

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 29, 1985

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

(Commissioner Millison was not present.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, January 22, 1985. Motion carried.

APPROVAL OF BILLS

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

EXECUTIVE SESSION

Present: Ed Curley  
Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of possible litigation. Motion carried. The Session was held from 9:15 a.m. - 9:35 a.m.

COMMENT BY COMMISSIONER SAYRE

For the record, Commissioner Sayre explained that evidently a wrong impression may have been gotten by certain people in last week's meeting with regard to his comments about Delegate John Slade during the "floating home" discussion. He stated that he and John Slade have been good friends for many years and will always be good friends. Commissioner Sayre further stated that Delegate Slade is a fine gentlemen, countian and delegate.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) HAZARDOUS WASTE DISPOSAL FROM FARMS AND RESIDENCES

In response to a proposal from Soil Conservation District for a Measure Plan relative to disposal of hazardous waste (herbicides and other chemicals) from farms and homes, the County Administrator presented correspondence to SCD agreeing to join in an effort to find a solution to correct the problem. The Commissioners agreed to sign and forward said letter.



2) BUDGET AMENDMENTS

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

a) No. 85-41

Justification: To expense Accounts Receivables from Lord Baltimore's World and American Wind Symphony.

b) No. 85-47  
Planning and Zoning  
Purchasing

Justification: To acquire work center and secretarial chair plus metal supply cabinet required because of relocation of offices.

c) No. 85-48  
Sheriff's Department

Justification: Increase in jail population above estimated level in original budget submission. These increases do not represent any costs associated with jail annex proposal, yet to be formulated.

d) No. 85-49  
Economic & Community Development

Justification: To consolidate budget authority into one account and transfer balance of authority by subsequent change order to Tourism Division of Economic and Community Development.

e) No. 85-50  
Economic & Community Development

Justification: To transfer funds from 350th Committee to newly established Tourism Division in Economic & Community Development. In addition, supplemental funds of \$6,000 to match State Tourism grant.

f) No. 85-51  
Office on Aging

Justification: To allocate budgeted funds in line with final approved grant budget for FY '85.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the referenced Budget Amendments. Motion carried.

3) APPOINTMENTS  
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Dean moved, seconded by Commissioner Arnold, and unanimously carried to make the following appointments:

<u>Mental Health Alcoholism Drug Abuse Advisory Council</u>	<u>Term to Expire</u>
Michael Boston	6/30/86
Norman Moore	6/30/87
Rev. Fred Wynn	6/30/85



Southern Maryland Resource Conservation and Development Board

(Nominations to be submitted to Tri-County Council)

Mr. Ralph Brown (member)  
Dr. Patricia White (alternate)

4) CORRESPONDENCE  
HOLLYWOOD OPTIMISTS CLUB

The County Administrator presented correspondence for the Board's signature congratulating the Hollywood Optimist on the occasion of their charter on January 31, 1985. The Commissioners agreed to sign and forward said letter.

5) TUDOR HALL QUIT CLAIM DEED

As a follow up to a presentation by Attorney J. Ernest Bell II of the St. Mary's County Historical Society, the County Administrator presented a Quit Claim Deed by and between Board of County Commissioners and St. Mary's County and St. Mary's Historical Society which is necessary to remove a potential cloud on title and make it possible for the Historical Society to obtain title insurance.

Commissioner Arnold moved, seconded by Commissioner Dean, to authorize Commissioner President Aud to sign said Deed. Motion carried.

6) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' review and action:

a) Janitor Positions (2)  
Purchasing and Logistics

Memorandum dated January 29, 1985 from Personnel Officer recommending the hiring of Francis A. Greenwell and Robert B. Moore for the two (2) janitor positions (Grade 5) in the Office of Purchasing and Logistics.

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

b) Bus Driver  
Office on Aging

Memorandum dated January 29, 1985 from Personnel Officer requesting authority to hire a permanent part-time bus driver, Grade 1, in the Office on Aging to replace Frank Abell who resigned on October 2, 1984.

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

c) Request for Employment Status Change  
Office of Purchasing and Logistics

Memorandum dated January 29, 1985 from Personnel Officer setting forth a request from the Director of Purchasing and Logistic Services to allow Christina Jackson permanent part-time status until the birth of her baby around April 15.

The Commissioners gave their concurrence in granting this request.



ST. MARY'S COUNTY LIBRARY BOARD

Present: Katherine Hurrey, Director, SMRLA  
Charlotte Young, Chairperson  
Blanche Abernethy, Member  
Lynn Redmond  
Mary Wood, Librarian

The above representatives appeared before the Commissioners to submit a supplemental budgetary request for the St. Mary's County Libraries in the amount of \$17,250 to cover shortfalls in electricity and fuel and for the installation of two telephone systems. Mrs. Hurrey distributed a letter dated January 28, 1985 from the St. Mary's County Library Board which states that the operating costs at the Armory location are greater than at the Tudor Hall location and no budget adjustment was made accordingly. Mrs. Young pointed out that library use is heavier, but in order to meet certain needs, book purchases, subscriptions have been decreased and other cut-backs have been necessary.

The Commissioners thanked the Library representatives for their presentation and advised that they would respond with a decision at next week's meeting.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) PROJECT STATUS REPORT

Mr. Norris presented and reviewed with the Commissioners the County Engineer's Office Project Status Report which includes the following project categories: Engineering, Highway, Marine, Solid Waste, Building Maintenance, Subdivision Site Plan and Stormwater Management and General..

a) St. Mary's County Airport Project

During discussion of the Status Report, Mr. Norris presented correspondence to Mr. William Whittle of the Federal Aviation Administration for Commissioner President Aud's signature indicating that the County tentatively accepts \$343,260 for the Airport Clearing and Tie-Down Expansion (Project No. SM 85-4-9).

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

2) GRADING AGREEMENT  
STEUART INVESTMENT COMPANY

The County Engineer presented a Grading Agreement by and between Steuart Investment Company and St. Mary's County for spoils area plan for dredged material in the Second Election District.

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



3) ROAD RESOLUTION NO. R-85-1  
MT. PLEASANT SUBDIVISION

The County Engineer presented the referenced Road Resolution posting Thomas Road as a Yield Street at its intersection with Downs Drive in Mt. Pleasant Subdivision.

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

4) RENTAL CONTRACT SERVICES  
CARPENTRY AND MILLWORK

As a follow up to last week's discussion, Mr. Norris recommended that the Commissioners award the bid for carpentry and millwork to the lowest bidder, Paul W. Dean.

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

EXECUTIVE SESSION

Present: John Norris, County Engineer  
Joseph Densford, Assistant County Attorney

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of possible litigation. Motion carried. The Session was held from 10:45 a.m. to 11:15 a.m.

REZONING DISCUSSION DECISION

11:00 A.M.

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

ZONE # 84-0730: LAURA KANE PROPERTY

Requesting rezoning of 17.2 acres from R-1, Rural-Residential, to R-4, Medium Density Urban Residential. The property is located on the north side of Maryland Route 235, shown on Tax Map 43, Block 2, Parcel 212, in the Eighth Election District.

Commissioner Dean noted that the rezoning application was for a R-4 zoning request; however, he noticed that the brief, presented by applicant's counsel, contained a R-2 request. Mr. Guyther, Planner, OPZ, advised that the agent and contract purchaser of the property, Mr. Harry W. Miller, initially made application for an R-4 designation. However, he subsequently hired an attorney and through discussions with staff and the Planning Commission, discovered that the R-2 zoning classification would meet his purpose. He later verbally amended his application before the Planning Commission. (R-2 requires 6,500 sq. ft. lot minimum versus R-4 which requires 6,000 sq. ft.).

Commissioner Dean led the discussion, stating that he disagreed with the recommendations of both the Planning Commission and the Planning staff. In reviewing the site and the history of development of this area, he stressed that while this area had spored numerous rezoning requests, he had consistently held the position that the integrity of the neighborhood be maintained, as it was currently zoned. He felt that this application presented a policy question/decision. In speaking to the specifics of the



case, he stressed that this property was currently zoned R-1, which required a minimum lot size of one (1) acre. The applicant, through his rezoning application, wishes to change that density and justify the expenditure of running water and sewer on the property. Commissioner Dean urged that the Board "retain the integrity of that neighborhood, as it is presently structured and I would be in favor of keeping the R-1 minimum lot size."

Commissioner Arnold asked how many houses could be developed under an R-2 designation as compared to an R-1. Staff advised that R-1 provided for one dwelling per acre and R-2, with water and sewer, four (4) per acre. This acreage includes seventeen (17) acres, however, some of that acreage would have to be deducted for roads, etc. Staff advised that the applicant had discussed the possibility of building fifty (50) homes.

Commissioner Arnold noted that he had personally inspected the property. He added that while he was normally inclined to favor housing, and referenced the fact that he had voted in favor of the Beasley rezoning, he felt that this situation was somewhat different. He explained that in the former Beasley rezoning, he had felt that development of that particular site was in an area which would not have been further developed. However, in this instance, he had experienced tremendous difficulty with the access due to the extreme hazardous traffic congestion at the intersection, coupled with the fact that there was an existing site distance problem on the road. Commissioner Arnold stated, "I'm inclined to keep it as it is. It is a neighborhood...and it has been subject of a lot of intrusions lately..."

Commissioner Sayre stated that he would stand on the same position that he took with respect to the Beasley rezoning, and concurred with his fellow Commissioners to protect the existing residential community and retain the existing zoning.

Commissioner Arnold added that the traffic conditions currently experienced on this highway mandated address in the very near future. He noted that a transportation study was currently underway which would hopefully address the issues and provide the impetus for alleviation of the existing situation not only for this area but the surrounding community.

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, to instruct the County Attorney to draft the appropriate resolution denying the request for reason that the applicant has failed to prove change in the neighborhood, as the neighborhood has been defined, i.e. that area on the east side of State Route 235 lying between Millstone Landing Road and Rue Purchase Road and from those points back to the Patuxent River.

DIRECTIONAL SIGN TO NAVAL AIR STATION IN WALDORF

Commissioner Dean stated that the County has received a copy of a letter from Captain Welch, Commanding Officer, NAS, to State Highway Administration requesting reconsideration of their decision to remove the directional sign to the Naval Air Station in Waldorf. Commissioner Dean suggested that the Commissioners support this request and also send a letter to SHA. The Commissioners gave their concurrence.

PROCLAMATION NO. 85-05  
NATIONAL BOY SCOUTS OF AMERICA 75TH ANNIVERSARY

Present: Carl Nealey

The Commissioners presented the referenced Proclamation recognizing February 8, 1985 as the 75th Anniversary of the Boy Scouts of America and that February 3-9, 1985 be declared Scouting Anniversary Week in St. Mary's County.



EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Dr. William Marek, Deputy Health Officer  
Walter Raum, Director, Environmental Hygiene  
Frank Gerred, Director, Planning & Zoning  
Ted Weiner, County Attorney  
Joe Densford, Assistant County Attorney

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of possible litigation followed by matters of personnel. The Session was held from 11:45 a.m. to 12:15 p.m.

"FLOATING HOMES"

Present: Frank Gerred, Director, Planning & Zoning

Commissioner Dean moved, seconded by Commissioner Sayre, to instruct the Director of Planning and Zoning to initiate the process to amend the Zoning Ordinance to prohibit "floating homes" in St. Mary's County. Motion carried.

CONTINUATION OF EXECUTIVE SESSION

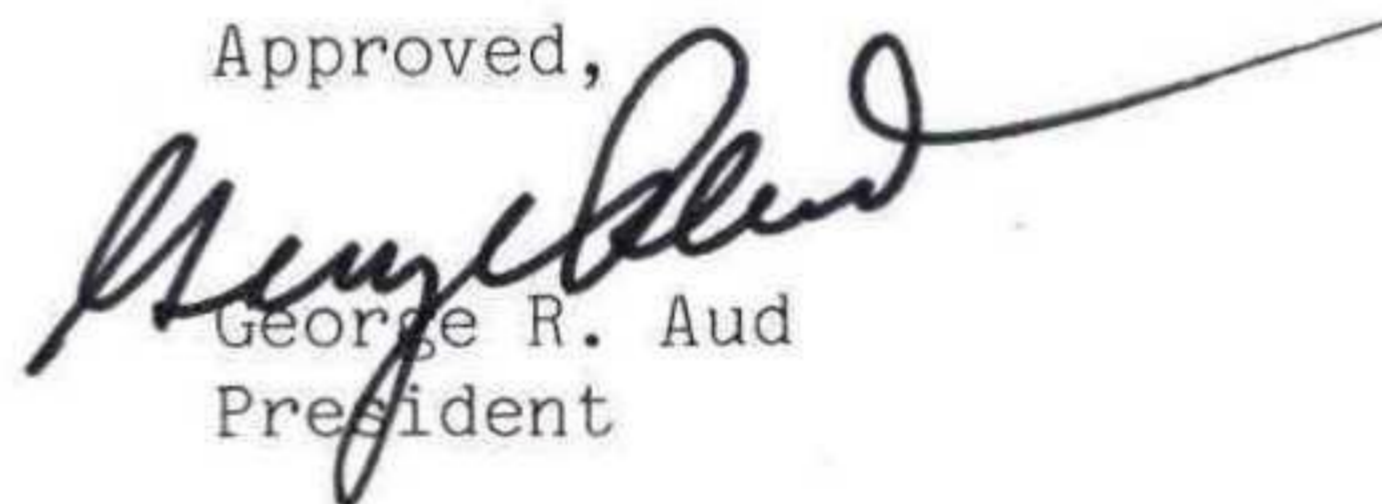
Present: Edward V. Cox, County Administrator

The Commissioners continued in the previous Executive Session with the County Administrator to discuss matters of Personnel. The Session was held from 12:20 p.m. to 1:15 p.m.

ADJOURNMENT

Having no further business, the meeting adjourned at 1:15 p.m.

Approved,



George R. Aud  
President