

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 8, 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 at the opening of the meeting.)

The meeting was called to order at 9:10 a.m.

APPROVAL OF VOUCHERS

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

BUDGET AMENDMENT NO. 82-9
COUNTY ENGINEER
PURCHASING AND LOGISTICS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Officer as follows:

Increase Account No. 1091-27610 (Exterminating) by \$650;
Decrease Account No. 1092-27610 (Exterminating) by like amount.

Commissioners Dean moved, seconded by Commissioner Arnold, to approve said Budget Amendment. All Commissioners present voted in favor.

LETTERS OF APPRECIATION

The County Administrator presented correspondence for the Commissioners' signatures to Mr. Claude Clarke and Mr. Joseph Gill for their cooperation in apprehending the suspect who attempted to extort money from St. Mary's Ice and Fuel.

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APPOINTMENT
HUMAN RELATIONS COMMISSION

Commissioner Aud moved, seconded by Commissioner Arnold, to appoint Rev. Charles H. Muzzey to the Human Relations Commission for a term to expire June 30, 1984. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: George Smith, Director, Nursing Home
Nursing Home Board Members
Edward V. Cox, County Administrator
Joseph P. O'Dell, Budget Officer

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 9:35 a.m. to 11:00 a.m.

CEDAR POINT LIGHTHOUSE

Present: Beth McCoy
Lorraine Boyd
Alfred Dillow
Al Bingman

As a follow-up to previous discussion at their June 9, 1981 meeting regarding the removal of the cupola from the Cedar Point Lighthouse, the Commissioners agreed to appoint the following individuals to the Friends of the Cedar Point Lighthouse to undertake the task:

Beth McCoy, Lorraine Boyd, Roger Boh, Alfred Dillow, and Robert Gabrelcik.

In conclusion, the Commissioners offered their assistance in any way possible in this project.

PRESS CONFERENCE

Present: Matt Kaye, WKIK
Betty Stilt, 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 - ZONE #81-0696
TEXT CHANGES TO THE ZONING ORDINANCE

Present: Frank Gerred, Director, Office of Planning & Zoning
James Kenney, Attorney
Buddy Hawk, Intern with Briscoe, Kenney and Kaminitz
Anita Meridith, Recording Secretary

The Commissioners conducted a public hearing on the following text amendments to the Zoning Ordinance:

- (1) Article 31.00.2.j and 32.01.3.d - change to read: "extraction of natural resources under five acres, per Article 5."
- (2) 31.00.4.1 and 32.01.5.k - change to read: "Extraction of natural resources over five 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) 34.05.4.c - change to read: "Service Garage."
- (5) 34.05.4.d - delete the words: "and service."
- (6) 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."
- (7) 48.03.4 - delete the words "The Board of Appeals" and substitute "The Zoning Administrator" in the first line.
- (8) Delete 48.03.4.b.
- (9) Change 49.04.2 and 79.04.3; add 64.00.9 and change 64.01.3 to standardize notification procedure for Board of Appeals cases.
- (10) 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."
- (11) 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 and exceeded."

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

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APPROVAL OF VOUCHER - TITLE FEE FOR PAK-MOR TRANSFER TRAILER

Present: John Norris, County Engineer

The County Engineer submitted Voucher No. 038422 in the amount of \$4.00 payable to State Motor Vehicle Administration for the Title Fee for the Pak-Mor Transfer Trailer. The Commissioners concurred in the approval of payment.

PROJECT NO. 81-1-7
WILLOW RUN FARM (TUBMAN-DOUGLAS)
CHANGE ORDER NO. 1

Present: John Norris, County Engineer

Mr. Norris presented Change Order No. 1 for the referenced project in the amount of \$1,750 payable to D.H. Steffens Company to be financed totally by a grant from the Department of Housing and Urban Development. The Commissioners gave their approval of said Change Order and authorized Commissioner President Aud to sign same.

DUALIZATION OF ROUTE 235
HOLLYWOOD TO ST. ANDREWS CHURCH ROAD

Present: John Norris, County Engineer

Mr. Norris brought to the Commissioners' attention the fact that Southern Maryland Electric did not have authority to design the replacement utility line corridor from State Highway Administration which conflicts with the prior tri-party (SMECO, SHA and St. Mary's County) Agreement. Therefore, Mr. Norris recommended that SMECO and the County jointly write to State Highway advising that SHA should move forward with the design so that the design of the replacement utility corridor would be complete when SHA completed the design of the road. The Commissioners gave their concurrence.

HELEN ESTATES
HELEN FARMETTES

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that there is an outstanding corporate bond for Helen Farmettes and that the expiration date for the bond on Helen Estates, Section Two is forthcoming. Mr. Norris stated that the bonding company is working with Mr. Swarey, the developer of these subdivisions, and it was therefore his recommendation that the County extend the bonds as long as the roads have a gravel base and the drainage area is not washing away. The Commissioners gave their concurrence to extend the bond for one year to October 1, 1982.

RELEASE OF LIABILITY
ST. CATHERINE'S SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris presented the Release for John H. Wise and the Travelers Indemnity Company from any and further liability for the completion of the roads and streets in St. Catherine's Subdivision located in Bushwood for the sum of \$6,000.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Release. All Commissioners voted in favor.

TALL TIMBERS
RECONSTRUCTION OF TIMBER BULKHEADING

Present: John Norris, County Engineer

Mr. Norris presented an Agreement with Colliflower and Peterson for the reconstruction of 100 feet of timber bulkheading at Tall Timbers.

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

SEWAGE TREATMENT PLANT AT SOLOMONS - CALVERT COUNTY

Present: Robert Brown, President, Waterman's Association

Mr. Brown appeared before the Commissioners to advise them that the Corps of Engineers will be conducting a meeting concerning the proposed Sewage Treatment Plant at Solomons on September 21 at 7:30 p.m. at the Solomon Firehouse.

COMMUNITY DEVELOPMENT BLOCK GRANT

The County Administrator presented correspondence to the Department of Housing Urban Development and to the Department of Economic and Community Development inquiring as to the administration of small cities section of HUD's Community Development Block Grants. The Commissioners authorized Commissioner President Aud to sign said letters.

ST. MARY'S CITY REVIEW BOARD

Commissioner Dean presented a paper on the establishment of a St. Mary's City Review Board for the purpose of evaluating proposed maintenance and capital projects for St. Mary's City and therefore moved, seconded by Commissioner Arnold and unanimously carried to make the following appointments:

ST. MARY'S CITY REVIEW BOARD (Cont'd.)

Dr. J. Renwick Jackson, St. Mary's College
(or his designee)

Dr. Daniel Reed, St. Mary's City Commission
(or his designee)

Mr. James J. O'Donnell, Secretary, Dept. of Transportation
(or his designee)

Mr. John Norris, County Engineer
(or his designee)

Two Community Residents of the St. Mary's City Area:

Mrs. Loretta Taylor
Mr. J. Spence Howard

(Commissioner Millison entered the meeting at 1:00 p.m.)

REZONING HEARING DISCUSSION

ZONE NO. 81-0708

RAYMOND CRADDOCK

Requesting rezoning of approximately .98 acres located at the southeast corner of the intersection of Md. Rt. 2 & 4 and Md. Rt. 235, Eighth Election District, Tax Map 34, Block 16, Parcel 181, from R-1, Residential, to CL-0, Commercial Limited - Office.

Having conducted a public hearing on the referenced application, the Commissioners commenced discussion.

Commissioner Dean submitted a paper setting forth the findings of fact on the zoning application as follows:

Review of the pertinent facts reveals that:

1. Subject property consists of approximately 0.98 acres and is located at the southeast corner of the intersection of Maryland Route 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.

REZONING HEARING DISCUSSION (Cont'd)

4. The applicant has alleged that with the construction of Routes 2 and 4 extended, there has been "a great deal of change in the 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 draining 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 passing in front of the subject property. It is now a dead-end road ending at the subject property.
5. The applicant alleges that the subject property is not suitable as a residence, or a place to raise children. It is noted that when the dwelling was constructed, the major highway, Route 235, and the intersection with St. Andrew's 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 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.

Therefore, based on the finding of fact in this case, Commissioner Dean moved, seconded by Commissioner Sayre, to direct the County Attorney to prepare the appropriate Resolution denying the referenced 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. Commissioner Millison voted against the motion and Commissioner Aud abstained. Motion carried.

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ST. MARY'S COUNTY BOND ISSUE

Present: Joseph P. O'Dell, Budget Officer

As a follow up to previous discussion on August 11 regarding the handling of bond anticipation notes, the Commissioners made the following decisions:

1. To proceed with a negotiated method as opposed to a competitive bid method to receive the Bond Anticipation Notes. However, before acceptance of a negotiated bid, it will have to be demonstrated to Mr. O'Dell that that price is as good as the County can do in the market.

2. That Alex Brown and Sons should not have the authority to purchase the County's Notes in that if they are going to negotiate the best price for the County they should remain as a broker or our agent.

BLUE CROSS BLUE SHIELD
INCREASE IN HEALTH INSURANCE RATES

Present: Harris Sterling, Director of Finance

Mr. Sterling advised the Commissioners that notice was received from Blue Cross Blue Shield of an increase in premium rates which he negotiated down from 33 1/3% to 20 %, and inquired if the Commissioners wanted to eliminate the \$2.00 prescription costs in the Major Medical benefits in order to reduce the premium.

After discussion, it was the consensus of the Board that the present policy should be continued of allowing the \$2.00 cost to be applied to Major Medical in that the harm to morale of the employees by taking this away would be greater than the reduction in premiums.

NAACP - COMMUNITY AFFAIRS COMMITTEE

Present: William Green
Donald Curtis
Larry Davis (entered later in the meeting)
other interested citizens

As a follow up to previous discussions held June 9 and July 7, 1981 the above representatives of the NAACP Community Affairs Committee appeared before the Commissioners to discuss the County's program of Affirmative Action and Equal Employment Opportunity. Mr. Curtis distributed the Community Affairs Committee's response to the County's staff report of July 7, 1981. In turn, Commissioner Dean read the County's response to the July 7, 1981 meeting.

NAACP - COMMUNITY AFFAIRS COMMITTEE (Cont'd.)

Various issues and statistics were discussed, particularly the request by the Community Affairs Committee for the Commissioners to establish an Affirmative Action Committee.

After discussion, the Commissioners agreed to withhold a decision on this request until September 22, 1981 in order to allow them sufficient time to review the latest packet of information submitted by the NAACP.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 5:05 p.m. to 6:45 p.m.

The meeting adjourned at 6:45 p.m.

Approved,


George R. Aud
President