

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 8, 1984

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

CALL TO ORDER

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph O'Dell, Director, Budget & Data Services

Commissioner Dean moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 9:15 a.m. to 10:10 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of Tuesday, May 1, 1984. Motion carried.

APPROVAL OF BILLS

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

SOTTERLY MANOR  
WHISKEY CREEK ROAD - CUL-DE-SAC

Present: Kenneth Sumner, developer  
Jack Howland, property owner  
Beth Adams, property owner  
Serena Newbauer, property owner  
Other property owners  
John Norris, County Engineer  
Dan Ichniowski, Supervisor of Highways and Engineering  
Frank Gerred, Director, Office of Planning and Zoning  
Robin Guyther, Planner, Office of P&Z

Mr. Sumner appeared before the Commissioners to request consideration for an exception to the County Engineer's requirement regarding the cul-de-sac and island (around which there are seven properties) He stated that he has presented proposed design plans for an additional 13 homes with a road that will join the cul-de-sac. The plans have been reviewed by all appropriate agencies and approved, with the exception of the County Engineer, who is requiring the removal of the island and substantial changing of the cul-de-sac area. Mr. Sumner stated that the property owners are desirous of having the cul-de-sac and island remain as is because of the aesthetic quality and because it provides a safety feature. He stated that the safety factor can be increased by providing "one way" arrows and "stop" signs on entering the cul-de-sac. A petition, outlining the concerns, signed by the seven property owners was presented and read to the Commissioners

Mr. Norris pointed out that the island created an obstacle along the roadway, and he could not, therefore, approve and sign the plans, which would be in opposition to the County's design standards.

Discussion ensued as to possible solutions to the problem and the Commissioners agreed that they would each visit the site and make a decision at next week's meeting.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) PROJECT NO. SM 85-1-5  
LIGHTED BARRICADES

Mr. Norris advised that the bid tally sheet for the referenced project was presented at last week's meeting, and he now recommended awarding the contract to Highway Safety, Inc., the lowest bidder (Item #1 - \$2,835; Item #2 - \$135).

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

2) PROJECT NO. SM 85-1-2  
RENTAL CONTRACT - LANDSCAPING SERVICES  
ALONG COUNTY ROADS

Mr. Norris advised that there did not appear to be interest by contractors in this project and the bid that was received was too high. It was therefore his recommendation that the County's basic rental contract be used for this project. The Commissioners gave their concurrence.

3) PROJECT NO. SM 84-1-5  
SURFACE TREATMENT AGREEMENT

The County Engineer presented an Agreement by and between St. Mary's County Commissioners and Montgomery Construction Company, Inc. for the surface treatment seal coat and related items within St. Mary's County.

Commissioner Millison moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Agreement. Motion unanimously carried.

4) GRADING AGREEMENT  
LANE CONSTRUCTION CORPORATION

The County Engineer presented a Grading Agreement by and between Lane Construction Corporation and St. Mary's County for property located adjacent to the Md. Rt. 235 reconstruction project.

Commissioner Arnold moved, seconded by Commissioner Millison, to approve and authorize Commissioner President Aud to sign said Grading Agreement. Motion unanimously carried.

5) ARUNDEL ASPHALT - PAVING CONTRACT

As a follow up to discussion last week, Mr. Norris advised that Arundel Asphalt Co. is requesting that the County accept the increase in tonnage prices for the paving of Rosecroft Road. In addition, Mr. Norris noted that because of the agreement with Metropolitan Commission, a portion of Norris Road is also to be paved. Mr. Norris stated that the McIntosh Road Bridge was another project that was not completed last year, and he was requesting Arundel Asphalt to retain the original prices for this federal project because of the large amount of paperwork and approvals involved.

Mr. Norris therefore recommended that he be authorized to request Arundel Asphalt to honor the prices for the McIntosh Road Bridge project, but to accept the increase for Rosecroft Road and a small portion of Norris Road.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the County Engineer's recommendations. Motion unanimously carried.

6) ROY JORGENSEN ASSOCIATES, INC.  
MAINTENANCE MANAGEMENT SCHEDULING SYSTEM AGREEMENT

As a follow up to the Board's approval last week, Mr. Norris presented an Agreement for consultant services with Roy Jorgensen for the development and implementation of a maintenance management system in St. Mary's County (County Engineer's Office).

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

7) AGREEMENT WITH METROPOLITAN COMMISSION  
GREENVIEW KNOLLS - REPLACEMENT OF DRIVEWAYS

Mr. Norris advised that the County has agreement with the Metropolitan Commission for the replacement of driveways that had been disturbed during the sewer line installation project. A property owner is requesting the re-installation of a driveway with concrete at a cost of \$575.32. Mr. Norris requested authorization to advise the property owner to let the contractor proceed with the project and submit a bill that has been marked "Paid", which the County will reimburse. The Commissioners gave their concurrence.

HIGHWAY MAINTENANCE FUNDS - FY '84

Present: John Norris, County Engineer  
John D. Raley, Resident Maintenance Engineer, SHA

The County Engineer advised that he had met with Mr. Raley of SHA to review the amount of funds remaining in SHA's budget for county roads. Mr. Norris indicated that expenditures for April were approximately \$142,000 and for the first few days in May approximately \$17,000. He stated that the County could allocate an amount not to exceed \$63,000 for the remainder of FY '85, which could be used for routine maintenance, drainage and pothole complaints and grasscutting.

After discussion the Commissioners concurred with the County Engineer's recommendation to allocate \$63,000 to SHA for county roads for the remainder of May through June 30, 1984.

(Commissioner Dean left meeting - 11:20 a.m.)

AREA AGENCY PLAN  
OFFICE ON AGING

Present: Billye McGaharn, Senior Services Coordinator

Mrs. McGaharn presented and reviewed with the Commissioners the Grant Application for the FY '85 Title III Area Plan on Aging for the period from October 1, 1984 through September 30, 1985. The total proposed project cost is \$340,920 with a breakdown as follows: County - \$108,657; Gateway I - \$15,000; Title III-B - \$65,794; Title C-1 - \$86,214; Title C-2 - \$15,255; R.S.V.P. - \$50,000. Because of the time element, Mrs. McGaharn requested approval of the portion of the Area Plan which includes: Gateway, Title III-B, C-1, C-2 and RSVP, with the County portion being approved during the finalization of the budget process.

The County Administrator advised that the Grant Application has been reviewed by the Director of Budget & Data Services who has offered the following conditions:

1. That the County give approval of each of the component grants at the time of submission of each. (Mrs. McGaharn advised that each component is incorporated as part of an overall grant document.)

2. That the approval of the Area Agency Plan would not be an

indication for any commitment of county funds beyond what is necessary to match the individual grants. (Mrs. McGaharn indicated that the grant funds are set up by formulas and she keeps to that formula match in compliance with the regulations.)

3. That the amount of the Area Agency Plan is not in concert with the Recommended FY '85 Budget amount. (Mrs. McGaharn pointed this out and indicated that there is a difference of \$11,534.)

In closing the Commissioners advised that they would review the Grant Application and make a decision at next week's meeting.

Mrs. McGaharn also requested the Commissioners' support for the Capital Projects she had previously presented.

(Commissioner Millison left meeting - 11:50 a.m.)

BID TALLY SHEET  
SALE OF SURPLUS VEHICLES

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid tally sheet indicating the high bidder and amount of bid for the sale of several surplus county vehicles. Mr. Raley recommended awarding the bids as indicated with the exception of Item No. 16 in that that vehicle would be used by the Office of Planning and Zoning for a short period of time.

Commissioner Aud moved, seconded by Commissioner Arnold, to accept Mr. Raley's recommendations in awarding the bids with the exception of No. 16. However, Mr. Raley is to contact the high bidder of this vehicle to apprise him of the situation and that he could have the car at that time if he was still interested. Motion carried.

(Commissioner Dean returned - 1:00 p.m.)

REZONING HEARING  
ZONE #83-1225 - RICHARD C. MANSON

Requesting rezoning from AR, Agricultural-Residential, to CL, Commercial Limited. The property contains 2.2 acres and is the site of the "Mane Place" Beauty Salon, at the intersection of Oaks Cooksey Swamp Road and Old Rt. 5, Charlotte Hall, Tax Map 1, Block 22, Parcel 7, Fifth Election District.

Commissioners Present: George Aud, Ford Dean, David Sayre, and Richard Arnold. Commissioner Millison was absent.

Staff Present: Robin Guyther, Planner, Office of P&Z; Anita Meridith, Recording Secretary, Office of P&Z.

Members of the audience included: Richard C. Manson, William A. Burch and F. Elliott Burch, Sr.

Mr. Guyther read the notice of public hearing aloud, as advertised in the Enterprise Newspaper in the Wednesday, April 18, 1984 issue, providing public legal notification of the rezoning hearing.

Mr. Manson, applicant, came forward and presented his postal receipts from the certified letters of notification sent to all contiguous property owners (marked Applicant's Exhibit No. 1). Mr. Manson verified that the property had been legally posted.

Mr. Guyther correspondingly entered the Planning Commission's record of deliberation into the subject hearing file.

Mr. Manson addressed the Commissioners and advised that he was seeking as rezoning of his property to CL, Commercial Limited, on the basis that there had been a mistake at the time of the original Ordinance adoption in 1974; i.e., that the property had been used commercially continuously since 1969. Mr. Manson called attention to evidence previously entered into the record (marked Applicant's Exhibit No. 2 during the December 12, 1983 Planning Commission consideration), documentation signed by former owner Catherine Burch, attesting that she had built the structure and had commenced her beauty operation on December 11, 1969 and had continued this enterprise until selling the property to the applicant, who had continued the beauty shop operation on site, to date.

The application was also based on change in the character of the neighborhood, with Mr. Manson citing many of the recent rezonings which had occurred in the area, e.g., Seymour property and McKay's Food Store. Mr. Manson provided a color coded map of the vicinity which indicated the various commercial and nonconforming properties in the area. The color codings were depicted as follows: Those properties denoted in red are recent rezonings; green - subject parcel under consideration; blue - properties currently zoned AR which house nonconforming uses; orange - commercial properties.

Commissioner Dean asked the applicant to explain his purpose for the requested rezoning. Mr. Manson explained that he had tentative future plans to expand the building to be used for professional rental office space "to the capacity that the property would accommodate with the present sewage facilities or whatever the requirements would be."

The Chair inquired whether anyone wished to speak in favor of the rezoning. There was no response. Question was posed whether anyone wished to speak in opposition.

Mr. William A. Burch came forward and spoke to the various adjacent residential properties within this community. Mr. William A. Burch offered, "That is a residential area...and we would like to keep it that way."

Mr. F. Elliott Burch Sr. again asked the applicant to explain his future plans for the site. Mr. Manson reiterated that eventually he had planned to expand the site to provide additional space for rental offices, preferably for professional clientele. Mr. F. Elliott Burch Sr. stated that he had lived in this area for many years and had been witness to the slow deterioration of the area. Mr. Burch stressed that he was most concerned with the changing of his community's character.

Mr. Manson stressed that his property was ideally suited for this particular type of business application and he wished to state for the record that he certainly felt that the existing establishment "was not something that I feel detracts from the neighborhood or has helped to deteriorate the surrounding area and any future building that we would put in there would also be of a type that wouldn't, hopefully, I would not think, would detract from the neighborhood."

Mr. Guyther advised that basically the CL zoning classification allowed for: offices, beauty shops and barber shops.

Hearing no further testimony, Commissioner Aud noted that the hearing would be closed with the Board taking the matter under advisement.

#### COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

##### 1) CEDAR COVE DEVELOPMENT AGREEMENT (AMENDED)

The County Administrator advised that the referenced proposed Development Agreement has been reviewed by the Navy, the County Attorney and the County's Planning staff. The Navy has responded that they have no problem with the document and the planning staff has recommended two changes (as indicated by Robin Guyther, Planner, Office of Planning and Zoning, at the Commissioners' May

1 meeting): (1) the removal of Paragraph 8 regarding marinas and (2) amendment to Paragraph 12 regarding recordation of the conditions.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign said amended Agreement. Motion unanimously carried.

2) ST. MARY'S COUNTY DOMESTIC VIOLENCE/SEXUAL ASSAULT PROGRAM  
GRANT APPLICATION (PROPOSALS)

Because of the need to meet a deadline, the County Administrator requested confirmation from the Board to authorize Commissioner President Aud to sign the proposals to be submitted to the Department of Human Resources entitled: "St. Mary's County Domestic Violence/Sexual Assault Program" targeted principally at rape/sexual assault and "St. Mary's County Domestic Violence/Sexual Assault Program" aimed principally at spouse abuse and shelter services.

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

3) APPOINTMENT  
DISABLED PERSONS REVIEW BOARD

Commissioner Aud moved, seconded by Commissioner Sayre, to reappoint Mr. Foxwell Burch to the Disabled Persons Review Board for a term to expire December 31, 1986. Motion unanimously carried.

4) NURSING HOME BY-LAW CHANGES

The County Administrator presented correspondence dated April 5 from the Chairman of the Nursing Home Board requesting the Commissioners' approval to an amendment to the Nursing Home By-Laws which would allow members to be reappointed for consecutive three-year terms.

Commissioner Sayre moved, seconded by Commissioner Dean, to accept this recommendation and authorize Commissioner President Aud to sign the letter to the Nursing Home Board Chairman concurring with the change. Motion unanimously carried.

5) ADVANCED LIFE SUPPORT PROGRAM AGREEMENT

The County Administrator presented the Advanced Life Support Agreement which has been signed by all appropriate parties and is now ready for the Commissioners' approval.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the Advanced Life Support Agreement on behalf of the Board. Motion unanimously carried.

6) REZONING RESOLUTION NO. Z84-09  
JOSEPH E. LORE (ZONE #83-1218)

Requesting rezoning from R-1, Rural Residential, to RSC, Rural Service Center. The property contains approximately .776 acres and is located at the south-east corner of the intersection of Md. Rt. 5 and Airedele Rd., Ridge, in the First Election District, Tax Map 71, Block 13, Parcel 64.

Having conducted a public hearing on March 20, 1984 and subsequently held decision discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Rezoning Resolution No. Z84. Motion carried.

7) REZONING RESOLUTION NO. Z84-  
B.A. MILLISON (ZONE #83-0824)

7) REZONING RESOLUTION NO. Z84-  
J.L. MILLISON (ZONE #83-0824)

Requesting rezoning of 30 acres from C-1, Commercial, to C-2, Commercial. The parent parcel contains approximately 97 acres and is located on Md. Rt. 235, Lexington Park, just south of Chancellors Run Road, Eighth Election District; Tax Map 43, Block 2, part of Parcel 20.

Having conducted a public hearing on March 27, 1984 and subsequently held decision discussion, Commissioner Arnold moved, seconded by Commissioner Aud, to approve and sign Rezoning Resolution No. Z84- . Motion carried.

8) GRANT MODIFICATION  
WALDEN COUNSELING CENTER PREVENTION GRANT

The County Administrator presented Revision #1 to the Walden Counseling Center Prevention Grant and requested the Board's approval. Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Modification. Motion unanimously carried.

9) PINEY POINT LIGHTHOUSE GARAGE PROPERTY LEASE

On behalf of the Director of Recreation and Parks, the County Administrator presented the lease of the Piney Point Lighthouse garage for use by the U. S. Geological Survey. Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said lease. Motion unanimously carried.

10) CORRESPONDENCE

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

a) Audit of Agriculture Land Preservation Account - Letter addressed to Department of Agriculture expressing agreement to the annual audit of the accounts of the Maryland Land Preservation.

b) Technological Training Facility - Letters to Ray Runco (Century 21), Community College Advisory Board, and Senator Fowler relative to Mr. Runco's proposal for the hospital property to be used as a Technological Training facility.

c) Tax Credit for Tobacco Barns - Letter to St. Mary's County Farm Bureau responding that the County is not in a position at this time to implement property tax credits for tobacco barns; however, the Agricultural Task Force will be requested to consider this issue.

d) Skipjack Sailing Vessel Stamp - Letter to U.S. Postmaster requesting consideration for U.S. postage stamp commemorating the famous Skipjack sailing vessels.

The Commissioners agreed to sign and forward the referenced letters.

ST. MARY'S CITY HOTEL/CONFERENCE CENTER

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

Commissioner Dean stated that he has read an article recently in the local newspaper regarding the location of the St. Mary's City Hotel/Conference Center project, and several people in the area have expressed some concerns to him.

Mr. Gerred advised that he has been informed by a representative of the State Department of Economic & Community Development that the project may go through the County's rezoning process.

Inasmuch as Ardath Cade of DECD has contacted the Commissioners' Office to determine if the Board had any comments, Mr. Gerred was requested to ascertain whether this project was going through the rezoning process prior to any comments being made.

DEPARTMENT OF NAVY  
EMPRESS II FACILITY

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

Mr. Gerred advised that correspondence dated April 13 had been received from the Department of Natural Resources expressing concerns about the Department of Navy's Empress II Testing Facility proposal. Mr. Gerred, therefore, presented correspondence to the Department of Navy for Commissioner Aud's signature advising that the County could not support the location of such a facility in the Chesapeake and that a full Environmental Impact Statement should be done. The Commissioners agreed to sign and forward said letter.

LEXINGTON PARK TRANSPORTATION STUDY

Present: Frank Gerred, Director, OPZ

Relative to the Commissioners' previous request for the Office of Planning and Zoning to determine its capabilities to conduct the Lexington Park Transportation Study, Mr. Gerred advised that his office did not have the staff to do this project. He recommended that the County hire an engineering consultant to perform this study and advised that he had received a proposal from the firm of Kamber Engineering, Inc. in the amount of \$4,835.

In discussing a possible source of funds for this project, Mr. Cox indicated that \$6,000 has been allocated in his recommended budget for plans and studies.

The Commissioners agreed that this should be a matter of discussion during the budget finalization process.

ST. MARY'S COUNTY STUFFED HAM FILM

Representatives of the 350th Committee appeared before the Commissioners to show a film wherein Loretta Taylor demonstrates how to stuff a ham.

(Commissioner Sayre left meeting - 2:30 p.m.)

FY '85 BUDGET REVIEW

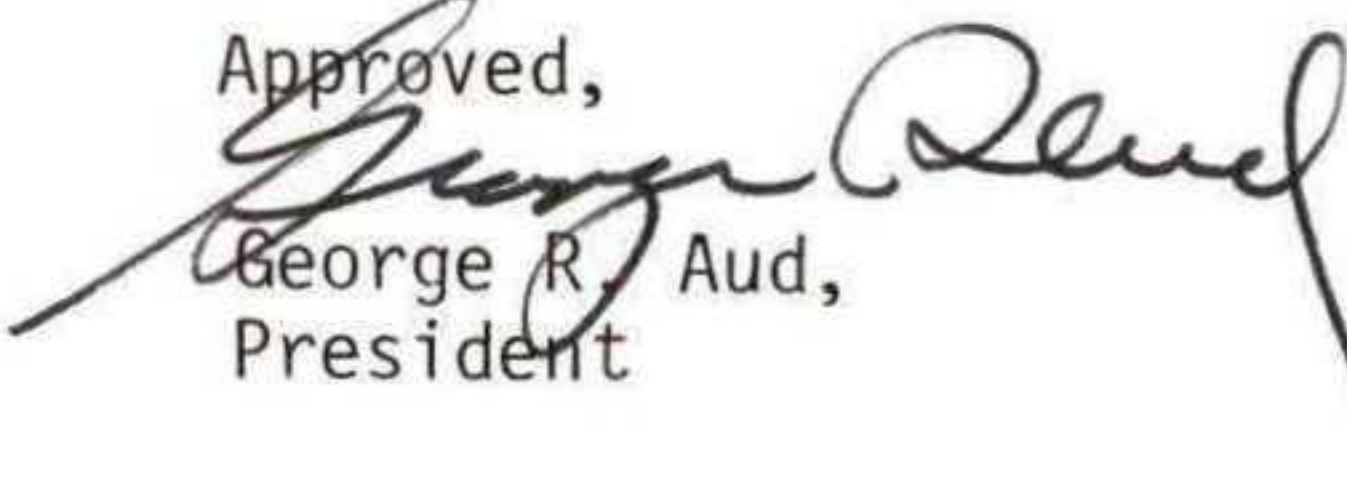
Present: Joseph O'Dell, Director, Budget & Data Services

Mr. O'Dell presented a memorandum dated May 7, 1984 to the Commissioners which provided additional information that will impact the final approved budget and highlighted what is not in the proposed budget. The Commissioners agreed to review the document and discuss it at next week's meeting.

In addition, Mr. O'Dell presented a memorandum addressed to all County Department Heads relative to FY '85 fiscal matters and requested authorization to distribute same. Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign said memorandum to Department Heads. Motion carried.

ADJOURNMENT

Having no further business, the meeting adjourned at 3:00 p.m.

Approved,  
  
George R. Aud,  
President