

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 11, 1986

Present: Commissioner Larry Millison, Vice President  
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 BILLS

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

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph Densford, Assistant County Attorney  
Frank Gerred, Director, Office of Planning and Zoning  
John Norris, Director, Department of Public Works  
Joseph O'Dell, Director, Budget & Data Services

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss two matters of litigation. Motion carried. The Session was held from 9:15 a.m. to 10:00 a.m.

FLOATING HOMES

Present: Interested Citizens.

The Commissioners reported to all those present that a Resolution is being prepared regarding the ban of any future floating homes in St. Mary's County. However, there are some legal questions that need to be addressed and resolved with regard to existing floating homes.

Mr. Kimball, owner of 12 houseboats at Herring Cove Marina, stated that he had been willing to go along with a continuation of a moratorium as had been discussed several weeks ago at a Planning Commission meeting; however, he did question the Commissioners' ability to ban the existing houseboats and stated that if efforts were made to ban the existing floating homes, he would exercise all legal recourses available to him. He further stated that Commissioner Sayre's reported comments concerning pollution by his floating homes are in error, and that he has tested the waters surrounding the floating homes and found no evidence to support Mr. Sayre's comments.

In conclusion other members of the audience spoke in opposition to floating homes and supported the Commissioners' efforts to ban both future and present floating homes.

Later in the meeting, Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign Resolution No. Z86-04 (ZONE #85-0173 - Text Amendment to Zoning Ordinance - Floating Homes) which prohibits any future floating homes in St. Mary's County. Motion carried.

During discussion of floating homes, statements were made regarding Mr. Kimball's subdivision in Tall Timbers being allowed connect into a new sewer line between Piney Point and the Pine Hill Run Sewage Treatment Plant. It was agreed the Director of the Metropolitan Commission be placed on a future agenda to discuss the matter.

FY '87 BUDGET DISCUSSION

Present: Joseph O'Dell, Director, Budget & Data Services

As a continuation of last week's discussion, Mr. O'Dell reviewed his memorandum dated March 6, 1986 (which had previously been distributed to the Board) setting forth Plans A, B, and C with regard to the FY '87 Budget. The Plans are summarized as follows:

Plan A Maintains the \$1.99 local property tax rate and maintains all agencies at current level of funding. No reclassifications or increases in personnel are included.

Plan B Increases the property tax rate by .10¢ and offsets the contemplated loss of revenue sharing in FY '87.

Plan C Increases the property tax rate by .16¢ and funds certain increases in specific areas (Education, Sheriff's Department, Health Department, etc.)

After review and after questions and comments from the audience, Mr. O'Dell requested that the Board arrive at a consensus of opinion by next Tuesday so that the Recommended Budget can be prepared for signature at the end of March.

LENGTH OF SERVICE AWARD

Present: Chuck Kerr, Sheriff's Dept.

The Commissioners presented Chuck Kerr with a pin for his 15 years with County Government.

PROCLAMATION  
TALL CEDARS OF LEBANON WEEK

Present: Robert O'Donnell

The Commissioners presented the referenced Proclamation designating the week of March 16-22, 1986 as Tall Cedars of Lebanon Week in St. Mary's County on behalf of Muscular Dystrophy.

PROCLAMATION  
EYE DONOR MONTH

The Commissioners presented the referenced Proclamation designating the Month of March as National Eye Donor Month.

WICOMICO SHORES STUDY COMMITTEE

Present: Joseph Mitchell, Director, Dept. of Economic & Community Dev.  
Larry Petty, Director, Metropolitan Commissioners  
Frank Gerred, Director, Office of Planning & Zoning  
Johnny Wood, Wicomico Shores property investors

The referenced individuals appeared before the Commissioners to request an advance of \$15,000 for a study by the Metropolitan Commission of the water/sewer system and Department of Public Works for the road system for Wicomico Shores. If the Metropolitan Commission's study indicates that a water/sewer system is feasible, the cost will be absorbed by the Special Taxing District, and if it is not feasible, the property investors will be responsible for reimbursing the County.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to grant this request. Motion carried.

EXECUTIVE SESSION

Present: Harris Sterling, Director of Finance  
John Carpenter, Insurance Buyers' Council  
Larry Petty, Director, Metropolitan Commission  
Steve King, Metropolitan Commission  
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss a matter of contract negotiations on county insurance. The Session was held from 12:05 p.m. to 1:20 p.m.

REZONING PUBLIC HEARING  
ZONE #85-0650

Commissioners present: Larry Millison (Chairman), Ford Dean, and David Sayre. Commissioners George Aud and Richard Arnold were absent. Staff present included: Frank J. Gerred, Director, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

Members of the audience included: Lana Austin, Nancy Todd, R. M. Henderson, Wally Abell, William Miedzinski, Margaret Johnson.

Mr. Gerred noted that the Notice of Public Hearing was duly advertised in "The Enterprise" Newspaper, a publication of county-wide circulation, on Wednesday, February 19, 1986, providing legal notice for the following public hearing:

Requesting rezoning of nine acres from R-1, Rural-Residential, to C-1, Commercial. The property is located on Maryland Route 235, approximately two miles north of Maryland Route 245, Hollywood, shown on Tax Map 20, Block 14, as Part of Parcel 22.

The applicant, Mr. James B. Long, Sr., came forward, accompanied by legal representative, Mr. Oliver Guyther, Esq. Counsel offered into evidence, marked Applicant's Exhibit A, a sample of the letter sent to all contiguous property owners within 200 ft. of the subject parcel. Correspondingly entered into the record, marked Applicant's Exhibit A-1, find the registered receipts from the certified letters. Counsel affirmed that the property had been legally posted with the placard, as provided by the OPZ and proffered into the record, marked Applicant's Exhibit B, photograph of said posting.

At this point, Mr. Gerred acknowledged that the complete Planning Commission record was being included in this hearing process.

Mr. Guyther distributed to each of the Commissioners a packet of information which he explained contained all of the exhibits that he would be referring to during his presentation.

Applicant's Exhibit No. 1 - Map providing visual boundary and designation of "the neighborhood." Referring to this exhibit, counsel explained that the red line, running from northwest to southeast, represented Maryland State Route 235, the black line enclosing and providing border for this subject neighborhood. Counsel provided the following boundary description for this neighborhood: On the northeast side, by a line drawn, 300 feet from the northeast side of Route 235 and connecting the Sandgates Road and the Jones Wharf Road. On the southeast side by a line drawn from a southeast side of Jones Wharf Road across Route 235 to join the southeast side of McIntosh Road until a point where it intersects the southwest side of Land O' Lakes. On the northwest side by a line drawn 300 feet northwest of the northwest side of Clover Hill Road, running in a northeasterly direction until it intersects with the Old Three Notch Road, following the southwest side of that road until it runs into Route 235, across Route 235 and running along the southeast side of Sand Gates Road until it intersects with the northeast side, as first set forth.

Applicant's Exhibit 2A - Enlarged drawing of the subject property, prepared by the applicant, Mr. James B. Long, Sr. Counsel identified the property, its contiguous properties, roads and existing landmarks. Counsel advised that there was an existing cross over from the northbound lane to the southbound lane on Route 235 at a point where the sole entrance to this neighborhood shopping area was proposed. All service and provision trucks will be required to use the entrance/exit on the Old Three Notch Road so as not to be "dumping traffic on a high speed highway." The applicant owns the large farm directly across the road from this site, shown on said exhibit as the J. B. Long Property, this property formerly part of the parent parcel known as the Bruce Long farm, located at Hillville where Mr. Long in the past operated a store. Mr. Guyther advised that in the 40's, with the development of the Patuxent Naval Air Station, the one-lane highway was constructed in this area, said taking resulting in the severance of this farm.

The applicant addressed the Board and advised that he resided opposite this site, having purchased the "family farm" several years ago. Mr. Long advised that he hoped to develop the parcel with four or five service stores such as a High Store, barber and beauty shop, professional offices, real estate, etc. Mr. Long affirmed that for approximately fifty years, his father had operated a store and a gas station on this property. He explained that his father had eventually closed the store, due to poor health and the structure had subsequently been destroyed by fire. Mr. Long advised that he had contacted all of the adjacent property owners and all had signed a petition which affirmed that they supported this venture.

Applicant's Exhibit No. 3 - Plat of the area designating the various roadways in the area marked in red.

Applicant's Exhibit No. 4 - Copy of aerial photograph of the property. Counsel noted that the purpose of this exhibit was to evidence the subject triangular piece of land which was severed from the farm and also provide orientation as to the location of Gillens Grove and the Land O' Lakes Subdivisions which fronted on Clover Hill Road. Mr. Guyther emphasized that this exhibit also supported the applicant's contention that there had been a change in this area, as evidenced via said photographic exhibit of the situation of 199 new homes in those developments which had occurred since 1974.

Applicant's Exhibit No. 5 - Listing of the new homes constructed in this neighborhood since the adoption of the Zoning Ordinance in 1974: Gillens Grove - 106 homes; Land O' Lakes - 66 homes; Anne Court - 7 homes; remaining 16 houses adjoining either Old Three Notch or Clover Hill Roads.

Applicant's Exhibit No. 6 - Tax Map of the area, depicting the described "neighborhood" outlined in green.

Applicant's Exhibit No. 7 - Letters from contiguous property owners supporting this application. Mr. Guyther noted that only one opposition had been voiced by a Mr. Walter Norris, the owner of four acres of contiguous land.

Applicant's Exhibit No. 8 - Photograph of property. Counsel advised that this panorama was taken on the site, facing south toward Gillens Grove. Mr. Guyther explained that the purpose of this exhibit was to show that the homes located in the area along Gillens Grove were buffered by the old railroad bed and the tree growth along the edge of the road. Counsel emphasized, "those people will not be bearing the brunt of glaring lights or undue traffic. The buildings, of course, will face the opposite way from Gillens Grove, and face across the farm, across the road to the applicant's home farm and possibly a portion of the Bill Miedzinski farm."

Mr. Guyther stated, "We feel and we would proffer by testimony offered by Mr. Long, that it was a mistake to zone this property agriculture-residential. There's not enough cleared land there to make it economically feasible to bring tractors across the highway to farm about three or four acres of cleared land. Number two, we don't think it's a good site for nice residential homes because it isn't extremely wide and it wouldn't be the best place in the world to live for peace and quiet, particularly to raise children."

In response to questioning of the Board, Mr. Long stated that the width of the property, at its widest point was about 600 ft. and enjoyed approximately 1,380 ft. of frontage on the new road. The applicant also noted that the topography was "fairly level" and was situated approximately 400 ft. from the closest residence in Gillens Grove.

Commissioner Sayre asked what were the closest existing convenience stores in this area. Mr. Guyther noted that McKays was located approximately 3.7 miles from this site, Mr. Wood's Foodrite Store in Mechanicsville was situated some 9 miles and 3.6 miles to Murphy's Store in the Oakville area.

Mr. Guyther called on several contiguous property owners and asked that they offer their comments for the record.

Mr. Bill Miedzinski advised that while his family's farm did not abutt this property, it was located in the immediate area. Speaking for his several brothers and sisters who owned the family farm, he noted, "We don't have any problem."

Mr. Walley Abell stated simply, "I don't think it would hurt anything. I think it would do the neighborhood alot of good."

Commissioner Millison opened the hearing to public commentary.

Mr. Mel Henderson addressed the Board, and related that he lived in the Gillens Grove Subdivision, having settled in this area because of the quiet, residential nature of the community. Mr. Henderson asked how many stores were envisioned for the total commercial "build-out" of this property. He differed with testimony previously offered relative to the distance to the closest convenience shopping, emphasizing that Mike's Liquors was located just one-half mile from Gillens Grove in addition to TJ's Carry-Out, located 1½ to 2 miles "in the other direction." Mr. Henderson felt that this was a "firm" residential area.

Mrs. Lana Austin explained that her home bordered the Old Three Notch Road in Gillens Grove. She expressed concern for her children and other youth in the area due to the increased traffic that would result in this area. She stated, "I really don't want that kind of traffic at my back yard, especially a service road where you've got big trucks that do not have the vision of close areas around them that an automobile does..." Mrs. Austin echoed Mr. Henderson's testimony relative to the peaceful nature of this community and the impact that such a proposal would have on the residential character of this area. Mr. Guyther asked Mrs. Austin to note the location of her home on the plat in relation to this site. She indicated her home as the third house in from Gillens Grove (in the first row).

Mrs. Nancy Todd stated her opinion as follows: "As far as any children are concerned over in Gillens Grove....a High's Store is not going to be a baby sitting agency, it's a convenience for grown-ups, not kids. If you can't keep your children in your own yard, then you have a big problem."

In answer to question posed by Mrs. Ingrid Hebb, Mr. Gerred advised that the Planning Commission had recommended denial of the application, based on the fact that insufficient evidence had been presented to support either a change in the character of the neighborhood or mistake in the original zoning of the property. Mrs. Hebb voiced concern with the fact that an approval of this request would be setting a dangerous precedent for the other farms in the immediate area. Mrs. Hebb also reflected that an increase in traffic in this area would most probably at some point require a control device at this intersection which she emphasized, "is no small sum to be funded by the taxpayers in the County."

Applicant's counsel stated that Mr. Long would proffer for the record, that he would be amenable to a restriction of certain uses on the property, i.e. tavern, gas station or gas and go, plumbing, electrical shop.

Hearing no further testimony, the hearing was closed, with the matter being taken under advisement. Decision on the matter will be forthcoming.

#### OFFICE OF CIVIL DEFENSE

Present: Tom Oliver, Director,  
Paul Wible,  
Lt. Gene Pellillo, Sheriff's Department

##### 1) ALARM USER PERMIT ORDINANCE

The referenced representatives of Civil Defense appeared before the Commissioners to present the status of the permit system for alarm users in St. Mary's County. Mr. Wible indicated that 238 Alarm Service Monitoring Agreements have been distributed to businesses and private residents, 30% have been signed and returned. Some businesses/individuals have been dropped from the roles because they no longer have a burglar alarm system. Mr. Wible advised the Commissioners that he would keep them informed regarding this Ordinance in the future. Other than complaints from Cox Alarm and a few of that firm's clients, no problems are known.

##### 2) ENHANCEMENT OF "911" SYSTEM

Mr. Oliver reminded the Commissioners of the presentation by the C&P Telephone Company on the enhancement of the "911" System which would give automatic location of calls coming in. There are approximately 13,000 homes that will need some type of addressing system before they can be put into the computer. The County needs to make a decision whether to have this computerization done in order to proceed with the enhancement. The cost for installation once the addresses are computerized is approximately \$90,000 to \$95,000, with an monthly charge of about \$4400.

In closing, Mr. Oliver stated that he would continue developing particulars about the enhancement and return to the Commissioners.

##### 3) WEATHER INFORMATION

Commissioner Sayre stated that he received a number of complaints relative to the rain and wind storm in November in that people were not notified in time. He advised that a gentlemen in Tall Timbers, Mr. Everett, is a weatherman and would like to talk to the Commissioners and Mr. Oliver about helping to develop a program to provide weather information at no cost to the County. Mr. Oliver stated he would look into this.

OFFICE ON AGING  
FY '86 BUDGET REVISIONS

Present: Billye McGaharn, Area Agency on Aging Director

Mrs. McGaharn presented revised grants for Titles III-B, C-1, C-2 and for RSVP which were necessitated by Gramm-Rudman cuts in the federal budget. The reductions are as follows: Title B: \$2,665; Title C-1: \$3,366; Title C-2 - \$593; and RSVP: \$1,625 for a total of \$8,249; however, supplemental funds in the amount of \$5,000 has been received from the State (with \$500 from the County) which will reduce the cut-backs to \$2,749.

In addition, Mrs. McGaharn presented a revised Grant for the Senior Center Operational Funds wherein line item revisions were made with State funds for the Center to offset the meal loss in C-1 and C-2.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize the Vice-President to sign the grant revisions upon review by Commissioner Sayre and the County Administrator. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) LEXINGTON PARK TRANSPORTATION PLAN

Mr. Norris presented draft correspondence addressed to Capt. Welch, NAS, requesting the Navy to provide the County with details on what is to be done on the Navy's property relative to the Pegg Road Extended project. The Commissioners agreed with the correspondence and requested that it be prepared in final for signature.

2) ROAD RESOLUTIONS

Mr. Norris presented the following Road Resolutions for the Commissioners' consideration:

a) No. R-86-04  
Point Lookout Creek

Setting the weight limit at 7 tons and a speed limit at 25 miles per hour at the bridge on Cornfield Harbor Drive over Point Lookout Creek.

b) No. R-86-05  
Delabrooke Road

Setting the weight limit at 6 tons and a speed limit at 25 miles per hour at the bridge on Delabrooke Road.

c) No. R-86-06  
Patuxent Beach Road

Designating Patuxent Beach Road as a "No Parking Zone" in certain areas as indicated on the Resolution.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign the referenced Road Resolutions. Motion carried.

3) PROJECT NO. SM 86-1-9  
ASPHALT OVERLAY PROJECT

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Arundel Asphalt Products, Inc. in the amount of \$614,520.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the low bidder, Arundel Asphalt, as recommended by Mr. Norris. Motion carried.

4) BIDS ON CARPETING FOR COUNTY BUILDINGS

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Griffin Carpets, the lowest bidder, in the amount of \$11,893.

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

5) PROJECT NO. SM 86-1-10  
SURVEYING SERVICES CONTRACT

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to McCrone, Inc., the lowest bidder.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept Mr. Norris' recommendation. Motion carried.

6) PROJECT NO. SM 86-1-8  
HIGHWAY RENTAL

Mr. Norris presented an Agreement by and between the Board of St. Mary's Commissioners and Joseph D. Knott (T/A Trading Post) for work and labor at the rates as indicated in the Agreement.

Commissioner Sayre moved, seconded by Commissioner Dean, to authorize the Vice-President to sign the Agreement. Motion carried.

7) SEWER LINE FOR STATE OFFICE BUILDING AND  
CORRECTIONAL FACILITY

Mr. Norris displayed an aerial view of Leonardtown indicating the location of the State Office Building and Correctional Facility and stated that the sewer line to the Building was a matter of discussion at the Leonardtown Commissioners' meeting. He stated that the most effective solution would be to provide a sewer line for the facilities is a force main off of the County's property down Rt. 245 and down Peabody Street and tie into the new sewer line that the Town has just completed. The cost would be approximately \$357,000 which includes \$257,000 from the project and \$100,000 shortfall of which the County and Town are requested to co-share and will be paid back (with principal and interest) as additional users will be hooked into the line.

Mr. Norris stated that once the Town has responded to the above, he will return to the Board.



COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) REQUEST FOR PROPOSALS  
BATTERED SPOUSE AND SEXUAL ASSAULT PROGRAMS

The County Administrator presented the Request for Proposal for the Battered Spouse and Sexual Assault Program to be submitted to the State. Authorization is needed to submit the proposal on behalf of the County for administration of the program.

The Commissioners gave their concurrence.

2) BUDGET AMENDMENTS

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

No. 86-37

Justification: To void pension appropriation on behalf of Sheriff's Department because implementation date is now slated for July 1, 1986.

No. 86-38  
Sheriff's Department

Justification: Computer system for detention facility. Includes both hardware and software.

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

3) MORTGAGEE WAIVER AND CONSENT

The County Administrator presented the Mortgagee Waiver and Consent for McGregor & Werner, Inc. wherein equipment that is purchased is excepted from the Mortgage.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said document. Motion carried.

4) LEASE AGREEMENT  
THE C & P TELEPHONE BUILDING

The County Administrator presented a Lease Agreement dated March 11, 1986 by and between James Francis Miedzinski and Clara Louise Miedzinski, and Robert L. Miedzinski and Susan C. Miedzinski, and the Board of County Commissioners of St. Mary's County, Maryland for the lease of the former "C & P Telephone Company" lot in Leonardtown for office space for the St. Mary's County Health Department.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign the Lease Agreement. Motion carried.

EXECUTIVE SESSION

Present: Edward v. Cox, County Administrator  
Joseph O'Dell, Director, Budget & Data Services  
Joseph Densford, Assistant County Attorney  
Frank Gerred, Director, Office of Planning and Zoning

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of litigation, property acquisition and personnel. Motion carried. The Session was held from 4:30 p.m. to 5:10 p.m.

RESOLUTION NO. 86-07  
ST. MARY'S NURSING HOME

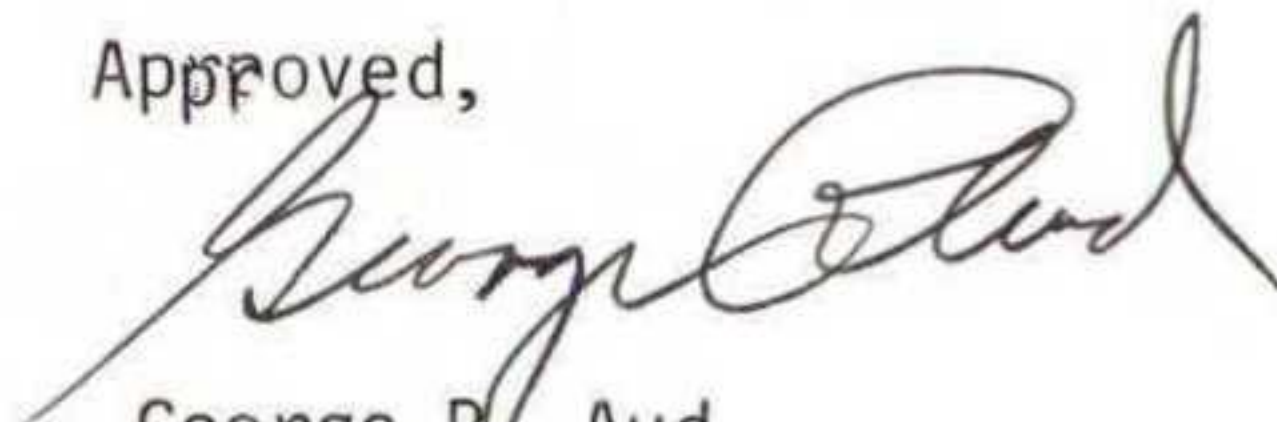
With regard to the Nursing Home project, Commissioner Dean moved, seconded by Commissioner Sayre to do the following:

1. To Accept the transfer of the project from St. Mary's Nursing Home, Inc. because of more favorable financing arrangements;
2. To Assign the project to the Building Authority Commission;
3. To adopt Resolution No. 86-07 approving the Building Authority Commission to accept the assignment of, and assuming the rights and obligations of St. Mary's Nursing Home, Inc.
4. To re-establish the Nursing Home Board of Directors and to appoint its members.
5. To approve the transfer of the State \$500,000 grant from St. Mary's Nursing Home, Inc. to the Building Authority Commission.

ADJOURNMENT

The meeting adjourned at 5:20 p.m.

Approved,



George R. Aud  
President