suggested the matter of the Sheriff's letter regarding traffic accidents and the proposed Resolution regarding the chief police agency handling the matter of precious metals and gem dealers be discussed next week with the appropriate parties (Sheriff Somerville, Lt. Miedzinski, and Tom Oliver, Director of EOC). The Commissioners concurred with this recommendation.

MARYLAND ROCK INDUSTRIES
PROPOSED DREDGING PROJECT

Commissioner Sayre discussed with the Commissioners correspondence from the Watermen's Association and The Five Man Tongers Committee of St. Mary's County expressing their concern with regard to the proposed dredging of a channel at Medley's Neck for Maryland Rock Industries. Inasmuch as the proposed channel is within an oyster bar and clam bar area as well as fish net locations, they expressed concern that with the dredging and boat traffic, the silt would have a detrimental effect on the seafood industry.

Commissioner Dean advised that the Maryland Annotated Code provides that where Conditional Use Permits (Maryland Rock is requesting a Conditional Use) are required for any land use, the right to decide this is vested in the Board of Appeals.

After discussion, the Commissioners agreed to contact the members of the Board of Appeals to impress upon them the importance of this project as it relates to the Watermen.

PROCLAMATION NO. 81-52
RECREATION AND PARKS VOLUNTEER APPRECIATION DAY

Present: John V. Baggett, Director, Recreation and Parks
Mary Ruth Horton, R & P Board

The Commissioners presented the referenced Proclamation designating June 6, 1981 as Recreation and Parks Volunteer Appreciation Day.

COMMENDATION TO CHARLES HEWITT AND OTHER AWARDS

Present: Charles Hewitt

The Commissioners presented a Commendation to Mr. Charles Hewitt for his accomplishments in the development of appreciation of the Arts in St. Mary's County.

Mrs. Mary Ruth Horton presented to Mr. Hewitt the Second Annual Arts Award from the Maryland Recreation and Parks Association.

Also presented to Mr. Hewitt, a commendation from the Governor of Maryland recognizing Mr. Hewitt for his outstanding services to the citizens of the State.

HISTORIC DISTRICT COMMISSION
PROPOSED AMENDMENTS

Present: Frank Gerred, Director, Office of Planning and Zoning
Linda Bronsdon, Assistant Planner
Alfred Dillow, Chairman, Historic District Commission
Elmer Olson, Member, " " "
Mr. and Mrs. Charles Young
Mr. and Mrs. Roger Chandler

Commissioner Dean explained that the purpose of this meeting was to clarify certain questions raised by the Commissioners concerning the Historic District Amendments proposal and recommended that the Commission present a brief explanation of what the proposal does and how it differs from what is in existence today.

Mr. Dillow explained the history of the Historic District Section of the County Zoning Ordinance and the fact that the amendments have been in process for several years.

Ms. Bronsdon went on to explain the changes and stated that they were meant to simplify and clarify what is already in the Ordinance. She stated that currently only the Historic District Commission, the Planning Commission and the County Commissioners can recommend an Historic District. With the proposed amendments, an individual can apply for rezoning to be in an Historic District. She stated that the Historic District Commission adopted a policy stating that property would not be processed for an Historic District unless a majority of the property

owners were in favor of it. She stated that the amendment would increase the degree of public involvement.

Mr. Young pointed out that he and Roger Chandler served on an ad hoc committee to review the proposed changes, offered suggestions for its clarification which were implemented for the most part into the proposed amendments. He further stated that the revisions would make the Ordinance more clear and would eliminate some of the objections raised by some of the citizens.

In response to an inquiry from Commissioner Arnold, Ms. Bronsdon explained that if an individual did not want to be included in an Historic District that boundary lines could be drawn around that particular property. She stated that there was a possibility that the property would be included but it would not be likely to happen.

Mr. Chandler pointed out that he was still opposed to an Historic District in St. Mary's City. He stated that successful historic districts that he has seen, i.e., Nantucket, Frederick, etc., are all in business districts, not in residential areas. He suggested that St. Mary's County should consider the same.

In conclusion, Mr. Gerred advised that these amendments are an improvement to the Zoning Ordinance by clarification and simplification of what is already in the Ordinance.

MARYLAND CERTIFIED COUNTIES PROGRAM

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred reported to the Commissioners on the status of his office's efforts with regard to the Maryland Certified Counties Program. He stated that the available industrial sites have been accomplished as well as the County Inventory. Mr. Gerred advised that there will be a workshop on Economic Development on June 16 in Columbia, Maryland.

Mr. Gerred stated that there are two additional items that the County needs to do in order to become a Certified County.

1. Establish a Development Team consisting of individuals involved in: Finance, Transportation, Utilities, Government Taxes, Labor, Existing Industry, Retail Business, Legal Real Estate and other areas. Mr. Gerred advised that a suggested list of members has been developed for the Commissioners' review and comments.

2. Request the Chamber of Commerce to work with the Office of Planning and Zoning in establishing an Industrial Retention Program and meet with representatives of existing industries in the County to determine what their problems are and how the County can help to make them grow in the County.

RADIOLOGICAL EMERGENCY PREPAREDNESS

Present: Tom Pritchett, Baltimore Gas & Electric
Steve Jones, " " "
Irving Bean, " " "

The referenced representatives from Baltimore Gas & Electric appeared before the Commissioners to make a presentation with regard to the Radiological Emergency Preparedness Plan as it relates to the Calvert Cliffs Nuclear Power Plant. Mr. Pritchett stated that safety is BG&E's first priority and today's discussion would be with regard to readiness in the case of an accident at Calvert Cliffs.

By way of a slide presentation, Mr. Jones depicted the Plume Zone around the Calvert Cliffs and explained the types of accidents that could occur, evacuation procedures should an accident occur, and the constant monitoring of the facility.

After the slide presentation, discussion ensued as to adequate notification to the public within the Plume Zone, particularly the schools. The Commissioners agreed that proper public education was necessary.

The Commissioners thanked the representatives of Baltimore Gas & Electric for their presentation and offered their cooperation in any way possible.

AQUAFOODS INTERNATIONAL, INC.
ADJUDICATORY HEARING

The County Administrator advised the Commissioners that there will be an Adjudicatory Hearing on Tuesday, June 9 at 1:00 p.m. at the Episcopal Church in Valley Lee conducted by the Water Resources Administration on the request by Aquafoods International Inc. for additional groundwater use. WRA has indicated that a positive decision would be made on that request.

Commissioner Dean recommended that the WRA be requested to delay its decision until the information being gathered through the studies of the Aquia and Piney Point Aquifers is received. Commissioner Dean also stated that there were several questions raised at last week's meeting with concerned citizens that need to be answered:

1. Does the Open Meetings Law apply to state agencies meeting in the County?

2. The citizens present last week mentioned that they were unable to obtain a copy of the Administrative Procedures Act. Is a copy available?

3. Can a Water Appropriation Permit be transferred from one to another?

4. What about indemnification of users?
5. Will the Commissioners request that the June 9 hearing be postponed?
6. What input would there be from the Aquia/Piney Point Aquifers studies?

Commissioner Dean stated that the comments of the citizens should be taken into consideration by WRA.

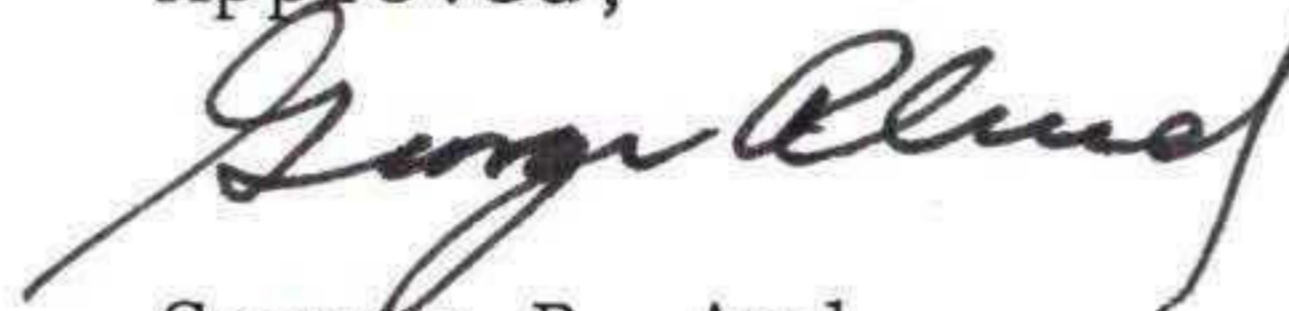
Commissioner Sayre moved that the Commissioners write a letter to Water Resources Administration requesting that the June 9 hearing be delayed for two months.

The motion died for lack of a second.

Commissioner Dean stated that Commissioner Sayre and those individuals who appeared last week were correct in that there should be no decision made on the Aquafoods International, Inc. application for an additional groundwater appropriation until there is available to the WRA the results of the study of the Piney Point and Aquia Aquifers. Therefore, Commissioner Dean moved, seconded by Commissioner Arnold, to indicate to WRA that as they consider and review the application for the appropriation permit that there be no final decision made until such time as the study is available and the information evaluated and considered along with the other evidence. Three Commissioners voted in favor with Commissioner Sayre abstaining because he would like a delay of two months for the hearing.

The meeting adjourned 3:45 p.m.

Approved,



George R. Aud
President