

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 7, 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.

APPROVAL OF VOUCHERS

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

FENCE AT BUSHWOOD WHARF

The County Administrator presented correspondence for the Commissioners' signatures addressed to Dr. James Boyd regarding the location of the fence at Bushwood Wharf. The Commissioners agreed to sign and forward said letter.

APPOINTMENT OF HOUSING COUNSELOR - HOUSING AUTHORITY

The County Administrator presented a memorandum dated June 30, 1981 from the Personnel Officer recommending the appointment of Sandra E. Johnson to the position of Housing Counselor, Grade 8, effective July 6, 1981. Commissioner Arnold moved, seconded by Commissioner Dean, to appoint Ms. Johnson as set forth above. All Commissioners voted in favor.

APPOINTMENT OF OFFICE SECRETARY I  
PERSONNEL OFFICE

The County Administrator presented a memorandum dated July 2, 1981 from the Personnel Officer recommending the appointment of Evelyn Wood to the position of Office Secretary I, Grade 7 in the Personnel Office, effective August 3, 1981. Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. All Commissioners voted in favor.

BOARDS, COMMITTEES AND COMMISSIONS  
REAPPOINTMENTS

Commissioner Dean moved, seconded by Commissioner Arnold, and unanimously carried, to appoint the following individuals to Boards, Committees and Commissions with terms as indicated:



JOHNSONGRASS COMMITTEE

TERM TO EXPIRE

Tommy Bradburn	June 30, 1982
Franklin Hewitt	June 30, 1982
James R. Owens	June 30, 1982
R. Johns Dixon	June 30, 1982
Vernon Saunders	June 30, 1982
Aloysius Raley	June 30, 1982
Douglas Bowles	June 30, 1982

MENTAL HEALTH/ALCOHOLISM ADVISORY COUNCIL

Dr. Patrick Pierce	June 30, 1984
Donald O'Neal	June 30, 1984
Richard Reisman	June 30, 1984
Rev. Richard Simpson	June 30, 1984
Lt. Judy Vanicar Semones	June 30, 1984

PLUMBING BOARD

Vernon Saunders	June 30, 1984
James T. Tennyson	June 30, 1984

ST. MARY'S COUNCIL ON CHILDREN AND YOUTH

Brian Mattingly (Youth Representative)	June 30, 1982
Greg Fant (Youth Representative)	June 30, 1982

TRI-COUNTY GROUP HOME BOARD

Mrs. G. Bradford Reeves	June 30, 1984
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ECONOMIC DEVELOPMENT COMMISSION

William Curtis	June 30, 1984
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STORAGE OF RETRIEVED STOLEN GOODS

Commissioner Arnold reported that he had made a visit to the County Jail at the request of Deputy Carter and was made aware of need for a storage place for stolen goods that have been retrieved amounting to approximately \$10,000 to \$12,000. Once the Sheriff's Department has taken custody of these goods they are responsible for it until it is returned to their rightful owner.

The County Administrator advised that as of July 1, 1981 the County has taken over the use of the Leonardtown Armory and there is a weapons room that has a burglar alarm. He stated that the Sheriff has been advised that he could use this room for the storage of these goods.



APPLICATION FOR PROJECT GRANT  
ELDERLY CITIZENS ACTIVITIES CENTER

Present: Billye McGaharn, Senior Services Coordinator

Mrs. McGaharn presented the referenced Grant Application in the amount of \$200,000 for Phase II of the renovations of Building No. 2 for a Senior Citizens Activity Center. Also presented was correspondence for the Commissioners signatures restating the County's commitment of Building No. 2 as local match toward the \$200,000 state building program. The commitment for use of the building is for a period of 15 years. The letter also requested state funds to perform an architectural/engineering analysis of Building No. 2.

Later in the meeting after the Commissioners' review of the referenced application and letter, Commissioner Sayre moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the Application and to sign and forward said letter.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel. The Session was held from 9:40 a.m. to 10:05 a.m.

NAACP/COMMUNITY AFFAIRS COMMITTEE  
ST. MARY'S COUNTY  
EQUAL EMPLOYMENT OPPORTUNITY  
AFFIRMATIVE ACTION PLAN

Present: Donald Curtis, NAACP Community Affairs Committee  
Larry Davis, " " " "  
William Greene, " " " "  
Edward V. Cox, County Administrator  
Gerda Manson, Personnel Officer  
Robin Guyther, Assistant Planner  
(Other interested citizens)

As a follow up to the presentation and recommendations made by the NAACP/Community Affairs Committee on June 9, 1981, County staff presented and reviewed by way of a report and charts St. Mary's County's Equal Employment Opportunity and Affirmative Action Plan. A copy of the report is on file in the Commissioners' Office. Also presented was a proposed response to the NAACP/Community Affairs Committee's Report of June 9, 1981, a copy of which is on file in the Commissioners' Office.

Representatives of the NAACP/Community Affairs Committee discussed with the Commissioners the June 9 report by the NAACP and the July 7, 1981 report by County staff.



NAACP/COMMUNITY AFFAIRS COMMITTEE (Cont'd)

During discussion several issues were raised concerning the County's Equal Employment Opportunity and Affirmative Action Policy Implementation.

The Commissioners agreed to review the referenced reports and issue a statement on August 4, 1981. Prior to the issuance of the statement, it will be delivered to the Community Affairs Committee for their review and input.

(Commissioner Sayre left meeting - 11:30 a.m.).

SPSP 81-0870 - PARAGON BUILDERS

Present: Frank Gerred, Director, Office of Planning & Zoning  
Eddie Wettengel, Developer, Wildewood

Mr. Gerred presented the referenced Simplified Site Plan for the relocation of the real estate sales office off of Route 235 adjacent to the new entrance to Wildewood Boulevard (Tax Map 34, Part of Parcel 292). The property is zoned industrial and requires Commissioner approval.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve the referenced Site Plan. Commissioner Dean abstained. Motion carried.

(Commissioner Sayre returned to the meeting at 1:30 p.m.).

ECONOMIC IMPACT FEE/RECREATION AND PARKS FEE  
BURNT MILLS SUBDIVISION - PRUITT PROPERTY

Present: Oliver Guyther  
Mrs. Pruitt  
Frank Gerred, Director, Office of Planning & Zoning

Mr. Guyther stated that the purpose of this meeting was to appeal the decision by the Director of Planning and Zoning to withhold issuance of the building permit for Mrs. Pruitt's property pending receipt of the Economic Impact Fee and Recreation and Parks fee.

The issue in this case was whether the Pruitt property could be a subdivision under the Minor Subdivision Regulations or Farmstead provision as it relates to the construction of new roads or lanes. A resolution to the matter was offered by Commissioner Dean who moved, seconded by Commissioner Arnold, that:



ECONOMIC IMPACT FEE/RECREATION AND PARKS FEE (Cont'd.)

1. In this instance, Mr. Guyther would be allowed to subdivide the Pruitt property and one additional 15 plus acre parcel under the Farmstead provision, but that any further subdivision in this location beyond the constructed limits of the existing road must be done under the Subdivision Regulations;

2. In order to prevent a recurrence of similar situations in the future, the Director of Planning and Zoning was instructed to draft a revision to the Farmstead provision of the Zoning Ordinance so as to clearly state when a new road comes into existence.

All Commissioners voted in favor.

SOUTHGATE SUBDIVISION (DEPLATTING)

Present: Oliver Guyther  
Frank Gerred, Director, Planning and Zoning

Mr. Guyther reviewed with the Commissioners the plat of the Southgate PUD and the subsequent deplatted version and requested the Commissioners' consideration for the dissolution of the three public works agreements and accompanying surety bonds. He stated that because of the Navy's Aircraft Overflight Areas in the vicinity of Southgate, the Federal Government has filed condemnation proceedings for a certain portion of this property. He further stated that the owner of this property HOLD-IT, Inc., which acquired Mr. John Imbers' interest, had agreed to deplat the property.

During discussion of this matter, Mr. Guyther inquired as to what would become of the PDR-4.2 zoning of that property. He stated that if the zoning reverted back to the original zoning of Agricultural-Residential, he would not be able to prove change in the neighborhood or mistake in zoning if he wanted to do something commercial with the property.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, that the Commissioners approve the dissolution of the three Public Works Agreements, each dated October 31, 1979, by and between Southern Maryland General Contractors, Inc. and St. Mary's County, Maryland said Public Works Agreements covering Southgate Subdivision, Sections I, II, and III; further to negate the requirement of the Surety Bonds for each Public Works Agreement and further to leave unanswered and unresolved at this point in time the status of the zoning category of the property that the Public Works Agreements affected. All Commissioners voted in favor.



SHIFT PAY DIFFERENTIAL - SHERIFF'S DEPUTIES

Present: Roger Myerberg, Attorney representing deputies and FOP  
Representatives of Sheriff's Deputies

Mr. Myerberg, on behalf of the Sheriff's Deputies and the FOP, appeared before the Commissioners to request that adjustments be made in the deputies' pay to reflect shift pay differential that has been in effect since 1975. Mr. Myerberg presented comparisons indicating the Communications Clerks shift pay differential to the Sheriff's Deputies dating back to 1975 and stated that adjustments should be made so that all employees are treated equally. Mr. Myerberg referred to Chapter 6.0601 of St. Mary's County's Personnel Policies and Procedures relative to the County's pay plan being "based on the principle for equal pay for equal work".

After discussion the Commissioners agreed that they will give consideration to the request and make a decision within two weeks' time.

PORTABLE TOILETS - PUBLIC WHARVES

Present: John Baggett, Director, Recreation and Parks

As a follow up to action taken on May 12, 1981 regarding the awarding of contracts for the placement of portable toilets at public wharves, Mr. Baggett recommended that Forest Landing be included, which would revise the contract from \$4,730 to \$5,000.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept this recommendation. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 2:45 p.m. to 3:15 p.m.

BID TALLY SHEET - PROJECT NO. SM 82-7-1  
LANDFILL - PICKUP TRUCK

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the project to Bell Motor Company in the amount of \$5,500, which includes trade-in.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept this recommendation. All Commissioners voted in favor.



APPROVAL OF VOUCHER  
PROJECT NO. SM 81-4-8  
RECREATION SHELTER BUILDINGS

Present: John Norris, County Engineer

Commissioner Arnold moved, seconded by Commissioner Dean, to approve payment of Voucher No. 037396 payable to Riverside Builders, Inc. for Payment No. 1 for the recreation shelter buildings in the amounts of \$2,220, \$2,220, and \$2,220 as recommended by the County Engineer. All Commissioners voted in favor.

APPROVAL OF VOUCHER  
CONTRACT RENTAL SERVICES

Present: John Norris, County Engineer

Commissioner Dean moved, seconded by Commissioner Arnold, to approve Voucher No. 037522 payable to B.F. Asher Company in the amounts of \$1,672.29, \$16,228.57, and \$27,862.67 for rental contract services, as recommended by the County Engineer. All Commissioners voted in favor.

EXTRA WORK ORDER AUTHORIZATION  
SURFACE TREATMENT AT GOLDEN BEACH

Present: John Norris, County Engineer

Mr. Norris presented an Extra Work Authorization in the amount of \$80,000 to Dean Construction Company for Project No. 81-1-10 which includes the addition of Bohle Road and Cat Creek Road in the surface treatment project at Golden Beach and requested the Commissioners' approval.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve said Extra Work Order. All Commissioners voted in favor.

RENOVATIONS OF DISTRICT COURT

Present: John Norris, County Engineer

Mr. Norris presented correspondence for Commissioner President Aud's signature to the Department of General Services setting forth the responsibilities of the state and county concerning the renovations of District Court.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said letter. All Commissioners voted in favor.



SALE OF COUNTY PROPERTY  
ADJACENT TO OAKVILLE LANDFILL

Present: John Norris, County Engineer

Mr. Norris stated that the County Attorney brought to his attention that the deed for County property being advertised for sale on Thursday adjacent to the Oakville Landfill includes in addition to the 50 foot right-of-way another one and a half acres and inquired if the Commissioners still wanted to proceed with the sale.

After discussion the Commissioners agreed that the property was not needed for the landfill operation and agreed that the sale should continue.

SOCIAL SERVICES OFFICE FACILITIES

Present: John Norris, County Engineer

Mr. Norris stated that his office had been directed to prepare the concept plan for the Social Services offices to be located at the Leonard Hall School property and a problem that potentially exists is whether or not there is adequate sewage capacity for this facility. The cost to make this determination is approximately \$1,000 and the question before the Board is whether the County would advance these funds for the study. The Department of Human Resources will reimburse the County if the project for the Social Services facility goes forward.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to advance \$1,000 for the study to determine whether there is adequate sewage capacity at the Leonard Hall property to accommodate the Social Services building. All Commissioners voted in favor.

ARMY CORPS OF ENGINEERS PERMIT  
MAINTENANCE DREDGING - BRETON BEACH

Present: John Norris, County Engineer

As recommended by the County Engineer, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Army Corps of Engineers Permit for the maintenance dredging of the channel near Breton Beach. All Commissioners voted in favor.



SPECIAL TAXING DISTRICT  
OVERCUP DRIVE - HOLLY COURT  
TOWN CREEK SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris presented the cost estimates for the establishment of a special taxing district for the reconstruction of the referenced roads and requested direction from the Commissioners as to whether interest should be charged to the property owners. After discussion it was agreed that because the County would not have to borrow money for the construction of the roads, no interest will be charged.

Mr. Norris will schedule the public hearing for July 21 to be held at a Town Creek Elementary School to discuss the cost estimates with the property owners.

DRAFTSMAN POSITION  
COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Mr. Norris requested approval by the Commissioners that the Draftsman position he requested for his office be set at a Grade 11. The Commissioners directed Mr. Norris to have the Personnel Officer review the position and return to the Commissioners for approval.

230 KV TRANSMISSION LINE

Present: Frank Gerred, Director, Office of Planning and Zoning  
Charles Weible, SMECO

Mr. Gerred and Mr. Weible appeared before the Commissioners to discuss the public meeting that occurred June 30 at the Governmental Center concerning the 230 KV Transmission Line and further to bring the Commissioners up to date as to the status of the project. Mr. Gerred stated that approximately 50 people attended the meeting. Because the surveyor has been working on the project for acquisition of rights-of-way, renewed concerns by North Town Creek residents have been raised.

The Commissioners reviewed with Mr. Weible the selected route and discussed possible difficulties in obtaining some of the rights-of-way.



REZONING DECISION DISCUSSION

CAL-ACRES - ZONE #81-0267

Present: Frank Gerred, Director, Office of Planning & Zoning  
Peggy Childs, Recording Secretary

Having conducted a public hearing on June 16, 1981 on the application to rezone approximately 27.36 acres located on Patuxent Beach Road, Eighth Election District on Tax Map 34, Block 17, a portion of Parcel 463 from R-1, Residential, to R-2, Residential, the Commissioners commenced discussion.

Commissioner Dean presented his findings in the case as follows:

Consideration of the pertinent facts in this case reveals that:

1. Subject property consists of approximately 7.0 acres which is part of a 50.832 acres parcel of land purchased on September 23, 1969 by Cal Acres, Inc.
2. Prior to May 28, 1974, the date of the adoption of the Comprehensive Zoning Ordinance, there was approved by the County record plats for the subdivision of portions of the 50.832 acre parcel into the residential subdivision known as Cal Acres. Section 1 was approved in 1969 and Section 2 in 1973. The thirty-six lots contained in Sections 1 and 2 were approved at a size of approximately one-half acre each.
3. Given the uncertainty as to the location of the access road to the proposed Thomas Johnson Bridge, the Planning Commission refrained in 1973 from approving any plan of subdivision for the subject 7.0 acre parcel - believing that the bridge access road may impact upon it.
4. In 1974, with the adoption of Comprehensive Zoning, the Cal Acres subdivision and the subject property were zoned R-1 which requires minimum lot sizes of one (1) acre.
5. The ultimate construction of the bridge access road was at a location removed from the Cal Acres Subdivision. The former Patuxent Beach Road which serves as the access road to the Cal Acres subdivision is no longer a through road and exists today merely as a service road through a residential area.
6. The St. Mary's County Health Department has determined the satisfactory suitability of the soils of the subject property for on-site sewage disposal via septic systems.



REZONING DECISION DISCUSSION (Cont'd.)  
CAL-ACRES - ZONE #81-0267

7. The Planning Commission and the Office of Planning and Zoning have recommended in favor of the requested rezoning.

In consideration of the above facts, the Board finds that the requested rezoning of R-2 to be approved. The basis for this decision being:

1. The pattern of development into one-half acre lots was clearly established in the approval of Sections 1 and 2.
2. The further approval of the subdivision of the subject parcel was delayed through indecision of the State in identifying the location of the bridge access road.
3. The above constitutes a mistake in originally zoning the Cal Acrea subdivision and the subject property R-1 -- such action failed to recognize the already established nature of the property and character of the immediate neighborhood.
4. A case is also made for a change in the neighborhood wrought by the location of the bridge access road away from the subject property and subsequent conversion of the former Patuxent Beach Road into service, dead-end road.

Commissioner Arnold moved, seconded by Commissioner Sayre, that the above be forwarded to the County Attorney for preparation of the appropriate Resolution. All Commissioners voted in favor.

BAY INTERCEPTOR SEWER LINE COMMITTEE

Commissioner Dean moved, seconded by Commissioner Arnold, to appoint Capt. T.N. Flanary to the Bay Interceptor Sewer Line Committee. All Commissioners voted in favor.

LEASE AGREEMENT - LEONARDTOWN ARMORY

The County Administrator presented the Lease Agreement for the Leonardtown Armory which is on a month-by-month temporary basis. He stated that it would continue on this basis until such time as final details are resolved for a more permanent agreement. The Commissioners agreed to sign same.

The meeting adjourned at 4:25 p.m.

Approved,

  
George K. Aud  
President