

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 3, 1984

Present: Commissioner George R. Aud, President  
Commissioner Larry Milli 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 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, June 26, 1984. Motion unanimously carried.

APPROVAL OF BILLS

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

CATHOLIC CEMETERIES  
TRANSPORTATION OF "COMPRO"

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

Relative to discussion held on June 12, 1984 concerning an application by Catholic Cemeteries for the transportation of compost, Mr. Gerred advised that it has since been learned that the materials to be transported is "Compro" and is not a sewage sludge. Therefore, a public hearing will not be necessary.

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) No. 84-54  
Office on Aging/Purchasing

Justification: To adjust budgetary authority in order to implement County Commissioners' decision on June 26, 1984 concerning Senior Center. Equipment detailed on Requisitions 1376, 1377, 1144, and 1382.

- b) No. 84-55  
County Engineer/Office on Aging

Justification: To provide budgetary authority to amend the contract by the County Engineer and Office on Aging concerning work at Senior Center.

- c) No. 84-56  
Various Departments

Justification: To provide for added funds where applicable to cover extra payroll in FY '84.



- d) No. 84-57  
St. Clement's Museum

Justification: To adjust authority in line with program modifications.

- e) No. 84-58  
County Engineer

Justification: To provide authority in new department prior to June 30 '84 in implementing highway maintenance function.

- f) No.84-59  
Economic & Community Development  
Other Government Costs

Justification: To provide budget authority with year end estimated costs.

- g) No. 84-60  
Board of Education

Justification: To provide for increase in budget authority for Project Graduation costs.

- h) No. 84-61  
Health Department

Justification: To provide for increase in budget authority as a result of equipment purchase. Estimated savings in Civil Defense.

- i) No. 84-62  
Sheriff's Department

Justification: To increase food and supplies in the account.

- j) No. 84-63  
County Engineer

Justification: Adjust budget authority as required for year end costs.

- k) No. 84-64  
Planning & Zoning

Justification: Adjust budget authority based on year-end estimate of costs and non-use of CDBG authority in FY '84. Rebudget in FY '85.

- l) No. 84-65  
Purchasing

Justification: Adjust budget authority based on estimate of costs.



- m) No. 84-66  
County Commissioners  
County Administrator

Justification: To provide additional budget authority based on costs incurred.

- n) No. 84-67  
County Engineer

Justification: To expense difference in equipment purchases versus lease-purchase agreement with Md. Leasing Corp.

- o) No. 84-68  
County Engineer  
Recreation and Parks

Justification: To adjust budget authority as required at year's end.

- p) No. 85-1  
Planning and Zoning

Justification: To classify specific individuals in line with their mission and activities: Guyther, Dionne, Meredith and Curtis to be charged to Permits and Inspection area, not administration.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Budget Amendments. Motion unanimously carried.

2) SALE OF SURPLUS PROPERTY

On behalf of the Director of Purchasing and Logistics, the County Administrator presented the bid tally sheet for the sale of Lots 12 and 13, Block 2, Point Blackistone Subdivision. Commissioner Dean moved, seconded by Commissioner Millison, to award the sale of the house to the highest bidder, Robert E. Yates, in the amount of \$7,654.32. Motion unanimously carried.

3) MEDICAL SERVICES CONTRACT  
ST. MARY'S COUNTY JAIL

The County Administrator presented the Medical Services Contract with Dr. Howard Mahan-Haft for medical care services for inmates of the St. Mary's County Jail. Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign the referenced Contract. Motion unanimously carried.

4) OFFICE ON AGING  
MEALS PROGRAM

The County Administrator advised that Dr. Lorton, Superintendent of Schools, had agreed to retain the current price of meals (\$2.10) for the Elderly Meal Program through the Office on Aging; however, if at the year's end, it is determined that the program operated at a loss, the Board of Education would negotiate with the Commissioners on the cost overruns.



5) PERSONNEL

a) Highway Maintenance Worker  
County Engineer's Office

The County Administrator presented a memorandum dated July 2, 1984 from the Personnel Officer recommending the appointment of Thomas S. Tennison to the Highway Maintenance Worker, Grade 5, position, effective July 16. Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion unanimously carried.

b) Motor Equipment Operator I  
County Engineer's Office

The County Administrator presented a memorandum dated June 26, 1984 from the Personnel Officer recommending the appointment of Kenneth Adams to the position of Motor Equipment Operator I, Grade 6, position in the County Engineer's Office, effective July 2, 1984. It was noted that John D. Yates had been previously selected, but subsequently declined the job. Commissioner Millison moved, seconded by Commissioner Sayre, accept this recommendation. Motion unanimously carried.

c) Secretary I  
Office of Economic & Community Development

The County Administrator presented a memorandum dated June 25, 1984 from the Personnel Officer recommending the establishment of and hiring of an Office Secretary I, Grade 7, position in the Office of Economic & Community Development, from a Clerk Stenographer position, Grade 6. This is a grant-funded position. Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion unanimously carried.

6) HOMEOWNERS' ELECTRICAL INSTALLATION

The County Administrator stated that the Chief of Permits and Inspections in the Office of Planning & Zoning has advised that in accordance with Resolution No. 84-2, the Homeowners' Electrical Installation program is now underway, and an electrical permit may be granted upon passing a written test.

7) CORRESPONDENCE

The Board of County Commissioners agreed to sign and forward the following items of correspondence presented by the County Administrator:

a) Veterans Memorial Commission

To Fred Wineland, Chairman of Vietnam Veterans Memorial Commission recommending that the site of the Maryland Veterans' Memorial be located at Charlotte Hall.

b) Western Branch Facilities Plan

To Washington Suburban Sanitary Commission regarding comments on the Western Branch Facilities Plan.

c) Annual Maryland Pride in Tobacco Festival

Letter to be placed in the Delmarva Farmer Newspaper welcoming people to the Annual Maryland Pride in Tobacco Festival on July 28 and 29.



8) RE-BID OF TECHNICAL CENTER HOUSE

On behalf of the Director of Purchasing and Logistics, the County Administrator presented the bid tally sheet for the sale of Technical Center House #3 and advised that Jimmie A. Mora was the only bidder in the amount of \$86,500. Commissioner Millison moved, seconded by Commissioner Arnold, to accept the bid from Mr. Mora. Motion unanimously carried.

9) AGREEMENT  
MINITEC CORPORATION

On behalf of the Director of Economic & Community Development, the County Administrator presented an Agreement by and between Minitec Corporation and The Board of County Commissioners of St. Mary's County, First National Bank of St. Mary's and William M. Lewis relative to the sale and purchase of three parcels of the St. Mary's Industrial Park. Commissioner Millison moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Agreement. Motion unanimously carried.

10) DELINQUENT PROPERTY TAX PENALTY  
SCHEDULING OF PUBLIC HEARING

The County Administrator requested authorization from the Board to advertise for a public hearing on the adoption of a proposed Ordinance to impose and collect after October 1 of each year penalties for failure by that date to make payment of real property taxes.

Commissioner Dean moved, seconded by Commissioner Aud, to advertise for the referenced public hearing. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) CORRESPONDENCE TO MARYLAND ENVIRONMENTAL SERVICE  
CLEMENTS LANDFILL

The County Engineer presented correspondence for the Commissioner President Aud's signature addressed to MES submitting the preliminary grant application for financial assistance in the amount of \$15,000 for geotechnical investigations for the extension of the Clements Landfill to a new area on the existing permitted landfill property. The extension would extend the landfill's life an additional three years. Also requested is a \$30,000 grant for geotechnical investigations and surveys for a replacement site as well as the complete design of a new sanitary landfill. The Commissioners authorized Commissioner President Aud to sign said letter.

2) TALL TIMBERS SHORE EROSION DISTRICT

The County Engineer requested approval from the Board to forward correspondence to the Army Corps of Engineers requesting the extension of the southern limits of the area impacted by the Herring Creek Jetties south to the point where the shoreline makes a noticeable change in alignment. The extended area would include all properties currently under consideration for establishment of a Second Shore Erosion District at Tall Timbers. The Commissioners authorized Mr. Norris to sign and forward said letter.

3) PROJECT NO. SM 85-1-9  
SLURRY SEAL PROJECT

Mr. Norris presented an Agreement by and between Board of County Commissioners and Slurry Pavers in the amount of \$77,998.04 or slurry seal coat and related construction items in St. Mary's County.



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

ST. CLEMENTS SHORES WASTEWATER TREATMENT PLANT  
ALLOCATION POLICY PROPOSAL

Present Larry Petty, Director, Metropolitan Commission  
Frank Gerred, Director, Office of Planning & Zoning

The referenced individuals appeared before the Commissioners to present a proposed Allocation Policy for the St. Clements Shores Wastewater Treatment Plant. Commissioner Dean opened the discussion by reviewing the change in the Zoning Ordinance regarding minimum lot size requirement which greatly increased the number of potential building lots within St. Clements Shores, which in turn created the need for the development of an allocation policy.

Mr. Petty distributed copies of the proposed Policy along with background information to the Commissioners.

The Commissioners requested that the proposal be distributed to appropriate parties and that a public hearing be scheduled in approximately three weeks. (The hearing was scheduled for July 31 at 10:00 a.m.)

GRANT APPLICATION  
SECOND DISTRICT PARK

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett presented a Grant Application for the development of the Second District Park; said Grant is in the amount of \$4,000 and the project is 100% state funded.

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

(COMMISSIONERS MILLISON AND ARNOLD LEFT MEETING - 10:45 A.M.)

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss matters of Personnel and Land Acquisition. Motion carried. The Session was held from 10:45 a.m. to 12:00 Noon.

(COMMISSIONERS MILLISON AND ARNOLD RETURNED TO THE MEETING - 11:30 A.M.)

PROCLAMATION NO. 84-35  
SELECTIVE SERVICE WEEK

The Commissioners presented the referenced Proclamation designating the week of July 8-14, 1984 as Selective Service Awareness Week in St. Mary's County.



OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director, OPZ

1) RAPID RESPONSE RESIDENTIAL SPRINKLERS

Mr. Gerred presented a Resolution passed by the Planning Commission relative to granting Planning & Zoning, Plumbing Board, Metropolitan Commission and Fire Marshal the authority to negotiate what can be reduced in construction requirements in a development if a Rapid Response Residential Sprinkler System is installed.

After discussion, the Commissioners agreed to accept the Planning Commission's recommendation and requested Mr. Gerred to prepare an appropriate Resolution for the Board's signatures.

2) ZONING DECISION DISCUSSIONS

a) ZONE #84-0115  
WILLIAM E. WINTERS

(Requesting rezoning from AR, Agricultural-Residential, to C-2, Commercial. The properties contain approximately 8.5 acres and are located on Md. Rt. 5, Redgate, Tax Map 50, Block 13, Parcels 53, 54 and 232, Second Election District.)

Having conducted a public hearing on June 19, 1984 on the referenced rezoning, Commissioner Millison moved, seconded by Commissioner Arnold, to request the County Attorney to prepare the appropriate Resolution approving the rezoning of the property to Commercial.

During discussion of the motion, Commissioner Dean inquired as to the basis for the approval. Commissioner Millison replied that there were no protestors at the hearing and further an individual should be allowed to develop his property to suit himself as long as it did not hurt anyone. He further stated that the property has been in Commercial use for many years and was of the opinion that there has also been a change in the neighborhood. Commissioners Aud and Arnold stated that they were in agreement with the Planning Commission's viewpoint that there was a mistake in the original zoning.

Commissioner Dean stated that his concern is that this is a non-conforming use in an entirely residential area, and the Comprehensive Plan for the County has designated commercial centers for the County and to rezone the property "flies in the face of that concept and would in fact be spot zoning."

Mr. Gerred pointed out that the staff in developing its recommendation to recommend approval of the rezoning considered that the property meets all the criteria for spot zoning; however, it has been policy to rezone those well-known legitimate businesses that have been in existence for a long time and make them a conforming use. The Planning Commission and staff were of the opinion that this was a legitimate spot zoning request.

Commissioner Dean added that he would be in favor of granting the rezoning to Commercial if the basis for the rezoning is that the property is legitimate case of spot zoning and that this basis should be included in the Resolution prepared by the County Attorney.

In conclusion of the discussion, all Commissioners voted in favor of the referenced motion.



b) ZONE #83-1355  
FRANK GASS

(Requesting rezoning from R-1, Rural-Residential, to C-1, Commercial. The property is located in Point Blackstone, Lots 1-5 and 10-20 in Block 4 and 39-44 in Block 12, Tax Map 53A2, Seventh Election District.)

Having conducted a public hearing on June 19, 1984 on the referenced rezoning case, Commissioner Arnold moved, seconded by Commissioner Dean, to accept the recommendation of the Planning Commission and request the County Attorney to prepare the appropriate Resolution approving the rezoning of the property on which the store is located, but not the ballfield. (Commissioner Dean added that the basis for approval of the rezoning is as set forth in the previous zoning decision (William E. Winters). Motion unanimously carried.

3) STORMWATER MANAGEMENT PROGRAM  
RESOLUTION NO. 84-17

Mr. Gerred advised that state law requires that the County not issue building permits unless we are in compliance with the Stormwater Management Regulations of the State. Inasmuch as the public hearing on the adoption of the Stormwater Management Ordinance will not be held until July 17 and inasmuch as the State requires compliance with the Stormwater Management Regulations as of July 1, 1984, Mr. Gerred presented a Resolution setting forth as a policy effective July 3, 1984 that all permits issued by the Office of Planning and Zoning are to be in accordance with the proposed Stormwater Management Ordinance and state law regarding same.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 84-17. Motion unanimously carried.

ADJOURNMENT

The meeting adjourned at 2:15 p.m.

APPROVED,

  
George R. Aud  
President