

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, February 2, 1982

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 Vice-President Millison was not present.)

The meeting was called to order at 9:15 a.m.

APPROVAL OF VOUCHERS

Commissioner Aud moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted by the Director of Finance. Motion carried.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of December 22, 1981 as corrected. Motion carried.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of December 29, 1982. Commissioner Dean abstained since he was not present at the December 29 meeting. Motion carried.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meetings of January 5, 1982 and January 12, 1982 as submitted. Motion carried.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of January 19, 1982 as corrected. Motion carried.

COMMUNICATIONS TOWER IMPROVEMENTS

Present: Sheriff Joseph L. Somerville  
Lt. Gene Pellillo  
PFC Phil Cooper  
Tom Oliver, Director, Emergency Operations Center

Sheriff Somerville advised that as a result of an inspection of the County's Emergency Communications System by Communications Facilities, a problem with a 73 foot portion of the transmission line at the tower located at Banneker was noted. Commissioner approval is needed for funds to replace this portion of the tower. The Sheriff also advised the Commissioners that a filter is needed to be installed at the Control Center in order to eliminate a squeal that occurs when two cars are transmitting at the same time. The cost for replacement of the tower and the filter would be less than \$1,000.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve acquisition of the referenced equipment, source of funds to be determined by the Budget Officer. Motion carried.

TRI-COUNTY COUNCIL - LABOR SURVEY

The County Administrator advised that the Tri-County Council has requested the Board of County Commissioners to participate in joint sponsorship with the Economic Development Commission and Tri-County Council in a labor survey program, the purpose of which is to identify the needs of local businesses. Therefore, Mr. Cox presented correspondence for the Commissioners' signatures which will be forwarded to Tri-County Council for distribution to businesses in the tri-county area. The Commissioners agreed to participate in the program and sign said letter.

ROAD RESOLUTIONS  
OFFICE OF COUNTY ENGINEER

On behalf of the County Engineer, the County Administrator presented the following Road Resolutions for the Commissioners' review and approval:

R-82-1 Posting Cartwright Road in Ponderosa Estates Subdivision, Third Election District at 25 miles per hour;

R-82-2 Designating Cartwright Road as a Stop Street as it intersects with St. Andrews Church Road;

R-82-3 Posting Overcup Drive and Holly Court in Town Creek Subdivision, Eighth Election District, at 25 miles per hour;

R-82-4 Designating the following streets in Town Creek Subdivision as Stop Streets: Overcup Drive as it intersects with Linden Lane; Holly Court as it intersects with Linden Lane;

R-82-5 Posting Hiawatha Circle in Indian River Estates, Section III, Fifth Election District, at 25 miles per hour;

R-82-6 Designating Cochise Court in Indian River Estates as a Stop Street as it intersects with Hiawatha Circle.

Commissioner Arnold moved, seconded by Commissioner Aud, to approve and authorize Commissioner President Aud to sign Road Resolutions R82-1 through R82-6 as set forth above. Motion carried.

LETTERS OF APPRECIATION

The Commissioners agreed to sign and forward letters of appreciation to the following individuals who have resigned from a Board, Committee or Commission: John Lancaster, Housing Authority; Timmerman Tepel Daugherty, Commission for Women.

SEMI-ANNUAL REPORT OF HIRING ACTIVITIES

The County Administrator presented the Semi-Annual Report on Hiring Activities for County positions indicating racial breakdown of job applicants, persons tested and interviewed and the individual selected. Mr. Cox indicated that this report will be given to the Commissioners twice a year.

ADJUSTMENT OF PER DIEM RATE  
BOARD OF PRISONERS IN COUNTY JAIL

The County Administrator advised the Commissioners that correspondence was received dated January 26, 1982 from the Department of Public Safety and Correction Services, Division of Corrections, advising the County of an adjustment of the per diem rates for the boarding of state prisoners in the County facility. As a result of fiscal astuteness of the Finance Office, Director of Budget and Data Services and the Sheriff, the County will be receiving a check in the amount of approximately \$60,000 representing payment for state prisoners in custody of the County.

LEGAL COUNSEL AND FINANCIAL ADVISOR  
ST. MARY'S HOSPITAL BOND ISSUE

Present: Joseph P. O'Dell, Director, Budget and Data Services

Mr. O'Dell requested authorization from the Board to allow the law firm of Piper and Marbury to be the legal counsel and the firm of Alex Brown & Son as Financial Advisor for the County in the issuance of the bonds for the St. Mary's Hospital construction project. The cost for these services will be borne by the hospital. The Commissioners gave their concurrence.

CORRESPONDENCE TO ENVIRONMENTAL PROTECTION AGENCY

As suggested at last week's meeting, the County Administrator presented correspondence addressed to Mr. Peter N. Bibko of the U.S. Environmental Protection Agency expressing the County's concern regarding the dumping of sludge into the ocean. The Commissioners agreed to sign and forward said letter.

CLEAN-UP CAMPAIGN COMMITTEE

The County Administrator presented correspondence from Mr. Jimmie Mora, Clean-Up Campaign Coordinator, advising of the progress of the Clean-Up Campaign Committee and recommending the appointment of additional members: John Norris, County Engineer; Rev. Richard Smola, Dean of the St. Mary's Parochial Schools and all District Volunteer Fire Department Chiefs.

Commissioner Arnold moved, seconded by Commissioner Sayre, to appoint additional members as recommended by Mr. Mora. Motion unanimously carried.

ZONING AMENDMENT RESOLUTION NO. Z-82-05  
JOSEPH ABELL CLARK  
ZONE #81-0882

Application to rezone a tract of land containing approximately 0.74 acres, more or less, located along Route 5, South of Leonardtown, Third Election District, Tax Map 41, Block 1, Parcel 20, from AR, Agricultural-Residential, to C-2, Commercial.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign Zoning Resolution No. Z-82-05 approving the rezoning as requested. Three Commissioners voted in favor, with Commissioner Dean voting against. Motion carried.

REQUEST FOR PURCHASE OF TINE-HARROW  
DEPARTMENT OF RECREATION AND PARKS

The County Administrator reviewed correspondence dated January 28, 1982 from the Director of Recreation and Parks to the Director of Budget and Data Services requesting purchase of a tine harrow for preparation of seed beds and tracking ball diamonds at a cost of approximately \$1,100. Funds are available in the budget; however, since this item was not specified in the budget, Commissioner approval is needed.

The Commissioners gave their concurrence.

ICE-BREAKER BOATS

Commissioner Sayre advised that it was brought to his attention that the Eastern Shore has three state-owned ice-breaker boats and that the Western Shore does not have this type of boat available. Therefore, Commissioner Sayre with the Board's concurrence requested that correspondence be forwarded to appropriate agencies to obtain the services of state-owned vessels for the clearing of ice in the bay, rivers and tributaries for use by the watermen.

WEIGHT RESTRICTION ON COUNTY ROADS

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that State Highway Administration has contacted him regarding the destruction of County roads by loggers and recommended the placement of weight restrictions (six tons per axle or 12,000 pounds total) on the following roads: Cloverhill McIntosh Road, Hurry Road, Tippet Road, Delabrooke Road, and Golden Beach Road.

The Commissioners gave their concurrence that the restriction be places on an as-needed basis.

DISTRICT COURT RENOVATIONS

Present: John Norris, County Engineer

Mr. Norris advised that the lease by and between the County Commissioners of St. Mary's and the State of Maryland for use of the Judiciary of Maryland, District Court has been signed and that it is now in order for the Commissioners to sign the appropriate contracts and maintenance agreements for the renovation work as follows:

Project No. SM 82-4-1 Contract by and between William J. Johnson, trading as Johnson Builders, and the St. Mary's County Commissioners for the demolition, carpentry and millwork as described in the specifications.

Project No. 82-4-3 By and between Elec Con Corporation and the St. Mary's County Commissioners for the completion of the demolition, removal and modifications to the existing electrical systems.

Project No. SM 82-4-4 By and between Paul W. Dean and Sons for the completion of interior painting and vinyl wall covering.

Project No. SM 82-4-5 By and between Carpet Hut Interiors and the St. Mary's County Commissioners for the installation of carpet and resilient flooring.

Project No. SM 82-6-4 By and between St. Mary's County Commissioners and James L. Cooper for improvements and maintenance to court facilities - carpentry.

Project No. SM 82-6-5 By and between Board of St. Mary's County Commissioners and Owens Electric Company for electrical modifications.

Project No. SM 82-6-6 By and between Board of County Commissioners and Steve Lacey for plumbing work.

Project No. SM 82-4-2 By and between Taylor Plumbing and Electric Co. for air conditioning work.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said contracts and maintenance agreements. Motion unanimously carried.

PROJECT NO. SM 82-5-1  
BID TALLY SHEET  
PURCHASE OF DIESEL POWERED TRACK FRONT END LOADER

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Alban Tractor Company, the only bidder as follows:

- 1) \$120,290.00 (purchase price)
- 2) \$ 46,000.00 (trade-in value)
- 3) \$ 85,000.00 (buy back price)

Commissioner Dean moved, seconded by Commissioner Arnold, to accept the County Engineer's recommendation and award the bid to Alban Tractor. Motion unanimously carried.

PROJECT NO. SM 81-4-9  
RECREATION AND PARK SHELTER BUILDINGS  
EXTRA WORK AUTHORIZATION

Present: John Norris, County Engineer

Mr. Norris presented a request for Extra Work Authorization in the amount of \$70 to Taylor Plumbing and Electric Company, Inc. for time and equipment used in digging up sidewalk.

The Commissioners gave their approval for payment of said Extra Work Authorization.

OVEREXPENDITURE FOR SNOW REMOVAL

Present: John Norris, County Engineer

For information purposes, Mr. Norris advised the Commissioners that \$3,000 had been allocated for snow removal and the County has spent \$4,000. He stated that there are 15 different properties for snow removal.

VILLA ROAD COST SAVINGS

Present: John Norris, County Engineer

Mr. Norris presented budgetary figures for the Villa Road reconstruction project and advised the Commissioners that there is a cost savings in the amount of \$61,065.

REGIONAL LIBRARY CENTER  
LIBRARY BOARD OF TRUSTEES

Present: Kitty Hurrey, Director, Regional Library Association  
Mary Wood, Asst. Director, St. Mary's County Library  
Robert Goldsmith, President, Library Board of Trustees  
Charlotte Young, Member, " " "  
Blanche Abernethy, " " " "  
John Norris, County Engineer  
Al Dillow, Historic District Commission

The referenced representatives of the Library Association and the Library Board of Trustees appeared before the Commissioners to bring them up to date with regard to the Regional Library Center and other library-related matters.

Mrs. Hurrey advised the Commissioners that the percolation test at the Charlotte Hall School property, proposed site for the Regional Library Center, failed; however, another test has been scheduled for next Tuesday. She stated that Walter Raum, Director,

REGIONAL LIBRARY CENTER (Cont'd.)

Environmental Hygiene, County Health Department, has advised that he would assist in whatever way possible in seeking alternative methods of sewage disposal should the test fail again. Once the sewage disposal system problem is solved, Mrs. Hurrey stated that then an architectural firm can be obtained. Mrs. Hurrey and the Library Board members emphasized that they were interested in having the Regional Library Center located in St. Mary's County and that its purpose is to serve the tri-county area.

Leonardtwn Library

With regard to the possibility of relocating the Leonardtown Library from Tudor Hall to the Armory, the Library Board members advised that a question was raised concerning the contract with HUD as to retaining the historic nature of Tudor Hall. Mr. Norris stated that the issue has been addressed to HUD as to the County being released from that contract in that the County has gotten usable life of the monies since investment and therefore did not anticipate a problem.

Mr. Norris stated that a presentation will be made to the Town Commissioners next Monday as to some needs (water and sewage disposal) of the the County: (1) Conversion of the Armory to a Library, (2) Senior Services Center and (3) Department of Social Services facility.

Temporary Fifth District Library

Mrs. Hurrey advised the Commissioners that the temporary Fifth District Branch Library will be placed at the Charlotte Hall School site as the painting of the unit is completed.

Bookmobile

Mrs. Hurrey informed the Commissioners that the generator for the Bookmobile burned up and needed to be replaced at a cost of approximately \$6,000 to \$8,000. Funds were not in the budget for this unexpected occurrence and, therefore, the Library Board may be requesting supplemental funds for this. She stated that the Director of Finance is investigating the possibility of recovering some of the cost through the County's insurance.

The Commissioners thanked the referenced individuals for their presentation and requested to be kept informed of the progress being made in each of the areas discussed.

POTOMAC RIVER ASSOCIATION  
GROUNDWATER CONCERNS

Present: Jack Witten, President, PRA  
Warren Krume, PRA  
Other interested citizens

Mr. Witten explained that the purpose of this meeting was to apprise the Commissioners of concerns of the Potomac River Association (PRA) regarding the Aquafoods International, Inc. eel processing plant, as well as groundwater and other concerns.

1. The PRA has entered an Appeal of the State's decision to grant a permit for additional groundwater to Aquafoods International, Inc. and requests that the County Commissioners participate in the Appeal, which will be held February 23, 1982 at 10:00 a.m. in Annapolis. Mr. Witten stated that since filing the Appeal, it was learned that there was a study in July 1981 by the Maryland Department of State Planning entitled The Structure and Status of Water Supply Planning in Maryland. The Report mentions the possibility of ground water shortages and salt water intrusion by 1990. This was never referred to in the records accompanying

POTOMAC RIVER ASSOCIATION (Cont'd.)

the State's decision, and Mr. Witten added that it should have a pertinent impact on the Appeal.

The Commissioners advised that they would make a decision whether to participate in the Appeal prior to February 23, 1982.

2. The PRA proposed that water meters be installed for large volume users in order to obtain a more accurate measure of the water withdrawal rate.

3. The PRA suggested that the Commissioners give consideration to requesting the Governor to appoint an independent authoritative body to review the groundwater situation and advise the Governor, Legislative Body and the Commissioners of its findings.

4. With regard to the eel processing plant, the PRA questioned the County's involvement in supporting the Industrial Revenue Bond for Aquafoods International.

Commissioner Dean explained the process of the Industrial Revenue Bond and stated that it is a creation of Congress, and affords tax free status, and requires the local governing body's approval. The full faith and credit of the County is not pledged.

5. Regarding the sand and gravel mining operation in Medley's Neck, Mr. Witten inquired if the same restrictions and conditions will be placed on Maryland Rock Industries as had been placed on the Langenfelder operation.

Commissioner Dean explained that the restrictions on the Langenfelder operation were imposed by the Board of Appeals, which is the body that has the authority to approve conditional uses. However, the Board of County Commissioners could convey to the Board of Appeals that they consider imposing the same restrictions and conditions on Maryland Rock as was imposed on the previous case.

6. The PRA is in favor of the County placing a severance tax on sand and gravel and possibly timber.

The Commissioners advised that a Committee has been appointed to look into the possibility of imposing such a tax and will be reporting back to the Commissioners with their recommendation.

7. The PRA requested that a "Bottle Bill" be introduced to the Maryland General Assembly and requested the Commissioners' support.

Mr. Witten advised that the above seven concerns will be submitted to the Commissioners in a formal letter.

The Commissioners thanked Mr. Witten and the others in attendance for their presentation and advised that they would return to them with a response.

PRESS CONFERENCE

Present: Matt Kaye, WKIK  
Allyson Swaney, WPTX  
Mike Stover, Enterprise

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

REZONING HEARING  
ZPUD #81-1362  
ROBERT MIEDZINSKI

Present: Robert Miedzinski, applicant  
Oliver Guyther, attorney  
Frank Gerred, Director, Office of Planning and Zoning  
Anita Meridith, Recording Secretary

(Application requesting rezoning of approximately 27.45 acres located on McIntosh Road, Lot 8, Section 1 and Outlot "A" of Burnt Mill Subdivision, Third Election District, on Tax Map 25, Block 17, Parcel 182, from AR-2, Agricultural-Residential, to PDR 1.0 Planned Development Residential, one dwelling unit per acre, to allow use of a 120 ft. by 32 ft. existing building for seven apartments.)

The Commissioners conducted a public hearing on the referenced application.

The complete record, tape and minutes are on file in the Commissioners' Office.

AFFIRMATIVE ACTION EVALUATION COMMITTEE

Present: Donald Curtis, Chairman  
William Greene, Vice-Chairman  
Edward V. Cox  
Jonathan Nelson

Mr. Curtis explained that the purpose of this meeting was to report on the progress of the Affirmative Action Evaluation Committee and to impart some concerns of the Committee regarding the County's interview process. Mr. Curtis stated that he sat in on the interview for the Economic Development Coordinator position and presented and read a paper setting forth his viewpoint of the process. He stated that a majority of the Affirmative Action Evaluation Committee had a problem with two areas: the screening and the interview in that there were no standard criteria in which to assign scores. Mr. Curtis pointed out that the County had an opportunity to practice Affirmative Action in the selection process for this position but did not do so in that there was a black female applicant who met the minimum qualifications and was not among the top five candidates. Also noted by Mr. Curtis was the letter forwarded to black community organizations announcing a job vacancy in that it tends to categorize. In closing, Mr. Curtis referred to the items of concern set forth in his paper and requested the Commissioners' comments. The Commissioners advised that they would respond with their comments at a later date.

DECISION DISCUSSION  
CCAP #81-0765  
CHARLES AND SUSAN WISE

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

Application to appeal the decision of the St. Mary's County Planning Commission regarding the disapproval of a three-lot minor subdivision around three existing structures, two lots being of substandard size. The property is located in Callaway on Tax Map 57, Block 11, a portion of parcel 168, contains 3.874 acres and is currently zoned AR-2, Agricultural-Residential.



DECISION DISCUSSION (Cont'd.)  
CHARLES AND SUSAN WISE

Having conducted a public hearing on August 25, 1981 on the referenced application and having conducted several decision discussions, Commissioner Dean stated that in reviewing the matter that the property owners were in error, however, that the County was also in error in issuing the building permit for both trailers. The Wises want to subdivide these two lots and sell them with a trailer on each. They went to the Planning Commission for approval of a subdivision plat and the Planning Commission did not grant approval, therefore they appealed this decision to the Board of County Commissioners. After discussion with the County Attorney and the Director of Planning and Zoning, it was concluded that the County Commissioners do not have the authority to waive the minimum lot size requirements in that zoning district and cannot approve a three-quarter acre lot in a zoning district which requires by the Zoning Ordinance and acre and a half. At the same time we have a case of equity here because on the basis of a permit issued by the County, the Wises put in a trailer, a septic system and ran electricity to it. Commissioner Dean stated that the only fair and equitable solution would be to advise the Wises that the trailer has to be moved, but because the County issued the permit that we will reimburse the cost for the septic system and for the cost of the electrical hookup, which will come to a total of approximately \$2100 to \$2200. That would mean that they could move the trailer and sell it and they would recoup the cost of the septic system and the electrical hookup.

The Commissioners unanimously concurred that correspondence be forwarded to Charles and Susan Wise setting forth the above action.

REZONING DECISION DISCUSSION  
ZONE #81-1147  
ESPERANZA SHOPPING CENTER, CORP.

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

Application for rezoning of property located on the northeast and southeast corners of the intersection of Md. Rt. 235 and Millstone Landing Road on Tax Map 43, Blocks 1 and 2, Parcels 354, 274, 319, 329, 273, 405, 360, 392, and 295 in the Eighth Election District from R-1, Rural-Residential, R-2, Low Density Urban Residential and C-1, Extensive Highway Oriented Commercial. The area encompassed by all nine (9) parcels is approximately 29.39 acres.

Having conducted a public hearing on January 26, 1982, Commissioner Aud moved, seconded by Commissioner Arnold, to request the County Attorney to prepare the appropriate Resolution approving the requested rezoning as set forth above. Three Commissioners voted in favor, with Commissioner Dean abstaining because certain family members have ownership in part of the property. Motion carried.

PERMITS CLERK POSITION  
OFFICE OF PLANNING AND ZONING

The County Administrator presented a memorandum dated February 2, 1982 from the Personnel Officer recommending the selection of Joan Curtis to the position of Permits Clerk, Grade 6, Office of Planning and Zoning, effective February 8, 1982.

Commissioner Sayre moved, seconded by Commissioner Dean, to accept this recommendation. Motion unanimously carried.

EXECUTIVE SESSION

Present: John Baggett, Director, Recreation and Parks  
Frank Gerred, Director, Office of Planning and Zoning  
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session on order to discuss a matter of possible litigation. The Session was held from 3:30 p.m. to 4:30 p.m.

The meeting adjourned at 4:30 p.m.

Approved,

  
George R. Aud  
President