

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 26, 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 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners' meeting of June 19, 1984, as submitted. Motion carried.

APPROVAL OF BILLS

Commissioner Millison moved, seconded by Commissioner Sayre, to approve payment of the bills as presented. Motion carried.

NATURAL RESOURCES SUMMER CAMMP

Present: Timothy Frink, Soil Conservation Service
Marianne Chapman
Summer Camp Students

Mr. Frink presented the participants of the 1984 Natural Resources Summer Camp to the Commissioners and explained the activities planned for this year's camp session. He stated that the students will be conducting a hypothetical planning study of Sotterly Manor property and the students will be divided into various groups; i.e., Commissioners, property owners, developers, etc. as part of the exercise. Each of the Commissioners commented on their views with regard to land planning, after which there was a question and answer period.

In closing the Commissioners thanked the students for their interest and wished them success in their summer camp programs.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Budget Director with the following justifications:

- a) Budget Amendment No. 84-52
Cooperative Extension Service
Purchasing

Justification: Salary savings to be used to acquire additional equipment and material in and out of office environment; including sickle bar, 3M overhead projector, calculator, microwave exhibit.

b) Budget Amendment No. 84-53
Planning & Zoning
Purchasing

Justification: To advance operating accounts as needed to fiscal year's end, plus acquire equipment in Permits Section. Equipment includes tape recorder, calculator, polaroid camera.

Commissioner Arnold moved, seconded by Commissioner Dean, to authorize Commissioner President Aud to sign Budget Amendments No. 84-52 and No. 84-53. Motion unanimously carried.

2) ACCEPTANCE OF DEED
WATTS/WATSON - EXCHANGE OF RIGHT-OF-WAY

Based on the Board of County Commissioner authority at their meeting of March 6, 1984, the County Administrator presented a Deed by and between Board of County Commissioners of St. Mary's County and Thomas B. Watts and Alva V. Watson for the exchange of right-of-way with the County on Airport Drive in the St. Mary's Industrial Park.

The Commissioners gave their concurrence for Commissioner President Aud to sign said Deed.

3) PERSONNEL

a) Engineering Associate
County Engineer's Office

The County Administrator presented a memorandum dated June 26, 1984 advising that the County Engineer has recommended the hiring of John K. Meidunas for the position of Engineering Associate V, Grade 13, to fill the vacancy created by the promotion of John Thompson.

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

b) Fiscal Director
Office on Aging

The County Administrator presented a memorandum dated June 25, 1984 from the Personnel Officer requesting authority to hire a Fiscal Director, Grade 10, Office on Aging, to replace Nancy Hutson, who transferred to the Office of Economic & Community Development.

Commissioner Sayre moved, seconded by Commissioner Aud, to grant this authority. Motion unanimously carried.

c) Recreation Coordinator Position
Recreation and Parks

The County Administrator presented a memorandum dated June 22, 1984 from the Personnel Officer requesting authority to fill the Recreation Coordinator position, Grade 11, which will be vacated by the retirement of Al Barthelme.

Commissioner Aud, seconded by Commissioner Dean, to grant this authority. Motion unanimously carried.

4) LEONARDTOWN CRITICAL AREA TREATMENT
RESOURCE, CONSERVATION AND DEVELOPMENT MEASURE PLAN

Relative to the drainage problem adjacent to the Governmental Center property, the County Administrator presented the Leonardtown Critical Area Treatment RC&D Measure Plan as a part of the Southern Maryland RC&D Development Area, sponsored by the St. Mary's County Commissioners and the St. Mary's Soil Conservation District.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said RC&D Plan. Motion unanimously carried.

5) AGRICULTURAL TASK FORCE

Commissioner Dean moved, seconded by Commissioner Millison, to appoint John Hall IV of Soil Conservation Service to the Agricultural Task Force. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John B. Norris, Jr., County Engineer

1) ST. CATHERINE'S SUBDIVISION
SURFACE TREATMENT

The County Engineer advised the Commissioners that a billing was received from SHA in the amount of approximately \$1200 in excess of what had been agreed to for the surface treatment of St. Catherine's Subdivision. He stated that in September 1981 SHA was authorized to surface treat the roads and allocated \$6,000 for the County's share based on their estimates. Mr. Norris recommended that the County not pay this additional amount and requested authorization for Commissioner President Aud to sign a letter to SHA documenting the costs and requesting their reconsideration of the overhead costs.

Commissioner Sayre moved, seconded by Commissioner Millison to authorize Commissioner President Aud to sign said letter. Motion unanimously carried.

2) ESPERANZA SUBDIVISION

For the Commissioners' information, the County Engineer advised that the Public Works Agreement for this project is due this week; however, the final inspection is scheduled for next week, and he, therefore, did not see any problem.

3) PINEMORE SUBDIVISION
PUBLIC WORKS AGREEMENT ADDENDUM

The County Engineer presented an Addendum to the Public Works Agreement by and between Benjamin H. Burroughs, Jr., F. Elliott Burch, Jr. and Edward S. Burroughs extending the deadline for the completion of the roads in Pinemore Subdivision, Section I. Along with the Addendum was an Irrevocable Letter of Credit with Maryland National Bank in the amount of \$23,000.

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

4) GRADING AGREEMENT
HUNTING QUARTER SUBDIVISION

The County Engineer presented a Grading Agreement dated June 12, 1984 by and between Hunting Quarter Association and St. Mary's County, Maryland for Hunting Quarter Subdivision, Second Election District.

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

5) CARVER ANNEX DEMOLITION

The County Engineer advised that bids had been received for the demolition and removal of the Carver Heights Annex in the amount of \$30,000; however, since the volunteer fire department burned the building down, the volume of material to be removed has been reduced. Mr. Norris indicated that the cost now for removal of the debris will be under \$15,000.

Commissioner Millison expressed concerns relative to proper and safe disposal of the debris from this project as well as the disposal of the debris from the Center Gardens project when it is demolished. Therefore, the Commissioners directed the County Engineer to have the Health Department and Soil Conservation Service review any potential sites for the depositing of the materials to determine that it is not detrimental to the water quality or environment.

6) LEONARDTOWN COMMISSIONERS
TRASH HAULING PERMIT

The County Engineer presented correspondence from Commissioners of Leonardtown dated June 21, 1984 requesting an exception to the Commercial Trash Hauling Fee. Inasmuch as the Town uses a private contractor for the hauling of trash, the Commissioners agreed that the fee not be waived and that the County Engineer inform the Leonardtown Commissioners that the contractor should be responsible for paying the fee.

7) COUNTY HIGHWAY MAINTENANCE RESPONSIBILITY

Mr. Norris advised the Commissioners that with the volume of work to be done with the County Highway Maintenance Department, there is a backlog of a number of items that need to be done immediately--potholes, grasscutting, drainage problems, etc. He stated that he has asked the Department of Recreation and Parks to assist in the grasscutting in July in that his department does not yet have the equipment.

Further, the County Engineer stated that his office had a meeting with the telephone and electric companies relative to the costs for relocating utility lines on county roads. He stated that one of the problems is the county's lack of ability to perform highway maintenance because of a delay by the utility companies in relocating their lines. Mr. Norris advised that a policy needs to be developed regarding the costs incurred because of these delays. The County Engineer will return in July with a recommendation.

OFFICE ON AGING

Present: Billye McGaharn, Senior Services Coordinator
David Hammett, Commission on Aging
Wallace Scruggs, Commission on Aging
Eloise Pickrell
Joseph O'Dell, Director, Budget & Data Services

1) FOOD SERVICE CONTRACT
BOARD OF EDUCATION

Mrs. McGaharn advised the Commissioners that the Board of Education has increased the per meal cost for the Office on Aging meal program from \$2.10 to \$2.25 for FY '85 and pointed out that the increase amounted to an additional \$7,077. She stated that the additional amount was not accounted for in her budget, and she made several attempts to renegotiate the cost with the Board of Education with no success. Mrs. McGaharn presented a list of comparables from other counties citing the costs and what services are provided for those costs.

Mr. O'Dell suggested that Mrs. McGaharn, Mr. Cox and he meet with the Board of Education representative to discuss negotiating the costs, and if the cost is to remain \$2.25 that the Commissioners make a decision as to supplemental funding.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept Mr. O'Dell's recommendation. Motion unanimously carried.

2) CONTRACT AGREEMENT
COUNTY ENGINEER'S OFFICE

Mrs. McGaharn advised that under the FY '83 Title B Grant, a minimum of 20% was to be allocated towards Senior Center Capital Improvements. She stated that she had a contract agreement with the County Engineer's Office in the amount of \$7,845 for this work; however, because of the Engineer's workload, the work had not been completed. Mrs. McGaharn pointed out that in compliance with the mandate of regulations of the Older Americans Act, a contract must be in place committing the funds. She stated that by memorandum dated September 23, 1983 she requested the County Engineer to extend the contract for the Capital Improvements.

Mr. O'Dell stated that there was not a legitimate contract and this must be in place by June 30 before the funds can be encumbered.

After some discussion, the Commissioners suggested that Mrs. McGaharn meet with the County Engineer before June 30 to enumerate the items to be completed in the Capital Project and prepare a contract to that effect.

3) COMMISSION ON AGING VAN

Mrs. McGaharn stated that one of the Commission on Aging vans is broken down and the cost to repair it is \$2300. Because of the mileage and condition of the van, Mrs. McGaharn recommended that these funds go towards the purchase of a new van, and additional funds can be transferred from savings in other Office on Aging accounts in the amount of \$12,952. Mrs. McGaharn presented a listing of line items and the savings in each.

After discussion, the Commissioners concurred in the concept of the Senior Services Coordinator acquiring a new van, but that a Budget Amendment will have to be presented to the Board for approval.

4) REVISION TO TITLE III-B GRANT

Further, Mrs. McGaharn presented correspondence for the Commissioners' review and signatures addressed to the Maryland Office on Aging increasing the Title III-B funding by \$1,095 for the period 10/1/83 - 9/30/84. The Commissioners agreed to sign and forward said letter.

COMMENDATION
JEAN RIDGELL

Present: Jean Ridgell, 350th Anniversary Office

The Commissioners presented a Commendation to Jean Ridgell for her dedication and assistance to the 350th activities and celebration.

OFFICE OF PLANNING & ZONING

Present: Robin Guyther, Planner, OPZ
Joseph Densford, Asst. County Attorney

1) ZONING AMENDMENT RESOLUTION NO. Z84-15
BUDDY WINSLOW (MARINA) - ZONE NO. 82-0884

Also Present: Buddy Winslow, Applicant
Karen Abrams, Attorney for Applicant
Other interested citizens

(Additional information on the request to rezone 1.0 acres from R-1, Rural Residential, to CM, Commercial Marine. The property is now a nonconforming use marina in Town Creek, off Bill Dixon Road, 8th Election District, on Tax Map 35, Block 2, Parcel 2, Levering Subdivision, Lot 22.)

Having conducted a public hearing and subsequent discussions on the referenced application, Commissioner Aud moved, seconded by Commissioner Sayre, to sign Resolution No. Z84-15 DENYING the rezoning as requested.

During discussion of the motion, Commissioner Dean stated that at the Commissioners' meeting of May 29, 1984, the County Attorney was requested to prepare a Resolution of denial and secondly, to comment on the appropriateness of using an adjacent residential lot for sewage disposal purposes. Mr. Densford stated that his opinion was that as an accessory use on a residential lot, a septic system, although it was to be used in conjunction with an adjoining commercial use for the marina, was qualified as an accessory use in a residential district and was, therefore, permitted under the Zoning Ordinance.

Commissioner Dean reiterated the history of this case and stated that he was of the opinion that the decision that the Commissioners originally rendered in this case; namely, to allow the Commercial Marine classification with the limitations as previously imposed, is the appropriate one. Commissioner Dean recommended that this Resolution not be signed, but that the County Attorney be instructed to prepare one as originally done.

Commissioner Arnold advised that he had previously held the same opinion as Commissioner Dean up to the point where the applicant returned and stated that 36 slips were not enough. If he cannot do what he wants at the site with 36 slips, Commissioner Arnold stated that why should the Commissioners "put him in a position of something he cannot do and accomplish and that is to make it better." Commissioner Arnold further remarked that subject property is a sensitive area and it is at the mouth of the waterway and that this type of area the Commissioners should not

take a chance in destroying it, particularly since the applicant cannot address the Board's concerns for the area with just 36 slips.

After discussion the vote was taken; three to one, with Commissioner Dean voting against signing the Resolution. Motion carried.

2) ZONING AMENDMENT RESOLUTION NO. Z84-14
RICHARD A. COPSEY - ZONE #83-1436

(Requesting rezoning from C-1, Commercial, to C-2, Commercial, with waiver of the lotsize requirement. The property contains approximately .43 acres and is located on Md. Rt. 5, Charlotte Hall (Lots 13 and 14, Canters Subdivision); Tax Map 1, Block 21, part of Parcel 1; Fifth Election District.)

Having conducted a public hearing on April 17, 1984 and held subsequent decision discussion, Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign Zoning Amendment Resolution NO. Z84-14 APPROVING the zoning reclassification from C-1 to C-2. Motion carried.

3) ZONING AMENDMENT RESOLUTION NO. Z84-13
TEXT CHANGE TO ZONING ORDINANCE
(EXTRACTION OF NATURAL RESOURCES UNDER FIVE ACRES)

(Requesting Amendment to Article 32-02.3 to include as permitted use under that section: Extraction of natural resources under five acre, per Article 5, Section 53.06.6 of the Zoning Ordinance.)

Having conducted a public hearing on June 19, 1984 concerning a proposed text change to the Zoning Ordinance relative to permitting extraction of natural resources under five acres in an R-2 district, Commissioner Aud moved, seconded by Commissioner Dean, to approve and sign Zoning Amendment Resolution No. Z84-13 APPROVING said amendment. Motion carried.

4) HUNTING QUARTER SUBDIVISION
ECONOMIC IMPACT FEE

Mr. Guyther advised that the developers of Hunting Quarter Subdivision are requesting a waiver of the Zoning Ordinance requirement for the payment of the Economic Impact Fee at the time of obtaining the building permit, but that they be permitted to pay it at the time they make application for Certificates of Occupancy.

After discussion Commissioner Aud moved, seconded by Commissioner Arnold, to allow the EIF to be paid at the time of issuance of the Occupancy Permit or at the time of conveyance of the property, whichever occurs first. Motion carried.

5) STORMWATER MANAGEMENT

In response to an inquiry from Commissioner Dean relative the County's Stormwater Management Ordinance, Mr. Guyther advised that the regulations go into effect on July 1, 1984 and all plans submitted July 1 or after must be in compliance.

6) SCHOOL BUS DRIVERS
PHYSICAL EXAMINATION FEES

Commissioner Dean advised that it was his understanding that the County had been paying \$20 towards the cost for a physical examination for parochial school bus drivers and \$5 for substitute drivers; however, he had

heard that this practice has been changed to \$25 for school bus drivers and nothing for a substitute. The secretary was requested to request verification of this change from the Director of Purchasing and Logistics and why the change was made.

EXECUTIVE SESSION

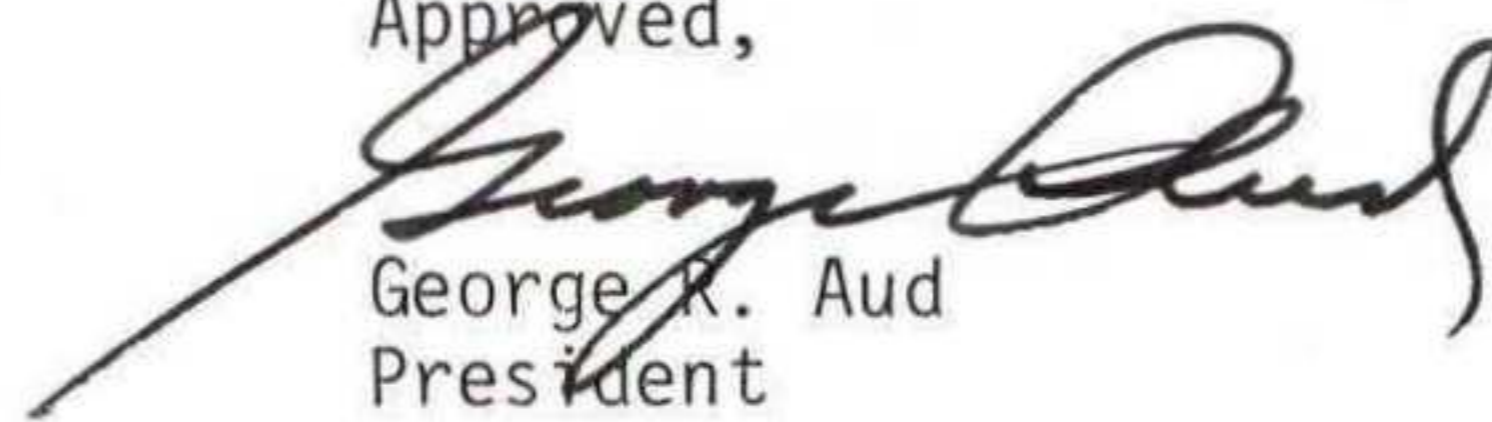
Present: John Norris, County Engineer

Commissioner Sayre moved, seconded by Commissioner Aud, to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 2:15 p.m. to 2:45 p.m.

ADJOURNMENT

Having no further business the meeting adjourned at 2:45 p.m.

Approved,

A handwritten signature in cursive script, appearing to read "George R. Aud".

George R. Aud
President