

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 7, 1982

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

(Commissioner Ford Dean was not present at the opening of the meeting.)

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

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Arnold, to approve payment of the bills (computer printout sheet and bills under the old voucher system) as submitted by the Director of Finance, with the exception of Voucher No. 000439 payable to The Belvedere. Motion carried.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve Voucher No. 000439 payable to The Belvedere. Motion carried with Commissioner Millison abstaining.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of August 24, 1982 as submitted. Motion unanimously carried.

Commissioner Aud moved, seconded by Commissioner Millison, to approve the minutes of the Commissioners' meeting of August 31, 1982 as submitted. Motion unanimously carried.

UPDATE MARINE PROJECTS

Present: John Norris, County Engineer

Mr. Norris brought the Commissioners up to date with regard to various marine projects of his office.

Tall Timbers - Mr. Norris advised that the seawall protecting the state highway leading to St. George's Island is in need of repairs. He will contact the State Highway Administration and ask if they will take responsibility for the maintenance.

McKay's Beach - A petition has been received for the removal of a sandbar which is hindering traffic of pleasure and work boats. Mr. Norris stated that he will request a representative from the Department of Natural Resources to come look at the project.

Dukehart's Creek - Commissioner Millison advised that he has received comments from residents of the area stating that the creek is in need of dredging. Mr. Norris stated that he would contact the Department of Natural Resources and request that they study this matter.

PUBLIC WORKS AGREEMENT  
WILDEWOOD SUBDIVISION, SECTION ONE, PLAT FOUR

Present: John Norris, County Engineer

Mr. Norris presented a Public Works Agreement dated July 1, 1982 by and between Paragon Builders, Inc. and St. Mary's County guaranteeing the construction of roads in the referenced subdivision. The Commissioners gave their concurrence in approving and authorizing Commissioner President Aud to sign said Agreement.

ROAD RESOLUTION NO. R82-17  
WYNNE ROAD

Present: John Norris, County Engineer

The County Engineer presented the referenced Resolution renaming County Route 3390, Fire House Road, to Wynne Road, located in the First Election District.

The Commissioners gave their concurrence in approving and signing said Resolution.

McINTOSH ROAD RECONSTRUCTION PROJECT

Present: John Norris, County Engineer

Mr. Norris advised that correspondence will be forwarded to the residents of McIntosh Road advising that as part of the bridge replacement, the road will be closed at the bridge to thru traffic for approximately six months.

CARPETING FOR ORPHANS' COURT

Present: John Norris, County Engineer

Mr. Norris stated that he has received a request for the extension of the square yardage of carpeting on the Orphans' Court Office to cover the general office and the private office of the Register of Wills at a cost of approximately \$1600.

The Commissioners gave their concurrence in approving the extension of this contract.

SEPTIC TANK REPLACEMENT - CARROLL MORGAN

Present: John Norris, County Engineer

Mr. Norris presented two proposals for the removal and replacement of the septic tank for Carroll Morgan as follows:

D D Plumbing - \$850  
B.I. Mattingly - \$792

Mr. Norris recommended awarding the contract to the lowest bidder, B.I. Mattingly.

Commissioner Aud moved, seconded by Commissioner Millison, to accept the County Engineer's recommendation. Motion carried with Commissioner Arnold abstaining.

Mr. Norris advised that upon completion of the work and approval by the property owner, the County will make payment directly to the lowest bidder.

ST. CLEMENT'S ISLAND - POTOMAC MUSEUM

Commissioner Aud advised that he met with Mr. Goldstein, State Comptroller, and other officials at the Museum to discuss future needs of the Museum. He stated that three flag poles are currently needed for the American, State and County flags, and repairs are needed to the cross on the Island.

The Commissioners gave their concurrence in approving the acquisition of these poles as well as approving repairs to the cross.

CORRESPONDENCE TO CAPT. HEISNER  
TASK BASED PERFORMANCE EVALUATIONS

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to Capt. Heisner expressing appreciation for assistance from his staff, Jane Leonard, for her presentation on task-based performance evaluations.

The Commissioners agreed to sign and forward said letter.

CLEARINGHOUSE PROJECT NO. 82-8-871  
EXCESS STATE LAND - SHA  
FORMER G. BOWIE McENEY PROPERTY  
NEAR TOWN POINT

The County Administrator advised that the referenced project was referred to the Office of Planning & Zoning to determine if the County had a need for the property. Mr. Gerred replied that inasmuch as it is "landlocked" property that it would be of no use to the County.

The Commissioners concurred with this recommendation.

RESOLUTION NO. 82-23  
PATUXENT RIVER COMMISSION - GOALS STATEMENT

As a follow up to the presentation by the Secretary of the Department of State Planning at last week's meeting, the County Administrator presented the referenced Resolution endorsing the 18 goals for the development of the Patuxent River Policy Plan.

Commissioner Arnold moved, seconded by Commissioner Aud, to adopt and sign Resolution No. 82-23, and further to sign and forward the letter of transmittal to the Secretary of the Department of State Planning. Motion unanimously carried.

UPDATE ON SEWAGE SLUDGE TREATMENT COMMISSION MEETING

Present: Walter Raum, Director, Environmental Hygiene

Mr. Raum advised the Commissioners that he attended the Sewage Sludge Meeting in Annapolis on August 31 at which the Sewage Sludge Management Commission was receiving comments from various counties on sewage disposal. It was suggested at that meeting that larger counties go through a state approval process for permits; however, in small counties, such as St. Mary's, the local government would take care of the approval process.

Mr. Raum advised that he would put the proposal in writing and submit it at the next Management Commission meeting.

The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: Reed Mcdonagh, Deputy Director, Md. Environ. Service  
Fred Burns, Md. Environmental Service  
Walter Raum, Director, Environmental Hygiene  
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session to discuss a matter of possible land acquisition. The Session was held from 10:00 a.m. to 10:35 a.m.

LIGHT INDUSTRY PROPOSAL

Present: Arthur "Buck" Briscoe, Director, Economic Dev. Com.

Mr. Briscoe advised the Commissioners that he has information on two industries that are interested in locating in St. Mary's County; one is a boat manufacturer and the other is the manufacturing of medical petri dishes. Mr. Briscoe inquired that if these industries were unable to locate an already existing building, would the County Commissioners consider building one and renting to the industries.

The Commissioners advised that they would give consideration to this request at a later time.

PROCLAMATION NO. P-82-40  
WHITE CANE WEEK

The Commissioners presented the referenced Proclamation designating the week of October 4-9, 1982 as White Cane Week in St. Mary's County.

PROCLAMATION NO. P-82-41  
DISABLED AMERICAN VETERANS (FORGET ME NOT MONTH)

The Commissioners presented the referenced Proclamation designating the month of September as Forget-Me-Not Month in St. Mary's County.

PROCLAMATION NO. 82-43  
RETIREMENT - WILLIAM DOUGLAS WATHEN

Present: William Douglas Wathen

The Commissioners presented the referenced Proclamation to Mr. Wathen on his retirement as a bus driver for St. Mary's County.

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

SOUTHERN MARYLAND ECONOMIC DEVELOPMENT PROGRAM

Present: Senator James Simpson  
Gary Hodge, Director, Tri-County Council  
Marianne Clark, Tri-County Council

Senator Simpson advised that the purpose of this meeting was to get a determination from the St. Mary's County Commissioners as to their participation in the Chesapeake Country. He stated that as representatives of Tri-County Council, they are visiting the three southern Maryland counties to discuss this matter and to propose that Southern Maryland, through Tri-County Council, seek their own promotional funds. Senator Simpson pointed out that by being a part of Chesapeake Country the tri-county area could have a problem of lost identity. That organization, stated Senator Simpson, appears to be more for the promotion of the eastern shore counties.

Senator Simpson stated that Tri-County Council has been in contact with Mr. Callahan of the Department of Human Resources, the source of grant funding for Chesapeake Country, and he was of the opinion that should the tri-county area not participate in Chesapeake Country that a pro-rated portion of available funds could be made available to Southern Maryland. Mr. Hodge indicated that the amount for Southern Maryland would be approximately \$25,000.

Commissioner Aud indicated that St. Mary's County had never made the decision to become a member of Chesapeake Country; however, Mr. Morgan, the County's Economic Development Coordinator, has been attending the meetings.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to formally indicate to Mr. Callahan of the Department of Human Resources that St. Mary's County is not a part of Chesapeake Country, and further, that the County try to obtain funds to Tri-County Council to be used in the promotion of Southern Maryland. Motion unanimously carried.

Commissioner Dean added that if the County is successful in obtaining these funds, each of the southern Maryland counties needs to be involved in the development of the program to expend these funds. This would involve not just the members of the Tri-County Council but also the Economic Development Coordinators in each of respective counties. Senator Simpson and Mr. Hodge agreed.

PARK EXPANSION  
DORSEY PARK AND LAUREL GROVE PARK

Present: John Baggett, Director, Recreation and Parks

Laurel Grove Park

Mr. Baggett presented the bid tally sheet for the expansion of Laurel Grove Park and recommended awarding the contract to J&W Construction Co., the lowest bidder, in the amount of \$7,225.

Commissioner Millison moved, seconded by Commissioner Aud, to accept Mr. Baggett's recommendation. Motion unanimously carried.

Dorsey Park - Mr. Baggett presented the bid tally sheet for the expansion of Dorsey Park and recommended awarding the contract to the lowest bidder, J&W Construction in the amount of \$4,245.

Commissioner Millison moved, seconded by Commissioner Dean, to accept Mr. Baggett's recommendation. Motion unanimously carried.

#### COPPAGE HEIRS PROPERTY

Present: Mrs. Mary Calloway

With regard to the question of ownership raised by Mrs. Calloway previously regarding land purchased by the County and the State for the watershed project, Commissioner Millison stated for the record that he was ready to make a decision on the matter.

Commissioner Dean stated that the question has been turned over to the County Attorney who has made contact with the State to get a determination on the matter, and that he would not be ready to take action until a response has been received.

It was requested that an inquiry be made of the County Attorney as to the status of the matter and that this item be placed on the Commissioners' agenda for their September 21, 1982 meeting.

#### EXECUTIVE SESSION

Present: John Baggett, Director, Recreation & Parks  
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of land acquisition. The Session was held from 1:35 p.m. to 1:50 p.m.

#### COMMUNITY DEVELOPMENT BLOCK GRANTS, 1982 APPLICATION

Present: Joseph Mitchell, Public Housing Coordinator  
David Morgan, Economic Development Coordinator

Mr. Mitchell advised the Commissioners that notification has been received that the Department of Housing and Urban Development will be accepting applications for the 1982 Community Development Block Grant Program. Mr. Mitchell and Mr. Morgan recommended that the Commissioners appoint a working committee to review proposals and to return with recommendations for the County Application on October 12. Suggested nominees for the Committee include:

James Forrest, Board of Education  
Joseph Carter, Department of Social Services  
Frank Gerred, Office of Planning & Zoning  
Dave Morgan, Economic Development Coordinator  
Joe Mitchell, Public Housing Coordinator

The Commissioners gave their concurrence in accepting their recommendation to appoint a St. Mary's County Community Development Block Grant Committee.

RESOLUTION NO. 82-24  
SINGLE FAMILY HOME MORTGAGE BOND ISSUE

Present: Joseph Mitchell, Public Housing Coordinator  
David Morgan, Economic Development Coordinator

Mr. Mitchell presented the referenced Resolution for the Commissioners' review and signatures endorsing the Single Family Home Mortgage Program and committing the County to the payment of the administrative fees in the marketing and managing of the bonds.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 82-24. Motion unanimously carried.

EXHIBIT I - AGREEMENT TO ISSUE BONDS  
RESOLUTION NO. 82-13

Present: David Morgan, Economic Development Coordinator

Mr. Morgan presented for the Commissioners' review and approval the Agreement to Issue Bonds, which is Exhibit No. 1 to Resolution No. 82-13 (Industrial Revenue Bond - PRB Special Mortgage Associates.) adopted June 29, 1982

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Exhibit No. 1. Motion unanimously carried.

LEASE  
CONSTRUCTION LOAN AGREEMENT  
McGREGOR AND WERNER, INC.

Present: David Morgan, Economic Development Coordinator

Mr. Morgan presented the Lease dated August 31, 1982 by and between the Board of County Commissioners and McGregor Werner, Inc. and the Construction Loan Agreement dated August 31, 1982 by and between McGregor and Werner, Inc. and the Board of County Commissioners. Both documents have been executed by McGregor and Werner and now require County Commissioner approval and signature.

Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign the Lease and Construction Loan Agreement as presented. Motion unanimously carried.

POINT LOOKOUT SEWAGE TREATMENT SYSTEM  
FIRST DISTRICT CITIZENS CONCERNS

Present: Joseph W. Ridgell, Citizen Spokesman - First District  
Reed Mcdonagh, Deputy Director, Md. Environmental  
Service  
Frank Burns, Project Engineer  
Several others whose names are on file in the  
County Commissioners Office.

Mr. Ridgell stated that the purpose of this meeting is to advise of the failing septic systems in the First District and to request the Commissioners assistance in the alleviation of this problem by public sewage service from the existing Point Lookout State Park Plant.

Mr. Mcdonagh pointed out that inasmuch as the Point Lookout Facilities Plan for the tie-in of two boys camps is in the review process this is the right time for comments and input. He stated that it is the policy of the State that private sectors are not served by state facilities and the Board of Public Works would have to make the decision to deviate from that policy. This decision would not be made without consultation with the Secretaries of the Department of Natural Resources, State Department of Health and Department of State Planning. With regard to the two camps in that area the State made an exception to the policy because all concerned agencies were interested in clearing up the sewage disposal problem in that area.

After discussion, the Commissioners agreed to write to the Governor of Maryland and the Secretaries of DNR, Planning and State Health Department requesting their approval of sewage disposal service to the residents of the area in that the plant facility at Point Lookout State Park has been built for a far greater capacity than what is envisioned for several years in the future.

Secondly, the Commissioners agreed to initiate a meeting with the Metropolitan Commission and various state officials to discuss the possibility of servicing the citizens with public sewage.

ZONING DISCUSSIONS  
OFFICE OF PLANNING & ZONING

Present: Commissioner George R. Aud, President  
Commissioner Ford L. Dean  
Commissioner Larry Millison  
Commissioner David Sayre  
Frank Gerred  
Robin Guyther  
Anita Meridith, Recording Secretary

ZONE #81-1333: CHURCH OF CHRIST OF LEXINGTON PARK  
Kenneth C. Rossignol

Request for rezoning of property located on Great Mills Road in the 8th Election District on Tax Map 51, Block 7, Parcel 77. The property contains approximately 7.54 acres; the request is to rezone from R-2, Low Density Urban Residential, to C-2, Extensive Highway Commercial.



Commissioners Dean and Millison excused themselves from participation in this matter, both citing possible conflict of interest.

Commissioner Aud moved, seconded by Commissioner Sayre, to grant a C-2 zoning approval to the Church of Christ of Lexington Park with subsequent instruction to the County Attorney to draft the appropriate resolution.

Commissioner Arnold, absent this date, latterly cast his affirmative vote, which resulted in the unanimous decision/approval of the Board.

ZONE #81-1031: MINNIE MARIE WILHOIT

Request to rezone approximately 1.011 acres, located on Tax Map 34, Block 2, Parcel 191, West of Maryland Rt. 235 and south of St. Johns Road, 6th Election District, from R-1, Residential, to C-1, Commercial Intensive.

Commissioner Dean moved to deny the request for rezoning to C-1 for the reasons as set forth in both the staff report and the Planning Commission's recommendation.

Commissioner Dean expanded on his reasoning by noting that the subject property was immediately adjacent to residential property. He felt that one purpose of zoning was to insure that different types of zoning were compatible. While perhaps a case could be made for commercial designation of the property, should the entire area be comprehensively rezoned, the fact remained that this case, reviewed on an individual basis, was adjacent to residential property which would render it incompatible with a C-1, Commercial Intensive zoning.

Commissioner Aud seconded the motion.

Commissioner Millison stated that he would disagree with those former opinions and "saw no harm to anybody" should the rezoning be granted. He stressed that there was much commercial development in the immediate area and an approval of the request would result in more jobs and broaden the tax base.

Minor discussion of the Board ensued and it was agreed that the motion would be tabled in order to allow Commissioner Sayre opportunity to review the matter.

ZONE #82-0243: LEXINGTON PARK CLEANERS, Waring Associates

Request to rezone approximately .95 acres of land with existing business from R-2, Low Density Urban Residential to C-2, Extensive Highway Commercial. The property is located on Maryland Route 246, Great Mills Road in the 8th Election District on Tax Map 51, Block 7, Parcel 26.

Commissioner Dean moved to approve the request for rezoning and thereby instruct the County Attorney to prepare the appropriate resolution, for reason cited both in the staff report and Planning Commission's recommendation which would also include those additional referenced properties in the rezoning (Midway Bar, Mike's Restaurant and the Great Mills Market).

Commissioner Dean pondered the legality of inclusion of those additional aforementioned properties in light of the fact that those parcels were neither included in the notice, advertisement or posting procedure.

Mr. Gerred offered that constructive notice had been given in that the Board of County Commissioners could modify any request for rezoning. He continued that the County Attorney had ruled in the past, that this type of inclusion was allowable.

The Board concurred that the matter should be specifically addressed by the County Attorney.

Commissioner Millison seconded the motion and noted that while he was in favor of the rezoning, he questioned the legality of inclusion of those other properties under this application.

Discussion of the Board resulted in the Commissioners unanimous consensus that the County Attorney address the issue by drafting the appropriate resolution.

ZONE #82-0567: CHARLOTTE HALL CENTER, Ben Burroughs

Reugest to rezone 3.9 acres from C-1 to C-2. The property has a commercial operation, namely, the Southern States Warehouse. The parcel is located on Maryland Route 5 in the 5th Election District on Tax Map 1, Block 22, Parcels 36 & 45.

Commissioner Dean moved, seconded by Commissioner Millison, that the Board instruct the County Attorney to prepare the appropriate resolution approving the requested rezoning, for the reasons as cited in the staff's report and the Planning Commission's recommendation. Commissioner Dean differed with the Planning Commission's recommendation that there be certain conditions attached to a C-2 approval. He explained that those concerns could be addressed at site plan stage.

Commissioner Dean elaborated that he was personally in favor of the C-2 request, considering that the property was presently zoned C-1 and that a C-2 use was currently in operation on the property. Thus, a rezoning of the parcel would not create any new commercialization of the property and an approving action of the Board would provide for a full range of commercial uses on the property which would not in any way change it's present use or scope..

Motion and second remaining on the floor, vote was called, resulting in the unanimous approval of the Board.

PENDING CONSIDERATIONS

The Commissioners agreed that those pending zoning decisions pertaining to the #82-0409: JAMES M. GOLDSBOROUGH and #82-1031: MINNIE MARIE WILHOIT requests would be placed on the September 21st agenda.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Harris Sterling, Director of Finance

The Commissioners agreed to meet in Executive Session in order to discuss a matter of litigation. The Session was held from 3:50 p.m. to 4:20 p.m.

LIABILITY INDEMNIFICATION PLAN

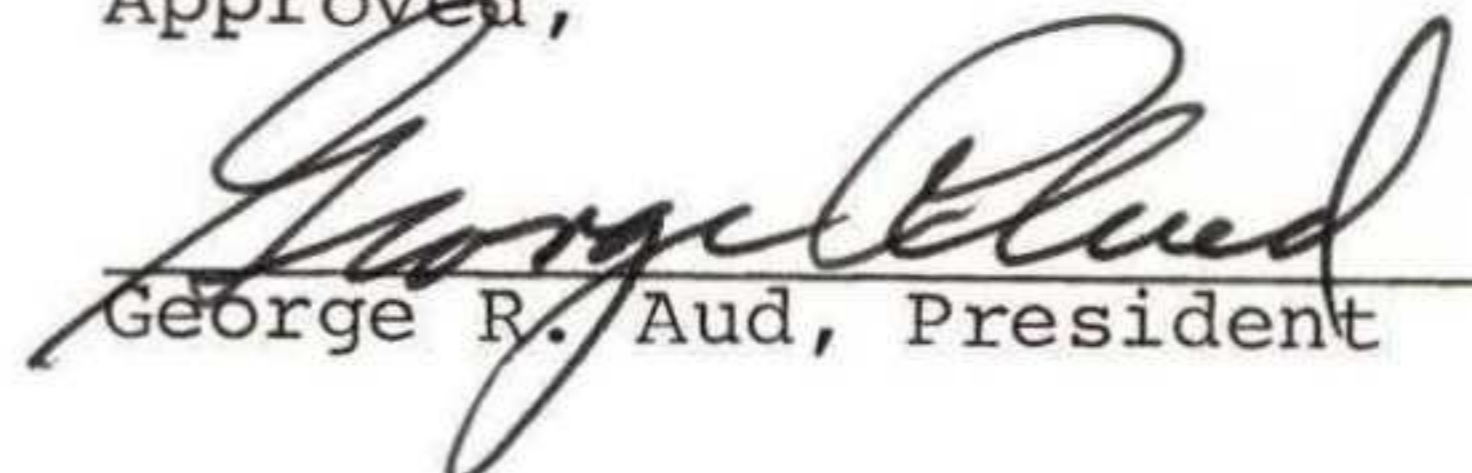
Present: Harris Sterling, Director of Finance

In conjunction with the adoption of Resolution No. 82-03 which established Liability Indemnification Plan for St. Mary's County Government, Mr. Sterling discussed the acceptance of a proposal for a liability insurance policy. He stated that proposals were solicited and reviewed by the Insurance Buyers' Council who recommended that the Liability Indemnification Insurance be purchased from International Surplus Insurance Company for a coverage of \$5,000,000 at a premium cost of \$4,000 to \$8,000.

Commissioner Dean moved, seconded by Commissioner Aud, to authorize the Director of Finance to proceed to obtain Liability Indemnification Insurance from International Surplus Insurance Company; however, if this company does not accept to underwrite this policy that the County seek that same coverage from an alternate company. Motion unanimously carried.

The meeting adjourned at 4:30 p.m.

Approved,

  
George R. Aud, President