

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 28, 1985

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.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners' meeting of Tuesday, May 21, 1985. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS - A.M. SESSION

Present: Edward V. Cox, County Administrator

1) BATTERED SPOUSE SERVICE AMENDMENT

The County Administrator presented an Amendment of Purchase of Service Agreement between the Department of Human Resources and the St. Mary's County Board of County Commissioners for provision of Battered Spouse Services for the period July 1, 1984 - June 30, 1985. The purpose of the amendment is for the reconciliation of the amount of funds allocated with the projected program expenditures.

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

2) BUDGET AMENDMENTS

The County Administrator presented the following budget amendments recommended for approval by the Director of Budget & Data Services with justifications as indicated:

No. 85-86  
Domestic Violence/Sexual Assault

Justification: To amend required budget authority concerning FY '85 Program. Transfer balance to reserve and separate funds into individual grant authority.

No. 85-87  
Office on Aging

Justification: County Commissioners approved increase in Office on Aging budget. State-fund requested increase - \$15,000. Local match \$1,500 approved subject to account transfers.

No. 85-88  
Office on Aging

Justification: County Commissioners approved on May 21, 1985 concerning revised grant accounts and funding.



No. 85-89  
Children and Youth

Justification: Internal adjustment requested by Department for control purposes.

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

3) ECONOMIC DEVELOPMENT TEAMS

As a follow up to previous discussion with Mr. Morgan, the Economic Development Coordinator, the County Administrator presented letters and a list of recommendations for appointments to Economic Development Teams as follows:

Attracting Select New Business

<u>Name</u>	<u>Area of Expertise</u>
Kennedy Abell, Jr.	Finance
Jack Andrews	Quality of Life
George Aud	Government Services
J. Wilmer Bowles	Government Services
Robert Dean, Jr.	Construction
Joseph Densford	Legal
Winifred Dixon	Existing Businesses
James Forrest	Community
Robert Gant	Community
Ann Garner	Insurance
Frank Gerred	Governmental Services
Joseph Gough	Finance
Irene Graves	Real Estate
Dorothy Harper	Community
Tom Howard	Transportation
James Lanham	Real Estate
Mike Marlay	Community
Ted Newkirk	Labor
Joseph O'Dell	Taxes
Charles Palmer	Existing Industry
Greg Parks	Existing Industry
Larry Petty	Utilities
Herbert Redmond	Professional Services
Les Shaw	Community
Captain Skinner	Existing Industry
Wayne Swann	Utilities
Tom Waring	Real Estate
Thomas B. Watts	Real Estate

Assisting Existing County Businesses (Business Retention)

<u>Name</u>	<u>Area of Expertise</u>
Karen Abrams	Legal
Richard Arnold	Government Services
Bernard Bailey	Transportation
Phillip Bailey	Transportation
Bill Breck	Insurance
Elmer Brown	Housing
David Butler	Existing Industry
Carol Carter	Community
Edward Cox	Community
William Curtis	Existing Industry
Jack Daugherty	Finance
Wayne Davis	Construction
Ted Helm	Existing Industry
Kathy Herndon	Finance
David Hoffman	Retail Business



Robert Jarboe	Quality of Life
Carl Loffler, Jr.	Construction
James McKay	Retail Business
Jim Marsh	Existing Industry
Joseph Mitchell	Housing
Ray Runco	Real Estate
Emory Studdard	Advertising
Jerry Thompson	Labor
Gene Wilkens	Transportation
Chris Wilson	Existing Industry
Richard Wilson	Existing Industry
Captain Welch	Existing Industry
Virginia Wydler	Government Services

Tourism Development

<u>Name</u>	<u>Area of Expertise</u>
John Baggett	
Mary Bell	Quality of Life
Jack Candela	Finance
Marianne Chapman	Community
Chris Cihlar	Education
Jane Conklin	Retail Business
Daryl DeCesare	Government Services
Nadya Drury	Community
Bill Frierson	Advertising
Murray Jackson	Taxes
Dr. J. Patrick Jarboe	Quality of Life
George Klear	Existing Industry
Robert Kopel	Retail Business
Dr. Ted Lewis	Community
Peggy McCabe	Quality of Life
David Morgan	Government Services
Anne Marum	Travel Industry
Jean Ridgell	Community
Boyd Russell	Retail Business
Jackie Russell	Existing Industry
Bruce Scheible	Retail Business
Steve Spedden	Existing Business
Karen Stanford	Education

Commissioner Aud moved, seconded by Commissioner Dean, to appoint the above individuals as recommended. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Saye, to meet in Executive Session in order to discuss matters of Personnel. Motion carried. The Session was held from 9:30 a.m. to 9:55 a.m.

DEPARTMENT OF RECREATION AND PARKS

Present: John V. Baggett, Director

1) TRASH COLLECTION AT PUBLIC WHARVES

Mr. Baggett presented the bid tally sheet for the collection of trash at public wharves and recommended awarding the bid to Buddy's Disposal Service at an annual cost of \$2,444.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept the bid as recommended. Motion unanimously carried.



2) SANITARY FACILITIES AT PUBLIC WHARVES  
SANITARY FACILITIES AT BLESSING OF THE FLEET

Mr. Baggett presented the bid tally sheet for the provision of sanitary facilities at public wharves and for the Blessing of the Fleet and recommended awarding the bid to Banagan's Portable Toilets as follows: \$4,950 annual cost for public wharves; \$770 for Blessing of the Fleet.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept the bid as recommended. Motion carried.

PUBLIC HEARING  
ECONOMIC DEVELOPMENT REVENUE BONDS  
LOTT ENTERPRISES, INC.

Present: David W. Morgan, Economic Development Coordinator  
Joseph Densford, Assistant County Attorney  
John Lancaster, Applicant

The Commissioners conducted a public hearing on:

(1) the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$5,100,000 for the purpose of financing the acquisition and construction of a Shopping Center at the intersection of Peggs Lane and Rt. 235 in Lexington Park, Eighth Election District;

(2) the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$1,500,000 for Phase II of the Shopping Center.

The secretary read the notice of public hearing.

Mr. Morgan indicated that the bond review committee has reviewed the application, and because of the new federal regulations setting a "cap", has recommended that the Board approve Phase I of the project for \$5,100,000 with the following conditions: that the applicant provide the County by July 15 a letter of commitment from a lender to purchase the bonds at which time the applicant would be able to proceed with the project. If the applicant is unable to do comply with this condition, the Board's authorization for issuance will become null and void and those funds would be free for approval of other projects. Phase II will be deferred until it is proven that Phase I can move forward.

After discussion, Commissioner Millison moved, seconded by Commissioner Dean, to approve the application for the issuance of economic development revenue bonds and further to approve and sign Resolution No. 85-12--Economic Development Revenue Bonds - Lott Enterprises, Phase I, as recommended, along with Exhibit No. 1--Agreement to Issue Bonds. Motion unanimously carried.

DEPARTMENT OF PUBLIC WORKS

Present: John B. Norris, Director

(COMMISSIONER MILLISON LEFT MEETING - 10:30 A.M.)

1) PUBLIC HEARING  
ST. MARY'S COUNTY ROAD ORDINANCE (REVISIONS)

The Commissioners opened the Public Hearing on certain revisions to the St. Mary's County Road Ordinance and the secretary read the Notice of Public Hearing.

Mr. Norris presented and reviewed a draft of the Ordinance and advised that the recommended amendments are highlighted in bold type in the document.



After review and comments the Commissioners indicated that they would make a decision regarding adoption of the amendments to the Ordinance in two weeks.

The above public hearing is on tape and on file in the County Commissioners' Office.

(COMMISSIONER MILLISON RETURNED TO THE MEETING - 11:00 A.M.)

2) BAREFOOT ACRES  
CORRECTION OF ROAD SETTling PROBLEM

Mr. Norris requested authorization from the Board for his office to make the necessary repairs for the sewer line road settling problem with funds being placed in escrow by the Metropolitan Commission for this work.

The Commissioners gave their concurrence.

3) MD. RT. 4/ST. ANDREWS CHURCH ROAD  
GRADE PROBLEM

With regard to the Commissioners' approval last week to participate in the correction of the grade problem in front of an individual's property on the referenced road, Mr. Norris indicated that the State has advised that they will not participate at any level.

4) INSPECTION SERVICES CONTRACT

Mr. Norris requested the Board's approval of a contract with James Somerville for inspection services for various county projects at the rate of \$11 per hour, effective June 3, 1985.

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

5) DEMKO ROAD

Mr. Norris requested authorization from the Board to surface treat Demko Road.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize this work. Motion unanimously carried.

6) HORSE AND BUGGY ROAD SIGNS

Mr. Norris reported to the Commissioners on which roads will be placed horse and buggy signs and requested input as to any additional roads that would need signs. The Commissioners requested signs to be placed at Rt. 247 and at Friendship School Road.

7) PUBLIC WORKS AGREEMENT  
COUNTRY LAKES

Mr. Norris advised that the Public Works Agreement by and between Benjamin H. Burroughs Jr. and St. Mary's County Commissioners and letter of credit will expire June 1 and requested approval by the Board to authorize Commissioner President Aud to sign an Addendum extending the deadline to September 1, 1985.

Commissioner Sayre moved, seconded by Commissioner Millison, to grant this request. Motion unanimously carried.



8) PUBLIC WORKS AGREEMENTS  
WILDEWOOD SUBDIVISION

Mr. Norris advised that two Public Works Agreements by and between Paragon Builders, Inc. for Wildewood Subdivision (one for White Oak Parkway and the other for Wildewood Boulevard) will expire June 1, 1985 and requested approval by the Board to authorize Commissioner President Aud to sign Addendums extending the deadline for completion of those roads. He stated that he would negotiate with the developers an appropriate length of time for extension.

Commissioner Millison moved, seconded by Commissioner Arnold, to approve the request. Commissioner Dean abstained. Motion carried.

9) STREET LIGHT CHANGE ORDER NO. 7

Mr. Norris presented Street Light Change Order No. 7 between SMECO and St. Mary's County Commissioners and Md. Rt. 4 and St. Andrews Lane; and Md. Rt. 470 and Mt. Pleasant Drive.

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

10) PUBLIC HEARING  
SOLID WASTE DISPOSAL ORDINANCE (REVISIONS)

Also Present: Buddy Thompson, Buddy's Disposal Service  
John Curtis, Curtis Trash Co.

The Commissioners opened the public hearing on the revision of the Solid Waste Disposal Ordinance and the secretary read the Notice of Public Hearing.

Mr. Norris advised the Commissioners that the last update of the Ordinance was in 1971 and the proposed amendments will almost completely rewrite the document. Mr. Norris reviewed the proposed Ordinance and highlighted the definition of terms, facilities, acceptable and non-acceptable refuse, licensing requirements, rules and regulations and the authority for the establishment of a rubble landfill.

During discussion, Commissioner Arnold stated that since the population of the upper end of the county is continually increasing that perhaps there could be a two-county arrangement with Charles County for the disposal of trash. He stated that trash disposal is probably a problem for Charles as well as St. Mary's. Mr. Norris stated he would talk with Charles County officials regarding this suggestion and report back to the Commissioners.

In conclusion, the Commissioners agreed to make a decision on the revised Solid Waste Disposal Ordinance in two weeks.

The public hearing is on tape and on file in the Commissioners' office.

11) ROAD RESOLUTIONS

Mr. Norris presented the following Road Resolutions for the Commissioners' review and approval:

No. 85-27

Designating Coffee Hill Road as a Stop Street as it intersects with Aviation Yacht Club Road.

No. 85-28

Posting Hills Club Road at 25 miles per hour.



No. 85-29

Posting Bennett Drive, Third Election District at 25 miles per hour.

No. 85-30

Posting Whalen Road, Fifth Election District at 30 miles per hour.

12) LONGVIEW BEACH ROAD

Commissioner Arnold advised that he had been contacted by a resident of Longview Beach requesting street name signs. Mr. Norris indicated that the County could provide a street sign where a public road intersects with a private road but not for private roads. However, it was suggested that the County could purchase the signs for the private roads and then be reimbursed by the property owners. Mr. Norris stated he would look into this and report back to the Commissioners.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
John B. Norris, Director, Dept. of Public Works

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of personnel. The session was held from 11:30 a.m. to 11:45 p.m.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Ted Weiner, County Attorney

Commissioner Aud moved, seconded by Commissioner Millison, to meet in executive session in order to discuss a matter of litigation. The Session was held from 11:45 p.m. to 12:05 p.m.

(COMMISSIONER MILLISON LEFT MEETING - 1:20 P.M.)

OFFICE OF PLANNING & ZONING

Present: Frank Gerred, Director, OPZ  
Robin Guyther, Planner, m OPZ

1) SPSP #85-0520  
PRB OFFICE BUILDING

Also Present: Larry Schadegg, President, PRB, Assoc.

(Requesting approval to build an addition to existing office building for warehouse space (3,952 sq. ft.). The property is located in St. Mary's Industrial Park, Section 1, Lot 20 and shown on Tax Map 34, Block 7, as part of Parcel 548.)

Mr. Guyther reviewed with the Commissioners the referenced site plan which he stated has been through the TEC process and approved by all appropriate agencies. He stated that there is an issue concerning tree clearance zone and recommended that language similar to that approved for CIS's site plan (STSP 85-0403) at last week's meeting be used. The site plan would be approved subject to appropriate AOA regulations for the County Airport.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve the referenced site plan (SPSP #85-0520) subject to AOA regulations. Motion carried.



Zone #84-1221 - ESSEX SOUTH EAST (DARCHAP)

Requested rezoning of approximately 8.13 acres from PDR 2.0, Planned Development Residential, to C-2, Commercial. The property is located on Willows Road in the Eighth Election district on Tax Map 51, Block 4, part of Parcel 176.

Commissioner Dean noted that the subject property is currently zoned R-2 with PDR overlay and AOA-3 overlay, and, under AICUZ regulations, C-2 is not permitted. He stated that the Commissioners have also had a letter from the Commanding Officer of the Naval Air Station expressing the Navy's concern over this request and saying that the Navy and the County have worked so well together in the AICUZ area that we are held up as the model to emulate throughout the Navy. Captain Welch stated that it would be most unfortunate for us all if this superb trust and confidence between the County and the Navy were jeopardized by this case.

Commissioner Dean stated further that he didn't see where the Commissioners had any option except to disallow the rezoning, since it is contrary to AICUZ. Commissioners Arnold, Sayre and Aud all agreed. Commissioner Dean also stated that he didn't think it would be appropriate to extend the commercial district into what is now a residential area.

So stating, Commissioner Dean moved to direct the Assistant County Attorney to prepare the resolution denying the requested rezoning based on the fact that the property lies within the AOA-3 district, and the Zoning Ordinance prohibits C-2 zoning in that district. Commissioner Sayre seconded the motion; the vote was unanimous to deny the request.

ZONE #84-1281 - MINNIE MARIE WILHOIT BROWN

Requesting rezoning of 1.01 acres from R-1, Rural Residential, to C-2 Commercial. The property is located on Maryland Route 235, Hollywood, approximately one-half mile south of St. John's road in the Sixth election district, shown on Tax Map 34, Block 1, as Parcel 191.

Commissioner Aud reminded the Commissioners that this request had been before them once before and had been denied, and so moved that this request be denied based on the fact that there was no mistake in the original zoning. Commissioner Dean agreed that the factors when the case came before the Commissioners a couple of years ago still apply and seconded the motion. The vote was unanimous to deny the request.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 1:30 p.m. to 1:55 p.m.

ROCKFISH HATCHERY PROPOSAL

Present: Mark Norris (waterman)  
David W. Morgan, Economic Development Coordinator

Mr. Norris appeared before the Commissioners to request their support in encouraging the Department of Natural Resources to establish a rockfish hatchery in St. Mary's County at the Aquafoods International site in Piney Point. He stated that Aquafoods is selling out and the state is considering ten or eleven sites in the state including Aquafoods. Mr. Norris indicated that this site would be ideal for the following reasons: (1) The County has a two week longer growing seasons than other areas; (2) it is more ideally located to spawning areas; (3) the growth pond is already in place and (4) additional land is available for expansion. Mr. Norris further pointed out that groundwater and discharge permits have already been obtained for the facility which would make this site available



in a shorter amount of time than other sites.

After discussion, the Commissioners directed Mr. Morgan to work with Mr. Norris in developing correspondence for the Board's signatures to the Department of Natural Resources setting forth the advantages of the Aquafoods site. Our local Maryland legislators and Congressman Dyson should also be requested to sign the same letter.

COUNTY ADMINISTRATOR (P.M. SESSION)

Present: Edward V. Cox, County Administrator

4) RESPONSE TO SUPERINTENDENT OF SCHOOLS

The County Administrator presented correspondence for the Commissioners' review and signatures responding to Dr. Lorton's presentation of last week regarding the Board of Education's budget.

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

5) REQUEST FOR EXTENDED LEAVE

The County Administrator presented correspondence from Mr. Raley, Director of Purchasing and Logistics advising of the critical condition of an employee in his office, Cecelia Adams, and requested approval to grant her an extended leave until it can be determined if other steps may be necessary.

The Commissioners concurred in this request.

6) OFFICE OF COMMUNITY SERVICES

The County Administrator reminded the Commissioners of his previous memorandum of January 21, 1985 in which he recommended the establishment of the Office of Community Services. He stated that this office would coordinate the services to the Council on Children and Youth; Commission for Women; Mental Health, Alcoholism, Drug Abuse Advisory Council; Big Brothers/Big Sisters; Alcoholism Prevention Program; Community Services Directory; Child Welfare Day, and others as appropriate. Mr. Cox recommended the following action effective July 1, 1985:

- a) To establish the Office of Community Services to replace and incorporate the Office of Children and Youth;
- b) To name Phebe Barth the Director of the Office of Community Services, to incorporate the position of Youth Services Coordinator.

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


7) PURCHASE OF VEHICLE FOR OFFICE OF PLANNING & ZONING

To confirm action taken by the majority of the Board last week, Commissioner Dean moved, seconded by Commissioner Arnold, to award the bid for the purchase of a vehicle for use by the Office of Planning & Zoning to McKay Implement in the amount of \$5,863. Motion carried.

ADJOURNMENT

The meeting adjourned at 2:15 p.m.

Approved,

  
George R. Aud  
President