

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 21, 1982

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

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

EXECUTIVE SESSION

Present: Joseph E. Bell, II, County Attorney
 Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of potential litigation. The Session was held from 9:15 a.m. to 9:45 a.m.

APPROVAL OF MINUTES

Commissioner Aud moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, September 7, 1982 as submitted. Motion carried.

APPROVAL OF VOUCHERS

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

EXECUTIVE COMMITTEE350TH ANNIVERSARY CELEBRATION OF THE FOUNDING OF MARYLAND

Commissioner Aud moved, seconded by Commissioner Millison, to appoint Ray Runco (8th District Representative) and Henry J. Fowler, Sr. (5th District Representative) to the Executive Committee for the 350th Anniversary Celebration of the Founding of Maryland. Motion unanimously carried.

PROJECT DIRECTOR POSITIONRSVP - OFFICE ON AGING

The Commissioners reviewed a memorandum dated September 17, 1982 from the Personnel Officer recommending the appointment of Mary R. Horton to the position of Project Director of the Retired Seniors Volunteer Program, Grade 8, effective September 27, 1982.

Commissioner Millison moved, seconded by Commissioner Aud, to accept this recommendation. Motion unanimously carried.

CORRESPONDENCE
DREDGING OF MCKAY'S BEACH

The County Administrator presented correspondence for the Commissioners' review and signatures advising of the County's support of the referenced project and that the County will solicit funding from the State of Maryland.

The Commissioners agreed to sign and forward said letter.

ST. CLEMENTS ISLAND - POTOMAC MUSEUM
BILLING FOR PREPARATION OF PLANS

The County Administrator reminded the Commissioners of the \$19,000 grant received for improvements to St. Clements Island and the Museum for the 350th Anniversary Celebration of the founding of Maryland. However, Mr. James Mahoney, contractor for the project, has submitted additional billing in the amount of \$600 for preparation of the plans, which occurred prior to the contractual obligation.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to authorize the transfer of \$600 from the Special Projects Account to the referenced project. Motion unanimously carried.

CORRESPONDENCE
POINT LOOKOUT STATE PARK SEWAGE TREATMENT PLANT

The County Administrator presented correspondence to the Secretaries of Department of Health and Mental Hygiene, Department of Natural Resources and Department of State Planning requesting assistance in sewage service from the Point Lookout State Park Sewage Treatment Plant for residents in that area. Additionally, correspondence was prepared for the Commissioners' signatures addressed to Governor Hughes making him aware of the situation.

The Commissioners agreed to sign and forward said letters.

The County Administrator advised that once a representative is named from each of the state agencies, a meeting will be arranged with the Metropolitan Commission, Health Dept.; and the citizens of the area.

REQUISITION NO. 5
ST. MARY'S HOSPITAL CONSTRUCTION

The County Administrator presented Requisition No. 5 from St. Mary's Hospital in the amount of \$30,783.78 for reimbursement of project expenses incurred to date for the construction of the new hospital.

The Commissioners gave their concurrence to approve and authorize Commissioner President Aud to sign same.

SIERRA HOUSE
CONDITION OF GRANT AWARD
STATEMENT OF ASSURANCES

The County Administrator presented the referenced documents pertaining to the Sierra Housing Grant in the amount of \$93,486 and requested the Board's approval. The Commissioners gave their concurrence to approve the Condition of Grant Award and Statement of Assurances in the amount of \$93,486 and authorized Commissioner President Aud to sign same.

1983 LEGISLATIVE PACKAGE

The County Administrator presented a Memorandum of Solicitation for the Commissioners' signatures addressed to the County's various Agencies, Boards, Committees and Commissions requesting proposals for the 1983 Legislative Package.

The Commissioners agreed to sign and forward said memorandum.

ZONING AMENDMENT RESOLUTION NO. Z-82-21
LEXINGTON PARK DRY CLEANERS
ZONE #82-0243

(Request to rezone from R-2, Low Density Urban Residential, to C-2, Extensive Highway Commercial, a 1.133 acre parcel of land located on Md. Rt. 246, Great Mills Rd. Eighth Election District, St. Mary's County, Maryland. The tract of land has been identified as Parcels 26 and 136 in Block 7, Tax Map 51.)

Having conducted a public hearing and held decision discussion on the above referenced case, Commissioner Sayre moved, seconded by Commissioner Aud, to approve and sign Zoning Amendment Resolution No. Z-82-21 approving the rezoning of Parcels 26, 136, 134, 135 and 139 in Block 7 on Tax Map 51 to C-2, Extensive Highway Commercial. Motion unanimously carried.

ZONING AMENDMENT RESOLUTION NO. Z 82-22
CHARLOTTE HALL CENTER
ZONE #82-0567

(Request to rezoning Parcels 36 and 45, in Block 22, Tax Map 1, Fifth Election District, St. Mary's County Maryland, from C-1, Intensive Commercial, to C-2, Extensive Highway Commercial.)

Having conducted a public hearing and held decision discussion on the referenced case, Commissioner Sayre moved, seconded by Commissioner Aud, to approve and sign Zoning Amendment Resolution No. Z82-22 approving the requested reclassification. Motion unanimously carried.

PRELIMINARY GRANT APPROVAL
AIRPORT IMPROVEMENT PROGRAM

Present: John Norris, County Engineer
Austin White, Chairman, Airport Commission

Mr. Norris advised the Commissioners that the Federal Aviation Administration has indicated preliminary approval of a grant in the amount of \$190,000 for the Airport Improvement Program which includes: obstruction removal on the existing runway and placement of that material as embankment for the construction of a parallel taxiway. Mr. Norris advised that the State and County will each contribute 5% of the cost (\$10,555.50 each).

Commissioner Aud moved, seconded by Commissioner Arnold, to approve submitting the Grant Application as set forth above and authorize the signing of same. Motion unanimously carried.

(Commissioner Arnold left meeting - 10:25 a.m.)

ROAD RESOLUTIONS

Present: John Norris, County Engineer

R-82-16 - Mr. Norris presented the referenced Resolution posting Cherri Lane and Emma Lane, Sixth Election District, at 25 miles per hour.

R-82-18 - Mr. Norris presented the referenced Resolution posting Joy Chapel Road at 30 miles per hour from its intersection with St. Route 235.

The Commissioners gave their concurrence in approving Road Resolution Nos. R-82-16 and R-82-17.

GILLENS GROVE SUBDIVISION, SECTION III
ACCEPTANCE OF DEED - HELEN COURT

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated September 21, 1982 by and between Hugh Allson and Helen C. Allston and the Board of County Commissioners of St. Mary's County for the acceptance of Helen Court in Gillens Grove Subdivision, Section III, into the County Highway Maintenance System.

Commissioner Aud moved, seconded by Commissioner Dean, to accept said Deed. Motion unanimously carried.

PROJECT NO. SM 83-6-1
EXTERIOR PAINTING
LEONARDTOWN HEALTH DEPARTMENT, TRI-COUNTY YOUTH
SERVICES BUREAU, VARIOUS STRUCTURES AT COUNTY
AIRPORT

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Tinsley & Son Decorators, the lowest bidder, in the amount of \$6,030.

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

PROJECT NO. SM 80-1-6
CONSTRUCTION OF TRIPLE CELLED,
CONCRETE BOX CULVERT, McINTOSH ROAD

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project for the Commissioners' review. He stated he wanted to make the Commissioners aware of the bids, but would be asking for specific action on the bids at a later date.

PROJECT NO. SM 82-4-7
SENIOR CITIZENS CENTER

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project for the Commissioners' review. He stated he will come back before them at a later date to discuss awarding of the bid and funding.

FAIRGROUNDS ROAD
ROAD IMPROVEMENTS

Present: John Norris, County Engineer

Mr. Norris presented a proposal from Copenhaver Asphalt Services in the amount of \$1750 for certain work to be done on Fairgrounds Road; grading of shoulder, removal of excess gravel, and pave and backfill.

The Commissioners gave their concurrence in approving payment as submitted.

TUDOR HALL LIBRARY
ROAD IMPROVEMENTS

Present: John Norris, County Engineer

Mr. Norris presented a proposal from Copenhaver Asphalt Services in the amount of \$970 for the placement of asphalt curbing around certain property adjacent to the library in Tudor Hall in order to correct a drainage problem.

The Commissioners gave their concurrence in approving payment as submitted.

BIRCH MANOR SUBDIVISION
COMPLETION OF ROADS

Present: John Norris, County Engineer

Mr. Norris advised that the County is in receipt of \$5,000 tendered by Fidelity and Deposit Company of Maryland as required by the Public Works Agreement for the completion of the roads in Birch Manor Subdivision. Mr. Norris requested concurrence by the Board to complete this work. The Commissioners gave their concurrence.

PETITION FOR ROAD IMPROVEMENTS
CROSS MANOR SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners of a petition received for the improvement of the road in Cross Manor Subdivision (off of Grasons Road and Villa Road). Mr. Norris stated that this is not a county road, and the petitioners have been sent information setting forth the particulars for the establishment of a Special Taxing District. Mr. Norris advised that he would be making contact with the residents to discuss the situation in greater detail.

WEIGHT LIMIT RESTRICTION
FAIRGROUNDS ROAD

Present: John Norris, County Engineer

Mr. Norris advised that Fairgrounds Road is suffering from damage created by trucks loaded with gravel from Base Company and Maryland Rock. It was Mr. Norris' recommendation that a Road Resolution be prepared restricting the weight limit to 27,000 pounds on Fairgrounds Rd. for motor vehicles, trucks, trailers, and similar type of equipment (with the exception of those vehicles providing emergency services, such as fire equipment, fuel oil delivery, etc.).

The Commissioners gave their concurrence.

DRUG ABUSE PROGRAM - WALDEN

Present: Sue Gelrud, Chairperson, Walden Adv. Commission
Ella Joffe, Member, " " "
Joseph P. O'Dell, Director, Budget & Data Services
Edward V. Cox, County Administrator

By memorandum dated September 20, 1982, the County Administrator and the Director of Budget and Data Services presented for consideration by the County Commissioners several points related to a revised Grant Application to the State Drug Abuse Administration for funding to implement the single county Drug Abuse Program at Walden. They recommended that contingent upon the resolution of the questions raised, the Grant Application as proposed by the new Walden-Sierra Corporation should be approved.

The Commissioners expressed their appreciation to Ms. Gelrud and the other volunteers for the efforts and dedication to this program.

After discussion, Commissioner Dean moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign said Revised Application for the Drug Abuse Administration Grant for FY '83, and subsequent with that approval is the resolution of those items referred to in the September 20, 1982 memorandum. Motion unanimously carried.

AGREEMENT WITH STATE HEALTH DEPARTMENT
REIMBURSEMENT FOR COMPUTER COSTS

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

Mr. O'Dell presented an Agreement by and between the State Department of Health and Mental Hygiene and St. Mary's County which allows the reimbursement to the County in the amount of \$20,008 for the Health Department's share of the costs for computer acquisition.

The Commissioners gave their concurrence to approve and sign said Agreement.

ZONE #80-2321
NATIONAL MOBILE HOME
SURVEY PLAT CORRECTION

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Planner, Office of P&Z

(Commissioner Millison stated for the record that, "I will not sit on this not because it is a conflict of interest, but because I do not want it to be a conflict of interest. I feel that it would be dishonest of me to sit in on it. I think it is wrong to participate in a matter of conflict of interest. I hope this Board and any future Board will not be so intoxicated with their position that they would sit in on a conflict of interest.")

Mr. Gerred advised the Commissioners that it was brought to his attention that there was an error in the plat of survey for the above referenced property which occurred during the rezoning process. He stated that there is a Contract of Sale for the property and the mistake was noticed by the buyer. Mr. Gerred pointed out that it was clear from the application that the information on the plat was incorrect and not what was intended.

Therefore, after discussion and review of the plat, Commissioner Dean moved, seconded by Commissioner Aud, that in light of information presented by the Office of Planning & Zoning, that Resolution No. Z82-09 be amended to delete any reference to a Plat of Survey dated June 15, 1975 by J.R. McCrone, Jr. Inc., Registered Land Surveyor and numbered 75023. Substituted in its place should be the official plat in this case, dated October 30, 1981 by D.H. Steffens Company, Inc., Reference No. 8-4308-270, prepared for the owners, Charles Frederick Painter, and Jarvise Elizabeth Painter. Above action is subject to concurrence by the County Attorney. Motion carried.

PUBLIC HEARING - SPEC #82-1031
COMPREHENSIVE WATER AND SEWER PLAN AMENDMENT
CHARLOTTE HALL VETERANS HOME

Present: Frank Gerred, Director, Office of P & Z
Robin Guyther, Planner, Office of P & Z
Larry Petty, Director, Metropolitan Commission
Harry Knight, Metropolitan Commission
Walter Raum, Director, Environmental Hygiene
John Lanier, Project Manager, Charlotte Hall Veterans Home

The Commissioners conducted a Public Hearing to consider a proposed change in the Comprehensive Water and Sewer Plan for St. Mary's County allowing for review of construction plans

for wastewater treatment and disposal at the Charlotte Hall Veterans Home. The proposal is to change the designation from W-1-a and W-6 to W-3 and S-6 to S-3.

Mr. Gerred read the Notice of Public Hearing into the record.

Mr. Gerred pointed out that the change is required by the State in order to go forward with the design of the wastewater treatment facility.

Mr. Lanier gave a brief overview of the project, describing the location and capacity of the proposed facility. Phase I of the facility will be able to treat 20,000 gallons per day. The facility is designed for the 40,000 gallon capacity and if additional capacity is needed, another facility would have to be constructed.

After brief discussion, Commissioner Dean moved, seconded by Commissioner Aud, to approve the change in the Comprehensive Water and Sewer Plan as set forth above and to request the Director of Planning and Zoning to prepare the appropriate Resolution. Motion unanimously carried.

POTOMAC AQUIFER TEST WELL SITE

Present: Dr. Harry Hansen, Md. Geological Survey
Frank Gerred, Director, Office of P&Z
Larry Petty, Director, Metropolitan Commission
Harry Knight, Metropolitan Commission
Walter Raum, Director, Environmental Hygiene

Dr. Hansen appeared before the Commissioners to discuss the proposed test well for the Potomac Aquifer and to get a determination from the Commissioners as to a designated site. In that concerns have been expressed that the Aquia Aquifer may not be sufficiently productive to meet future water demands, this test well was determined to be necessary.

Mr. Knight reviewed a map of the Lexington Park area with the Commissioners pointing out the potential locations of the test well. It was the recommendation of the Metropolitan Commission that the test well be located at the Bank Square Well site. The Commissioners indicated their concurrence; however, stated that they would leave that decision to the Metropolitan Commission.

In addition, Dr. Hansen brought the Commissioners up to date with regard to the Aquia Aquifer Study which is currently underway. During the discussion, Dr. Hansen pointed out the the change in the water level of the Aquia Aquifer over a period of years.

The Commissioners thanked Dr. Hansen for his presentation and requested to be kept informed of the results of the test well.

ZONING DECISION DISCUSSIONS

Present: Frank Gerred, Director, Office of P & Z
Anita Meridith, Recording Secretary

Commissioners present included: George R. Aud, David Sayre, Ford L. Dean and Larry Millison. Commissioner Arnold was absent.

ZONE #82-0409 - JAMES M. GOLDSBOROUGH

Request to rezone approximately one acre of property from R-1, Rural-Residential, to C-2, Extensive Highway Oriented Commercial. The property is located at the corner of St. John's Road and Old Md. Rt. 235, in the Sixth Election District on Tax Map 27, Block 19, Residue of Parcel 446 (part was taken by State Highway Administration) and contains approximately one acre.)

Commissioner Dean lead a brief discussion, reflecting that the Planning Commission's recommendation has been unanimous; i.e.; approving the C-1 rezoning request with noted stipulations (addressed in following motion).

Commissioner Dean moved, seconded by Commissioner Aud, to instruct the County Attorney to prepare the appropriate resolution, consistent with the recommendation of the Planning Commission, for the reasons they found and staff found in the report, i.e., to rezone the property from R-1 to C-1 with the stipulation that no gas and go be permitted and that ingress and egress be at least sixty (60) feet from control point 15.25.04 on SHA Map 18.

The motion passed unanimously and accordingly, the County Attorney will draft the appropriate resolution for the Board's further consideration.

ZONE #81-1031 - MINNIE MARIE WILHOIT

(Request to rezone approximately 1.011 acres, located on Tax Map 34, Block 2, Parcel 191, West of Md. Rt. 235 and south of St. John's Road in the Sixth Election District, from R-1, Residential, to C-1, Commercial Intensive.)

The Chairman advised that the motion for denial of the application and seconded having been made on September 7, 1982, remained on the floor and at this time called for vote on the question: Commissioner Dean, Sayre and Aud voted in favor of the motion and Commissioner Millison opposed.

The motion passed three to one, resulting in the DENIAL of the application. The County Attorney will subsequently prepare the appropriate resolution for the Board's consideration.

ZONING AMENDMENT RESOLUTION NO. Z-82-23
PATUXENT PARK WEST (ZONE #81-1149)

Present: Frank Gerred, Director, Office of P & Z

(Request to rezone Parcel 377, Tax Map 43, in the Eighth Election District of St. Mary's County, Md. containing approximately 11.2 acres from R-2, Low Density Urban Residential, to PDR 5.0, Planned Development Residential, five units per acre.)

Having conducted a public hearing and subsequent decision discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve Zoning Amendment Resolution No. Z82-23, which approves the requested rezoning as well as the Development Plan with certain amendments. Three Commissioners voted in favor, with Commissioner Millison abstaining. Motion carried.

BOCA BASIC ENERGY CONSERVATION CODE AGREEMENT

Present: Frank Gerred, Director, Office of P & Z

Mr. Gerred presented an Agreement by and between the Board of County Commissioners of St. Mary's County and the Middle Department Inspection Agency for the provision of inspection services in compliance with the BOCA Basic Energy Conservation Code. Mr. Gerred indicated that the Agreement is modeled after the Agreement with the Middle Department Inspection Agency for electrical inspections.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said Agreement. Motion unanimously carried.

UPDATE ON MEETINGS

Present: Frank Gerred, Director, Office of P & Z

Mr. Gerred briefed the Commissioners on two meetings that he recently attended; a Health Department Public Hearing regarding sewage disposal alternatives and a public hearing with Steuart Petroleum regarding maintenance dredging at the "T" pier. Mr. Gerred advised that he spoke on behalf of the County at the Steuart meeting stating that the maintenance dredging was a good idea; however, it should be completed with a minimum environmental impact. Commissioner Millison suggested that a weight restriction be placed on the road when the work gets underway. Mr. Gerred is to request the County Engineer to assess the road and determine if a weight restriction is necessary.

ST. MARY'S RIVER WATERSHED PROPERTY OWNERSHIP DISCREPANCY - COPPAGE HEIRS

Present: Mary Calloway, et al.

With regard to previous discussion concerning the resolution of the discrepancy as to ownership of certain property purchased for the St. Mary's River Watershed, the Commissioners advised that they have been in contact with State Officials and hope to have the matter resolved in the near future. The Commissioners provided Mrs. Calloway with a copy of correspondence addressed to Mr. Wilkerson of the Capital Programs Administration regarding the rendering of a decision on this matter.

CORRESPONDENCE TO SENATOR SIMPSON
CHESAPEAKE COUNTRY MEMBERSHIP

The County Administrator presented correspondence for the Commissioners' review and signatures advising that St. Mary's County has formally withdrawn from membership in Chesapeake County so that a southern Maryland marketing program could be funded by the Private Industry Council. The Commissioners agreed to sign and forward said letter.

EXECUTIVE SESSION

Present: Joseph P. O'Dell
Edward V. Cox

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel. The Session was held from 2:30 p.m. to 3:30 p.m.

The meeting adjourned at 3:30 p.m.

Approved,


George R. Aud, President