

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 9, 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 Aud moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, July 2, 1985. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) MISTRESS MARGARET BRENT FILM

The County Administrator presented correspondence for the Commissioners' signatures endorsing the film depicting the life of Mistress Margaret Brent to be made part of a tourism promotion project for St. Mary's County.

The Commissioners agreed to sign and forward said letter.

2) CLEARINGHOUSE PROJECT NO. MD850604-0694  
COASTAL ZONE MANAGEMENT PROGRAM  
CHESAPEAKE BAY AREA

The County Administrator presented the referenced project and recommended that it be forwarded to the State with the comment that it is consistent with this agency's plans, programs, or objectives. The Commissioners gave their concurrence.

3) BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Arnold moved, seconded by Commissioner Sayre, and unanimously carried, to make the following appointments with terms as indicated:

<u>Job Training Partnership Act</u> <u>(Private Industry Council)</u>	<u>Term to Expire</u>
Dr. Bernard Chase	June 30, 1986
<u>St. Clements Island Potomac Museum Board</u>	
Ada Schmitz	December 31, 1987



Tourism Advisory Committee

Gary Hodge, Tri-County Council	September 30, 1987
Jean Ridgell, Sotterly Manor	"
Karin B. Stanford, St. Mary's City Comm.	"
Anne Marum, Chamber of Commerce	"
Chris Cihlar, St. Mary's College	"

Commission for Women

Elfreda Mathis	June 30, 1988
Joan Stine	June 30, 1988

Mental Health Alcoholism Drug Abuse Advisory Council  
(reappointments)

Dr. Jayne Sullivan (Public Schools)	June 30, 1988
Joseph Carter (Dept. of Social Services)	June 30, 1988
Rev. Fred Wynn (Clergy)	June 30, 1988
Rev. Eamon Dignan (Clergy)	June 30, 1988
John Bloxham (Drug/Alcohol program, NAS)	June 30, 1988
Sybil Basnight (recipient)	June 30, 1988

4) PERSONNEL

Personnel The County Administrator presented the following items of  
for the Commissioners' review and consideration:

a) Department of Public Works  
Building Maintenance Mechanic II

Memorandum dated July 8, 1985 from Personnel Officer recommending downgrading the Building Maintenance Mechanic II position from Grade 10 to Grade 9 because of the lack of qualified candidates.

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

b) Department of Public Works  
Reclassification  
Mobile Equipment Mechanic

Memorandum dated July 8, 1985 from Personnel Officer advising that the Director of Public Works has requested the reclassification of the Mobile Equipment Mechanic I, Grade 7 position to Mechanic II, Grade 9, currently held by John Hewitt Jr.

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

c) Department of Public Works  
Solid Waste Foreman

Memorandum dated July 8, 1985 recommending the promotion of Robert B. Norris to the Solid Waste Foreman position, Grade 10-3, effective July 15, 1985.

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



d) Department of Public Works  
Motor Equipment Operator III, II, I and  
Highway Maintenance Worker

Memorandum dated July 8, 1985 from Personnel Officer recommending the appointment of the following individuals selected by the Director of Public Works as a result of the chain reaction caused by the authorization of filling the Motor Equipment Operator III position:

Thomas S. Pilkerton  
Motor Equipment Operator III  
Grade 9-0, \$13,158, effective July 14, 1985

William B. Buckler Jr.  
Motor Equipment Operator II  
Grade 8-0, \$12,349, effective July 14, 1985

Francis B. Copsey  
Motor Equipment Operator II  
Grade 8-1, \$13,023 effective August 12, 1985  
(This position was vacated by promoting Stephen Tippet to Traffic & Permits Control Supervisor, Grade 11.)

James S. Gass  
Motor Equipment Operator I  
Grade 7, \$11,567, effective July 14, 1985

James D. Pilkerton  
Highway Maintenance Worker  
Grade 6, \$10,875  
(Effective date to be established. Mr. Pilkerton is a seasonal worker with Recreation and Parks.)

e) Sheriff's Department  
Correctional Officers  
Stenographer Clerk

Memorandum dated May 28, 1985 recommending initiating the hiring procedure for four Correctional Officers and one Stenographer Clerk.

Commissioner Dean moved, seconded by Commissioner Arnold, to to authorize the hiring of four Correctional Officers and one Stenographer Clerk. Motion carried.

5) BUDGET AMENDMENTS

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

No. 86-02 - Office on Aging

Justification: To transfer authority from allocation account to grant accounts as requested by the Director.

No. 86-03 - Public Works

Justification: Equipment approved in advance and funded in Lease Purchase Agreement No. 2 rather than Lease Purchase Agreement No. 3. Funds to be held in reserve. Corresponding revenue decrease.



No. 86-04 - Public Works

Justification: To return budget authority to Beachville Road advanced from FY '85 authority. New revised total does not include FY '85 carry-forward authority. Subsequent transaction required.

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

6) 1986 LEGISLATIVE SESSION

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to all agencies, boards, committees and commissions soliciting legislative items for public hearing and submission to the 1986 Maryland General Assembly.

The Commissioners agreed to sign and forward said letter.

7) DOMESTIC VIOLENCE/SEXUAL ASSAULT BOARD  
CHILD SEXUAL ASSAULT

The County Administrator presented correspondence dated May 24, 1985 from Rev. Robert Kirkley, Chairman of the Domestic Violence/Sexual Assault Board recommending that the DV/SA Board assume the responsibility to include the area of monitoring child sexual assault. There is no group in the County that currently handles this problem.

Commissioner Millison moved, seconded by Commissioner Sayre, to authorize the Domestic Violence/Sexual Assault Board to assume the responsibility of monitoring child sexual assault. Motion carried.

8) FLOATING HOMES

The County Administrator advised that Assistant Secretary Eichbaum of the State Health Department forwarded correspondence to the Local Health Department in which he overruled Dr. Marek and directed Dr. Marek to issue a permit for a holding tank for the 12 floating homes in existence. This permission is subject to a Consent Agreement requiring the provision of public sewer within five years.

Mr. Cox stated that for the record three Commissioners were contacted last week to authorize correspondence to Dr. Marek requesting that the issuance of a permit for holding tanks be withheld until such time as the Metropolitan Commission makes a determination as to the ability of the twelve floating homes to be provided public sewer within five years.

During discussion Commissioner Dean noted that he believed that Mr. Eichbaum's decision was not arbitrary and that he based his interpretation on the existing regulations.

DEPARTMENT OF RECREATION AND PARKS  
BIDS ON PLAYGROUND EQUIPMENT

Present: John V. Baggett, Director

Mr. Baggett presented the bid tally sheet for various playground equipment and recommended awarding the bid to William Hope Associates, the lowest bidder, in the amount of \$12,181.66.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept Mr. Baggett's recommendation. Motion carried.



TUDOR HALL SPACE PROPOSAL

Present: Dr. William Marek, Health Officer,  
Carol Pinckney, Health Department  
Cuthbert I. Fenwick, St. Mary's Historical Society  
Col. Baxter, Historical Society

Dr. Marek explained that the purpose of this meeting was to present a proposal for temporary use of Tudor Hall for a portion of the Health Department's central office staff until the existing Nursing Home building became available.

Dr. Marek showed a video depicting the over-crowded situation in the various offices at the Health Department and showing the interior of Tudor Hall and the repairs needed. Repairs to Tudor Hall include upgrading of heating and air conditioning systems and interior work such as painting.

During discussion, Dr. Marek noted that operational monies would not be needed from the County and distributed a packet of information setting forth the details of the proposal and alternatives regarding rent:

- a) That the County do improvements to Tudor Hall in lieu of rent;
- b) That the Historical Society make the improvements and the County pay the rent;

Dr. Marek requested endorsement by the Board of the concept and a determination of which of the two alternatives would be the most feasible and stated that the Health Department would like to negotiate with the Historical Society on the rental of Tudor Hall.

(COMMISSIONER MILLISON LEFT MEETING - 10:35 P.M.)

Mr. Fenwick discussed the historical significance of Tudor Hall and the importance of stabilizing and preserving the building. He stated that the Historical Society is supportive of the project on a temporary basis and was also interested in using the entrance of Tudor Hall as a visitors' center.

In that acceptance of either alternative would require funds from the County for rental or capital expenditures which have not been included in the budget, the Commissioners requested that more detailed costs be developed after which the Board would evaluate the alternatives and make a decision.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) LEWIS CREEK DREDGING PROJECT

Mr. Norris presented an application for approval to be submitted to the Department of Natural Resources for maintenance dredging at the entrance channel to Lewis Creek. Mr. Norris noted that DNR will do the dredging at no cost; however, if maintenance dredging is necessary in a few years, DNR will require the County to establish a taxing district for the construction of a jetty to protect the mouth of the creek.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the application in the amount of \$40,000 for the referenced dredging project. Motion carried.



2) RAILROAD RIGHT-OF-WAY AGREEMENT

Mr. Norris presented a railroad right-of-way agreement by and between Thomas J. Wood and St. Mary's County Commissioners for access across the railroad right-of-way on Md. Rt. 235 in the Laurel Grove area.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve and sign said Railroad Right-of-Way Agreement. Motion carried.

3) ADDENDUM TO PUBLIC WORKS AGREEMENT  
PINEMOORE SUBDIVISION

Mr. Norris presented an Addendum to the Public Works Agreement by and between Benjamin H. Burroughs Jr., F. Elliott Burch Jr., Edward S. Burroughs and the St. Mary's County Commissioners extending the deadline for completion of the roads in Pinemore Subdivision, Sixth Election District to October 1, 1985.

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

4) DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
CAPITAL PROJECTS - CORRECTIONAL FACILITY

In response to a request from the Department of Public Safety and Correctional Services, Mr. Norris presented correspondence to that agency advising of the County's intent to build a correctional facility at the Governmental Center property. The County is requesting the State of Maryland to provide funding for the 108 cell facility.

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

5) LETTERS OF APPRECIATION  
DETENTION CENTER AND STATE OFFICE COMPLEX

Mr. Norris presented letters of appreciation to various individuals on committees and departments involved with the presentation to the St. Mary's County Zoning Board of Appeals on the Detention Center and State Office Complex.

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

6) STREET LIGHTING SPECIAL TAXING DISTRICT

Mr. Norris advised that there will be a public meeting on July 30, 1985 at 7:30 p.m. at Carver Elementary School regarding the street lighting special taxing district.

OFFICE OF PLANNING AND ZONING  
REQUEST FOR RELEASE FROM AGRICULTURAL PRESERVATION DISTRICT  
ALPD NO. 84-1049 - WILLIAM HEBB

Present: Frank Gerred, Director, Planning and Zoning

(Commissioner Arnold did not participate in the discussion because he was the auctioneer in the original sale of the property.)

Mr. Gerred advised that the State Agricultural Preservation District Office received a request from William Hebb for withdrawal of Porto Bello from an Agricultural Preservation District because of financial difficulties. The party is involved in bankruptcy action which meets the requirements to show financial hardship in order to withdraw.



After discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to allow the withdrawal of ALPD No. 84-1049. Motion carried.

EXECUTIVE SESSION

Commissioner Aud moved, seconded by Commissioner Sayre, with motion carried, to meet in Executive Sessions as follows:

Personnel

John Norris, Director, Department of Public Works  
Edward V. Cox, County Administrator

Police Matters

Sheriff Wayne Pettit  
Edward V. Cox, County Administrator

The Sessions were held from 11:15 p.m. to 11:50 p.m.

COMMENDATION

PAST MEMBERS OF ALCOHOLIC BEVERAGE BOARD

Present: Virginia Sapp  
Frank Wilkerson  
Gaylord "Tex" Aschenbeck

The Commissioners presented Commendations to the referenced past members of the Alcoholic Beverage Board for their services to the community.

COMMENDATION

Present: Calvin Edwin Quade

The Commissioners presented a Commendation to Calvin Edwin Quade in recognition of his 20 years of perfect attendance in school and for graduating top ten in his class in law school.

COMMENDATION

1985 CHAMBER OF COMMERCE MAN OF THE YEAR

Present: Joseph M. Gough Jr.

The Commissioners presented a Commendation to Mr. Gough for being selected as the Chamber of Commerce's 1985 Man of the Year.

REZONING HEARING

ZONE #85-0342 - B.F. ASHER

1:00 P.M.

Commissioners present: George Aud, Ford Dean, David Sayre, and Richard Arnold. Commissioner Millison was absent. Staff present included: Robin Guyther, Planner, and Anita M. Meridith, Secretary II.

Members of the audience included: Benjamin F. Asher, Jr., Martha Ann Asher, Judy Landau, Viki Volk.

Mr. Guyther read the Notice of Public Hearing aloud, as advertised on Wednesday, June 19, 1985, in "The Enterprise" Newspaper, a publication of county-wide circulation, providing legal notice for the following public hearing:



Requesting rezoning of 47 acres from AR, Agricultural-Residential, to I-1, Industrial. The property is located on the east side of Maryland Route 5, Charlotte Hall, behind the Post Office, shown on Tax Map 4, Block 23, Parcels 41 and 286.

Mr. Guyther advised that the Planning Commission had unanimously recommended that the property be rezoned from AR to I-1. The subject property, site of the Asher businesses, houses an asphalt plant, heavy equipment storage, etc.

The applicant, Mr. Benjamine F. Asher, Jr., came forward and offered into the record, marked Applicant's No. 1, a photograph depicting visual evidence of the posting of the placard on site (verified was posted on June 8, 1985). Correspondingly provided for the record, marked Applicant's No. 2, were the postal receipts from the certified letters of notification sent to all contiguous property owners. Mr. Asher noted that only one (1) of the ten (10) letters had been returned unclaimed, i.e. Gordon Metzger, who remains, according to the tax records, a contiguous land owner. The applicant pointed out that an error had inadvertently been incorporated in his letter of notification (referenced one acre). He subsequently redrafted the letter making reference to the revised area of approximately forty-seven (47) acres and personally hand delivered same to all contiguous neighbors, obtaining their signatures on same, with the exception of Mr. Metzger, whose correspondence was sent parcel post and subsequently returned unclaimed.

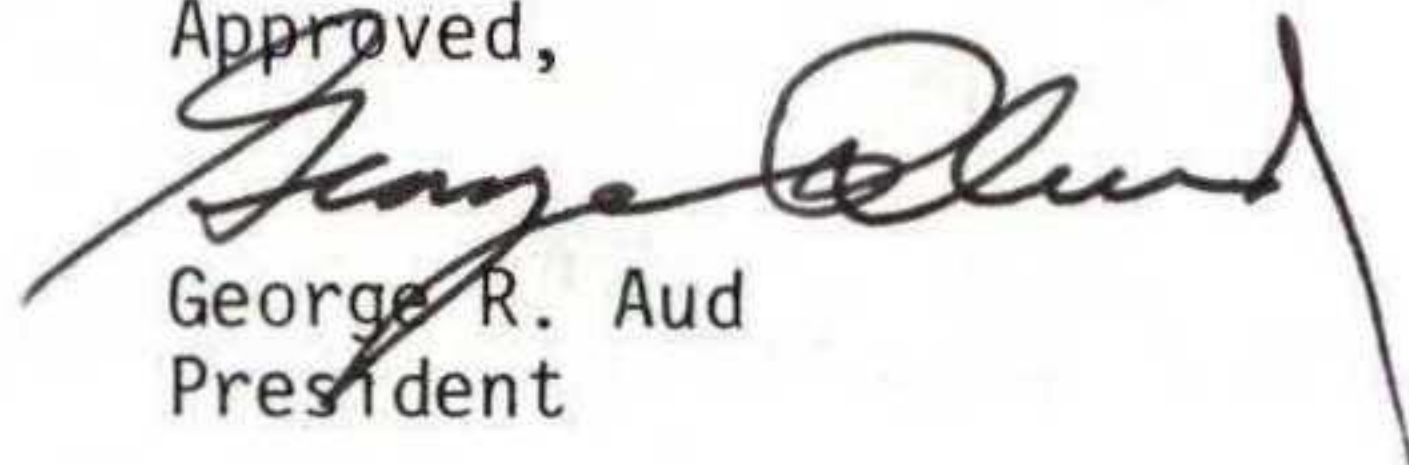
Mr. Asher provided that the record stood on its own, that he had nothing additional to add at this point. The prior testimonies before the Planning Commission in this case were based on the mistake argument. In conclusion, the applicant remarked that he felt that the current nonconforming status of the operations should be rectified through an Industrial rezoning of the property.

The Chair inquired whether anyone present wished to speak either in favor or opposed to this application. Hearing no response, the hearing was closed. The matter will be taken under advisement and decision forthcoming.

ADJOURNMENT

The meeting adjourned at 1:35 p.m.

Approved,



George R. Aud  
President