

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 24, 1984

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

(Commissioner Millison was not present due to illness.)

The meeting was called to order at 9:25 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of Tuesday, January 17, 1984. Motion unanimously carried.

APPROVAL OF BILLS

Commissioner Dean moved, seconded by Commissioner Sayre, to approve payment of the bills. Motion unanimously carried.

FIFTH DISTRICT COMMUNITY PARK  
SOCCER FIELDS ROADWAY AND PARKING LOT

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid tally sheet on the referenced project and advised that the lowest bid was from Raymond Woodburn in the total amount of \$49,000. He stated that he had previously requested and received from the Board a commitment of funds in the amount of \$35,000 for the soccer fields; however, in order to do the above work plus the lighting and seeding the total project cost will be \$60,000. This would require an additional \$25,000. After discussion, Commissioner Arnold moved, seconded by Commissioner Dean, to approve the allocation of the additional \$25,000 to be transferred within Recreation and Park's Budget and further to accept the lowest bid (Raymond Woodburn) in the amount of \$49,000. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) HIGHWAY MAINTENANCE FACILITY  
REVIEW OF SITE PLAN

As previously requested by the Board, Mr. Norris presented the site plan for the Commissioners' review prior to it being submitted to the Zoning Board of Appeals. For the Commissioners' information, Mr. Norris explained the location of the roads, entrances, building, septic area, equipment storage, and parking.

Later in the meeting, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Site Plan (signature representing Owner Certification). Motion unanimously carried.

2) REQUEST FOR COMMITMENT OF FUNDS  
SHA SURPLUS EQUIPMENT

Mr. Norris requested approval from the Board for a commitment of funds for the later purchase of surplus equipment from the State Highway Administration. He stated that he is trying to obtain prices for the equipment by mid-February for submission to the Director of Budget and Data Services for budgetary purposes. After discussion, the Commissioners agreed to allow the County Engineer to make a commitment on the purchase of equipment as long as the amount is within the allocated budget authority of \$282,500.

OFFICE OF COUNTY ENGINEER ITEMS (Continued)

3) HARRY W. NICE BRIDGE RENOVATIONS

In conjunction with discussion held by the Commissioners at their January 10, 1984 meeting relative to correspondence from the Maryland Transportation Authority concerning the renovations of Harry W. Nice Bridge, Mr. Norris suggested that the Commissioners request that a public hearing be held in the County. He stated that there are several alternative plans for the accomplishment of the renovations, and inasmuch as the closing of the bridge would affect county residents, the Authority should have such a hearing. After discussion with the County Administrator, the Commissioners agreed to reverse their decision of January 10 and to request Maryland Transportation Authority to conduct a public hearing in St. Mary's County.

4) ACCEPTANCE OF DEED  
LAUREL HILL DRIVE - WILDEWOOD

The County Engineer presented a Deed dated January 24, 1984 by and between Paragon Builders, Inc. and the St. Mary's County Commissioners conveying Laurel Hill Drive in Wildewood Neighborhood Three, Cluster # One.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept said Deed as presented. Motion unanimously carried.

5) 1984 SECONDARY RURAL FEDERAL AID AGREEMENT  
1984 URBAN NON-ATTRIBUTABLE FEDERAL AID AGREEMENT

The County Engineer presented the referenced Agreements as follows:

1984 Secondary Rural Federal Aid Agreement wherein SHA has allocated \$2,932,741;

1984 Urban Non-Attributable Federal Aid Agreement wherein SHA has allocated \$801,565.

Mr. Norris recommended that the Commissioners approve and authorize Commissioner President Aud to sign said Agreements. Commissioner Arnold moved, seconded by Commissioner Aud, to accept the County Engineer's recommendations. Motion unanimously carried.

6) ST. CLEMENTS ISLAND MUSEUM  
SOLAR ACTIVATED SEWAGE SYSTEM  
PROJECT NO. SM 84-4-6

Mr. Norris presented the bid tally sheet for the referenced project and advised that Mr. John L. Mattingly was the lowest bidder in the amount of \$16,880.00. Mr. Norris advised that Health Department approval will have to be received prior to the contract being awarded.

EXECUTIVE SESSION

Present: John Norris, County Engineer  
Joseph Densford, Assistant County Attorney  
Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of pending litigation. The Session was held from 9:45 a.m. to 10:25 a.m.

SOUTHERN MARYLAND ELECTRIC  
66KV TRANSMISSION LINE  
LEXINGTON PARK SUBSTATION TO PNAS

Present: William Crouch, Communications and Applications Engineer, SMECO  
Alfred Gough, SMECO  
Frank Gerred, Director, Office of Planning and Zoning

As required by the St. Mary's County Zoning Ordinance, representatives of Southern Maryland Electric Cooperative, Inc. appeared before the Commissioners to present the proposal for the installation of the 66KV transmission line from the Lexington Park Substation to the Patuxent River Naval Air Station. A Borrowers Environmental Report was presented, and Mr. Gough indicated on an enclosed map the proposed route of the transmission line.

Mr. Gerred explained that after this required presentation to the Commissioners, SMECO must conduct a public hearing, after which SMECO will report back with the findings of the hearing.

RESOLUTION NO. 84-04  
BOCA BASIC ENERGY CODE 1978  
ADMINISTRATION

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

Mr. Gerred advised the Commissioners that when the BOCA Basic Energy Code was adopted on July 1, 1982, inadvertently the administration section was omitted. He stated that a request for a waiver of the requirements has been received, which could have been allowed if the administrative requirement had been included. Mr. Gerred, therefore, advised that he has reviewed the administrative requirements with the County Attorney and has drafted the appropriate Resolution adopting the administrative section of the BOCA Basic Energy Code.

Later in the meeting, Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 84-04 adopting the administrative section of the BOCA Basic Energy Code. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) MARYLAND ASSOCIATION OF COUNTIES  
CHESAPEAKE BAY WORKGROUP

Commissioner Aud reported that there will be a MACo Chesapeake Bay Workgroup meeting on Friday, January 27, and currently there is not a member on the group from St. Mary's County. The Commissioners agreed to request the staff of the office of Planning and Zoning to attend the meetings.

2) REQUISITION NO. 25  
ST. MARY'S HOSPITAL PROJECT

The County Administrator presented Requisition No. 25 dated January 24, 1984 in the amount of \$27,398.07. for the St. Mary's Hospital project.

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

COUNTY ADMINISTRATOR ITEMS (Continued)

3) PERSONNEL

a) HOUSING/COMMUNITY DEVELOPMENT COORDINATOR

The County Administrator presented a memorandum dated January 23, 1984 from the Personnel Office recommending the selection of Dennis Nicholson to the position of Housing/Community Development Coordinator, Grade 15, in the Office of Department of Economic and Community Development, effective January 30, 1984. The position is to be funded from HUD Section 8 and Community Development Block Grant funds.

Commissioner Arnold moved, seconded by Commissioner Dean, to accept this recommendation as set forth above. Motion unanimously carried.

b) TRANSPORTATION COORDINATOR  
BUS DRIVER  
OFFICE ON AGING

The County Administrator presented a memorandum dated January 18, 1984 recommending the selection of William Reed to the position of Transportation Coordinator, Grade 6, in the Office on Aging. Said position is funded by Title III-B in the Office on Aging.

Further, the Personnel Office submitted a memorandum dated January 18, 1984 advising that if the Commissioners appoint William Reed, it will be necessary to fill the Bus Driver position currently held by Mr. Reed.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept the recommendation of the Personnel Officer and appoint Mr. William Reed to the position of Transportation Coordinator, effective January 30, 1984 and further, to begin the process to fill the Bus Driver position, Grade 1, vacated by Mr. Reed. Motion unanimously carried.

4) BUDGET AMENDMENT NO. 84-26  
COUNTY ENGINEER

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Budget and Data Services with justification set forth as follows: Funds required to hire a Fiscal Clerk in advance of Highway Maintenance Operations start-up.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve Budget Amendment No. 84-26 as presented. Motion unanimously carried.

5) NOTIFICATION OF GRANT AWARD  
OFFICE ON AGING - TITLE III-B, C-1, C-2

The County Administrator presented the referenced Notification of Grant Award in the amounts as follows: III-B-\$52,343; C-1 - \$69,632; C-2 -\$12,690, for the grant period from October 1, 1983 and ending September 30, 1984. Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said NGA. Motion unanimously carried.

6) POSITIVE YOUTH DEVELOPMENT NETWORK

The County Administrator advised the the PYDN, serving as a state-wide group, has requested a representative be appointed by the County Commissioners to serve on the State Council of PYDN. After discussion the Commissioners agreed to appoint Phebe Barth, Youth Services Coordinator, to the State Council.

COUNTY ADMINISTRATOR ITEMS (Continued)

7) AGREEMENT FOR DISTRIBUTION OF COMMODITIES AND FUNDS FOR EMERGENCY FOOD

The County Administrator presented correspondence from the Maryland State Department of Education dated January 17, 1984 enclosing the referenced Agreement and requesting the Commissioners to designate a sponsoring agency and distribution agency.

After discussion, it was agreed that for 1984-1985 the Commissioners would serve as the sponsoring agency and Southern Maryland Tri-County Community Action would serve as the distribution agency.

8) REAFFIRMATION OF POLICY  
COPIES OF CORRESPONDENCE (DISTRIBUTION)

The County Administrator advised that some time ago the Commissioners had established a policy whereby copies of correspondence are not distributed until the recipient has had a chance to receive it. He suggested that the Commissioners reaffirm this policy. The Commissioners gave their concurrence and agreed that there should be at least a two-day waiting period from the time the letter is forwarded before distributing copies to the media.

9) ZONING DECISION DISCUSSIONS

The County Administrator advised that in the past the process for conducting zoning decision discussions had been to wait for two weeks prior to discussion the findings of fact in the case. He stated that according to the Zoning Ordinance, no decision can be made for at least ten days, at which time the Zoning Amendment is presented to the Board for action. He stated that there is nothing to preclude the Commissioners from having discussion the week following the hearing in that no decision is actually made other than to direct the County Attorney to prepare the appropriate resolution. Mr. Cox noted that waiting to conduct discussion for two weeks or more delays the applicant from proceeding with the project. Therefore, he recommended that in cases that are "cut and dried" that the discussion take place the following week, have the County Attorney prepare the Zoning Amendment Resolution, which would be presented no sooner than 10 days after the hearing. The Commissioners gave their concurrence.

10) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

1. To the Airport Commission recommending that they appear before the Board to discuss their request for consideration for improvements to the Airport;

2. To Joseph Densford, Chairman of the Permits and Plans Systems Review Committee advising that the Commissioners are awaiting a response from the Permit Review Committee prior to making a decision on their submitted report;

3. To Mary Bell appointing her as Chairman of the 350th Anniversary Celebration Committee;

COUNTY ADMINISTRATOR ITEMS (Continued)

10) CORRESPONDENCE (Continued)

4. Letters of appreciation to the following individuals for serving on Boards, Committees, or Commissions: Austin White - Airport Commission; Rev. Michael Cole - Mental Health, Alcoholism Advisory Council; Idolia Shubrooks - Commission for Women and Historic District Commission.

5. To Delegate J. Ernest Bell, II regarding legislation limiting the number of county-owned busses.

The Commissioners agreed to sign and forward the referenced items of correspondence.

REZONING DECISION DISCUSSION

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

ZONE #83-1205 - JOHN L. NELSON

(Requesting rezoning from R-1, Rural Residential, to RSC, Rural Service Center. The property contains 72 acres and is located on the east side of MD Route 235, Ridge, just north of the intersection with MD Route 5, on Tax Map 71, Block 7, Parcel 285, First Election District.)

Having conducted a public hearing on January 17, 1984, the Commissioners commenced discussion on the referenced rezoning case. Commissioner Dean moved, seconded by Commissioner Arnold, to direct the County Attorney to prepare the appropriate Zoning Amendment Resolution granting the requested rezoning, as set forth above, based on the findings of fact as set forth in the Office of Planning and Zoning's memorandum dated November 16, 1983. The staff of Planning and Zoning and the Planning Commission have recommended approval of the rezoning application. Motion unanimously carried.

ASUB #83-1462 - AMENDMENT TO SUBDIVISION REGULATIONS

(Section 2.03 - Violations and Penalties

- (1) Change subparagraph "C" to "D"
- (2) Insert new subparagraph "C" to allow civil violations as penalty.)

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize the Director of Planning and Zoning to prepare the appropriate Resolution effecting the referenced amendment to allow for the enforcement of civil penalties in violations of the Subdivision Regulations. Motion unanimously carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Arnold moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 11:45 a.m. to 1:00 p.m.

PUBLIC HEARING  
REZONING HEARING  
ZPUD #83-1127: DEER WOODS SUBDIVISION

Requesting rezoning from R-1, Rural Residential, to PUD - 2, Planned Unit Development. The property contains approximately 25 acres and is located on Maryland Route 712, adjacent to Forrest Park Subdivision, in the Eighth Election District, on Tax Map 52, Block 2, Parcel 68.

Commissioners present: George Aud, Ford Dean, Richard Arnold, and David Sayre. Commissioner Millison was absent. Staff present included: Frank Gerred, Director, Office of Planning and Zoning, Robin Guyther, Planner, Office of Planning and Zoning, and Anita Meridith, Recording Secretary.

Members of the audience included: John Snyder, JoAnne Serpick, Thomas Chayka, Francis Abell, John Chamberlin, and Jim Kenney.

Mr. Robin Guyther read the public notice aloud into the record, as advertised in the Wednesday, January 4, 1984 issue of the Enterprise Newspaper, a publication of County-wide circulation.

Mr. James A. Kenney, representing counsel, came forward and presented the postal receipts from the certified letters of notification sent to all contiguous property owners (marked Applicant's Exhibit #1). Also entered into the record were several photographs depicting visual evidence of posting of the placard on the property (Applicant's Exhibits #2A and #2B). The Planning Commission record was also entered in the case.

Mr. Guyther advised the Board that this application was designed to allow the applicant the option of clustering 50 units on the 23 acres of the planned development scheme. The Planning Commission recommended approval of the project. Public water and sewer will be utilized on the site.

Mr. Kenney apprised the Commissioners of the location of the subject property and introduced Mr. Francis Abell, engineer for the project. Mr. Abell explained that the development would occur in three sections for a total of 50 lots. A plat of the proposed development was displayed and a visual indication made of the AICUZ line. Mr. Abell stressed that none of the actual development area fell within the AICUZ pattern. The open space and existing pond will serve for water retention (located on the lower east portion of the plat.) The property is totally wooded. The right-of-way already bisects the area.

The Chair asked whether anyone present wished to speak either in favor or opposed.

Mr. Tom Chayka of 102 Amy Road related that he had made a number of comments at the Planning Commission hearing and his main concern still involved the question of the access road being the only way to gain ingress/ egress to the site. Mr. Chayka advised that at the present there were only some 12-13 houses bordering the property. He noted that he had written a letter to the State Highway Administration regarding his concern of the access road and had been advised that the subject plan would present no problems as long as the applicant kept the total number of units to 68. Mr. Chayka spoke at length to his concern for the safety of his children with respect to the increase in traffic which would result from this proposal. Another concern voiced was that relative to the existing water run-off problems experienced in the area and the additional problems that might result from this proposed development.

Mr. John Snyder of 125 Janet Lane echoed Mr. Chayka's concerns relative to the impact of additional traffic in this small residential community.

Hearing no further testimony, the hearing was closed and the Commissioners noted that they would take the matter under advisement.

ADJOURNMENT

The meeting adjourned at 1:30 p.m.

APPROVED:

  
George R. Aud, President



SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS/ELECTRICAL EXAMINERS BOARD

PUBLIC MEETING - ELECTRICAL INSPECTIONS

Tuesday, January 24, 1984

Commissioners Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
(Commissioner Larry Millison was not present due to illness.)

Electrical Examiners Board Present:

Kirk Sterling, Chairman  
Robert Russell, Secretary/Treasurer  
Thomas Clark  
Joseph Forbes  
Adrian Hall

Also Present: Edward V. Cox, County Administrator  
Frank Gerred, Director, Office of Planning & Zoning  
James Weber, Chief Permits & Inspections  
Jesse Baltimore, Plumbing Inspector  
Judith A. Spalding, Recording Secretary

Members of audience: George Wiggin, Paul Howes, John McNamer, Vincent L. Malovich, Janet Howes, George DeLozier, Margaret DeLozier, Jim Howes (Middle Department Inspection Agency); F.N. Shepherd, C.A. Wible, Debbie Garner, William H. Crouch, Jr., Lloyd Goble (Southern Maryland Electric, Cooperative, Inc.); J.P. Connelly, Jack E. Farrer, Sr., Steven F. Guy, John Hamilton, Ronald Hamilton, Jim Blankenship, Paul Hawes, Sr., Betty Hawes, James Kieffer, Leonard Harding, Jr., Donald M. Haskin, Robert Goldsborough, Bobby Garner, Joseph Tippett, James Lanham, D.A. Butler, Bill Mattingly, C.T. Imler, James A. Young, John M. Finch, F. Elliott Burch, Sr., J. Harold Quade, N. Barber, R.S. Taylor, Lawrence D. Potter, Mark Orwig, Charles H. Moore, Bob Andrews, Robert Guzman, Bill Chesser, Francis Johnson, Sr., John Joseph Tippett, James Thompson, Nick Downs, Patricia Downs, L.L. Roberts, R.A. Everett, L.O. Ryce, D. Ryce, Lynn C. Nicholson, Sonny Tucker, Thomas Garner, Thomas E. Bailey, Jr., Wayne DeLozier, James W. Clark Jr.

OPENING OF MEETING

The joint meeting of the Board of County Commissioners and the Electrical Examiners Board opened at 7:35 p.m.

Mr. Gerred made a presentation concerning the new state requirements for the County to inspect manufactured housing. Mr. Gerred presented correspondence dated January 20, 1984 from the County Attorney setting forth the legal interpretation behind these requirements. He then explained the proposal submitted to the County Commissioners relative to county government's assumption of the responsibility for electrical inspections by county staff rather than by the Middle Department Inspection Agency.

Commissioner Aud requested comments from those present.

Mr. Kirk Sterling, Chairman of the Board of Electrical Examiners Board, stated that there was not endorsement of the proposal by the Electrical Examiners Board and that the Board has several concerns with the proposal; namely:

1. That if the County hired its own inspector that the individual should be qualified and paid a sufficient salary;
2. That there should be adequate back-up support for the county's inspector should he be on leave.

Several members of those in attendance voiced opposition to the proposal and support for the continued inspection services of the MDIA.

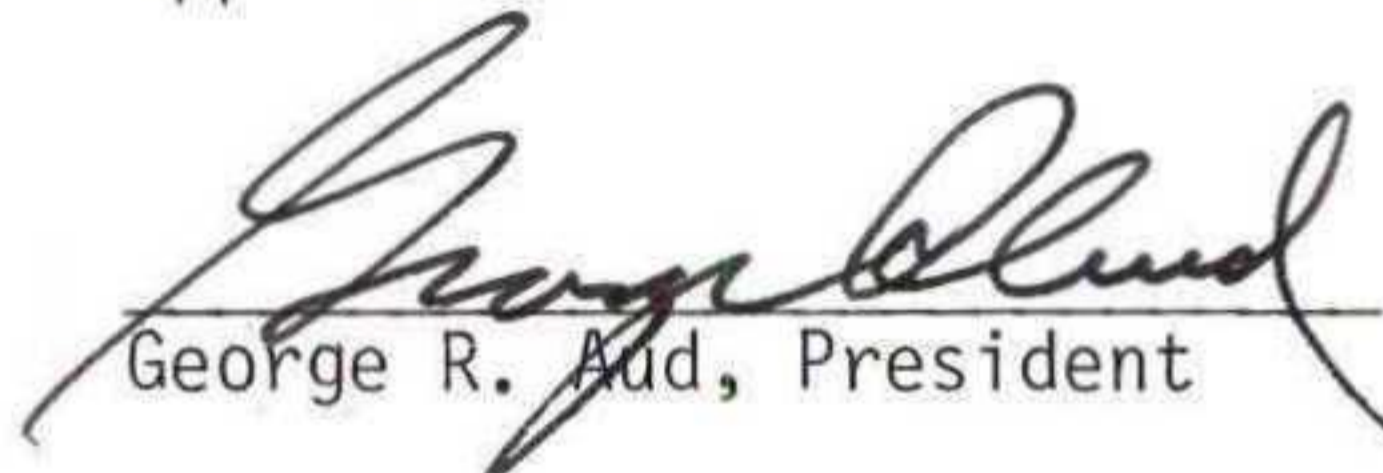
Mr. Wiggin of the MDIA volunteered the services of his agency to accomplish the new responsibility of inspecting manufactured housing at no cost to the County. The Commissioners expressed gratitude to the MDIA for this generous offer and stated that there would be a brief recess while they adjourn to another room for further discussion of this issue.

Upon return Mr. Gerred recommended to the Board of County Commissioners that since the new inspection requirements would be resolved by the offer of the Middle Department Inspection Agency, which was the impetus for making the proposal to change the inspection responsibility, that the proposal be tabled. The Commissioners expressed unanimous agreement with Mr. Gerred's recommendation to table the proposal and again expressed their appreciation to the Middle Department Inspection Agency for past and present services, and to all those in attendance for their valuable input concerning this issue.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Approved:

  
George R. Aud, President