

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 29, 1986

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

(Commissioner Arnold was not present due to illness).

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of April 22, 1986.

APPROVAL OF BILLS

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

FY '87 BUDGET DISCUSSION  
NAVAL AIR TEST & EVALUATION MUSEUM

Present: Admiral John K. Ready, Commander, NATC  
Captain John Welch, Commander, NAS  
Wayne Smith, President, Board of Directors  
Joseph O'Dell, Director, Budget & Data Services

The referenced representatives of the Navy and the Museum appeared before the Commissioners to review the Naval Air Test and Evaluation Museum budget and to request restoration of funds that were reduced in the Recommended Budget from \$30,319 to \$20,000. Mr. Smith explained that by reducing the Executive Director's hours and exhibit improvements and maintenance the Museum could manage with a \$26,000 budget.

After discussion the Commissioners agreed to direct the Budget Director to include funds in the amount of \$26,000 in the final budget document for the Naval Air Test and Evaluation Muesum.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PERSONNEL

The County Administrator presented the following personnel items for consideration by the Board:

a) Office on Aging  
Benefits Coordinator

Memorandum dated April 24, 2986 from Personnel Officer recommending the appointment of Joseph A. Saunders to the Benefits Coordinator position, Grade 5, effective April 30, 1986.

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

b) Office on Aging  
Volunteer Assistant

Memorandum dated April 24, 1986 from Personnel Officer recommending the appointment of Dolores P. Turner to the Volunteer Assistant position, Grade 5, effective April 30, 1986.

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

2) APPOINTMENTS  
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Sayre moved, seconded by Commissioner Millison, and unanimously carried, to make the following appointments:

St. Mary's Council on Children and Youth

Paula McLeod - term to expire December 31, 1986

Doncaster Youth Center Advisory Board

Mary Novotny (reappt.) - term to expire June 30, 1989

3) PUBLIC ACCOMMODATIONS TAX

The County Administrator presented a memorandum dated April 28, 1986 requesting direction regarding H.B. 935, Public Accommodations Tax, which was enacted by the 1986 General Assembly. The legislation requires a public hearing separate from the annual budget hearings, and Mr. Cox suggested the following: (1) Set a public hearing date--May 20; (2) Prepare draft Ordinance; (3) Develop procedures for collection process before July 1, 1986.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to advertise for the public hearing for May 20, after which a decision would be made whether to continue to proceed. Commissioner Millison abstained. Motion carried.

4) TAX REFORM ACT

The County Administrator advised that there has been some federal initiative relative to the Tax Reform concerning bonds sold for public purposes. Therefore, Mr. Cox presented correspondence to Senators Sarbanes and Mathias expressing opposition to the provisions of H.R. 3838 (Tax Reform Act of 1985) or any subsequent tax reform act which will adversely affect state and local bonds for public purposes.

The Commissioners agreed to sign and forward the letters as presented.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PROJECT NO. SM 87-1-1  
SURFACE TREATMENT SEAL COAT AND RELATED ITEMS

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Montgomery Construction, the lowest bidder, in the amount of \$342,500.

Commissioner Dean moved, seconded by Commissioner Sayre, to award the bid as recommended. Motion carried.

2) EMPLOYMENT CONTRACT  
INSPECTION SERVICES

Mr. Norris presented an Employment Agreement by and between George X. Payne, Sr. and the Board of County Commissioners for inspection services to the Department of Public Works for various highway construction projects.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and sign the Contract. Motion carried.

3) PROJECT NO SM 87-1-2  
SLURRY SEAL COAT

Mr. Norris presented the bid tally sheet for the referenced project and recommended that the contract be awarded to Slurry Pavers, Inc., the lowest bidder, in the amount of \$76,845.30.

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

4) PROJECT NO SM 87-1-3  
PLACEMENT OF PAVEMENT MARKINGS FOR VARIOUS STREETS

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Allied Striping, Inc., the lowest bidder in the amount of \$51,000.

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

5) ST. GEORGE'S CREEK DREDGING PROJECT  
PROJECT SM 82-3-1

Mr. Norris requested authorization for Commissioner President Aud to sign the following documents relative to the referenced project:

a) Extra Work Authorization No. 1 in the amount of \$1,000 for removal of drainage structure. Work added to contract, which was remaining from the previous contract.

b) Extra Work Authorization No. 2 to omit the removal of the drainage structure and construction of drainage ditch. (Less \$1,000).

c) Contract between Boards of County Commissioners and A.B. & H Excavating, Inc. to provide work and material required for the restoration of the spoil disposal area used for the dredging of channels in the Potomax River and St. George's Creek at St. George Island bridge near Piney Point, Maryland, in the amount of \$20,700.

Commissioner Sayre moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign the referenced documents as presented. Motion carried.

6) PROJECT NO SM 86-3-3  
LEWIS CREEK MAINTENANCE DREDGING PROJECT

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Southern Maryland Dredging, Inc., the only bidder, in the amount of \$24,900.

Mr. Norris advised that the DNR in correspondence dated April 22 has indicated concurrence with the bid. Mr. Norris stated that the project was going to be done through the taxing district; however, it will now be done by a state grant, and there will be no taxing district. Easements have been provided to the property owners for the spoil disposal area, and Mr. Norris indicated that he did not anticipate any problem in getting the agreements signed. He stated that the project will proceed once the easements are signed and returned to the County.

After discussion, Commissioner Sayre moved, seconded by Commissioner Millison, to award the bid as presented. Motion carried.

7) TALL TIMBERS SHORE EROSION MITIGATION PROJECT

Mr. Norris advised that all of the easements have been obtained on the referenced project. He stated that three bids have been received to do the work; however, the lowest bid is 30% higher than the engineering estimate. The Army Corps of Engineers is in the process of negotiating with the lowest bidder; however, if the deadline for the award of the bid (May 15) is missed the county will have to provide a \$200,000 match.

Mr. Norris stated that COE has been advised to use the land side of the taxing district and requested approval for the President of the Board to have the authority to act on behalf of the Board to transmit that authority to the Corps to use the land side of the Tall Timber Shore Erosion District #1.

Commissioner Dean moved, seconded by Commissioner Sayre, to grant this authority. Motion carried.

8) TALL TIMBER SHORE EROSION DISTRICT NO. 2

Mr. Norris advised that the final inspection of the referenced project is being scheduled and requested authorization for the Director of Department of Public Works to advise DNR of the acceptability of the project once the inspection is completed.

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

9) TANNERS CREEK SHORE EROSION CONTROL DISTRICT

Mr. Norris advised that there was approximately \$5,000 damage to Tall Timbers Shore Erosion District during the November 4, 1985 storm. The property owners were asked if they wanted to try to effect the repairs themselves so that the cost would not be borne by the taxing district. However, the President of the Citizens Association has indicated in correspondence that there were different designs by the State, some of which were inadequate, that were approved along the frontage of the revetment, and therefore the property owners should not have to bear the responsibility for maintenance. Mr. Norris, therefore, presented correspondence to DNR requesting input so that an appropriate response may be forwarded to the Tanners Creek citizens.

The Commissioners gave their concurrence to sign and forward said letter.

10) REQUESTS FOR ROAD SPECIAL TAXING DISTRICTS

Mr. Norris advised that he has received two requests for roads to be assumed by the County by way of special taxing districts: West Holly Drive in North Town Creek and Duke Drive in Breton Bay Subdivision. Mr. Norris stated that a copy of the County's policy with regard to special taxing districts has been forwarded.

11) CHINGVILLE ROAD

Mr. Norris presented correspondence dated April 17, 1986 from Delmarva Property, Inc. setting forth an agreement whereby Delmarva will grant St. Mary's County land to widen and improve Chingville Road between Rt 5 and 244, and requesting execution of a copy of the letter if the arrangement is satisfactory to the County.

The Commissioners gave their concurrence. (Commissioner Millison abstained.)

LONGVIEW BEACH SUBDIVISION  
SPECIAL TAXING DISTRICT

Present: Latrey Washington, Longview Beach Citizens Assoc.  
Bernard Lucas, "  
John Norris, Director, DPW  
Joseph Densford, Assistant County Attorney

As a follow up to discussion held April 15, the referenced representatives of Longview Beach appeared before the Board relative to a special taxing district for road improvements. The property owners of Longview Beach are requesting the Board's consideration to waive the interest on the repayment of the loan.

Mr. Densford reviewed the history of the subdivision and noted that three plats were recorded in 1953 and two in 1954. Mr. Densford stated that subdivision regulations were adopted by the County in 1954 and the special taxing district policy established in 1974. Discussion ensued as to whether this project was in the waived interest category (such as Golden Beach, Spring Valley, and Town Creek) or interest paying category (such as Hollywood Shores).

After discussion, the Commissioners agreed that all subdivisions would have to be treated in an equitable manner, and therefore would review the current special taxing district policy to determine whether it should be amended to include waiver of interest payments under certain circumstances. If that determination is made, then make a determination with regard to Longview Beach. Mr. Washington requested the Commissioners to take into consideration the uniqueness of Longview Beach. Mr. Densford stated that the length of time for repayment should also be reviewed. It is currently 15 years and to change the time frame may require an act by the General Assembly.

The Commissioners will discuss this matter on May 13 at 2:30 p.m.

OFFICE OF PLANNING AND ZONING  
PUBLIC HEARING  
COMPREHENSIVE WATER AND SEWER PLAN AMENDMENTS

Present: Robin Guyther, Planner, OPZ

The Commissioners conducted a public hearing on amendments to the Comprehensive Water and Sewer Plan as follows:

SPEC 86-0550 - Amendments are proposed as noted with regard to the following properties: MULBERRY SOUTH (Tax Map 40, Block 16, part of Parcel 94): W-6-D; ROSEBANK VILLAGE (Tax Map 40, Block 1, Parcel 22): W-6 to W-3-D and S-6 to S-3-D; and HEARTS DESIRE (Tax Map 5, Block 17, part of Parcel 18): W-6-D to W-3-D. The amendments will permit construction of public system at the owners' expense.

Mr. Guyther read the Notice of Public Hearing and noted that the Planning Commission has recommended approval of the reference amendments.

After discussion, Commissioner Millison moved, seconded by Commissioner Dean, to approve the amendments to the Comprehensive Water and Sewer Plan as set forth above. Motion carried.

AGRICULTURAL PRESERVATION DISTRICTS

Present: Frank Gerred, Director, OPZ

Mr. Gerred stated that there are three applications for Agricultural Land Preservation Districts:

- 1) ALPD NO. 86-0250 - WALTER AND ROMAYNE RAUM -  
160 acres, Tax Map 41, Block 11, Parcels 41 and 168.
- 2) ALPD NO. 86-0135 - VERNA VIRTS BAILEY, ET AL -  
Tax Map 6, Block 12, Parcel 6.
- 3) ALPD NO. 86-0135 - HENRY A. VIRTS -  
116.42 acres, Tax Map 6, Block 12, Parcel 6.

Mr. Gerred advised that the Planning Commission has recommended that the Board of County Commissioners recommend approval of these applications to the State.

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

(COMMISSIONER DEAN LEFT MEETING - 11:30 a.m.)

DISTRICT COURT LEASE

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley appeared before the Board to request approval to increase the amount of the lease by District Court for space at the Courthouse. He stated that he evaluated costs since 1980, and there has been an increase in the amount of \$14,525.14. Therefore, Mr. Raley requested concurrence that the lease be in the amount of \$22,240 per year.

The Commissioners gave their concurrence.

Mr. Raley indicated that he would present this proposal to the State and will advise the Commissioners of the response.

PROCLAMATION  
OLDER ST. MARY'S COUNTIANS MONTH

The Commissioners presented the referenced Proclamation designating the month of May as Older St. Mary's Countians Month.

PROCLAMATION  
VOTER REGISTRATION MONTH

The Commissioners presented a Proclamation designating the Month of May as Voter Registration Month in St. Mary's County.

SICK LEAVE CLUB AWARDS

The Commissioners presented Sick Leave Club Awards to the following county employees:

- |               |                      |                    |
|---------------|----------------------|--------------------|
| 100-Day Club: | John G. Capado       | Nancy J. Hutson    |
|               | Robert L. Hall       | Arthur C. Shepherd |
|               | John T. Rhodes, Jr.  | John O. Thompson   |
|               | Kenneth H. Kern      | Robert C. Cooper   |
|               | James E. Weber       | Gloria L. LeDonne  |
|               | Daniel F. Ichniowski | Phillip J. Shire   |
| 200-Day Club: | Mary Jane Alvey      |                    |
|               | Mary Lou Norris      |                    |

(COMMISSIONER DEAN RETURNED TO MEETING - 1:05 P.M.)

FY '87 BUDGET DISCUSSIONS

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

The following Departments appeared before the Commissioners to discuss restoration of funds that were reduced in the FY '87 Recommended Budget:

Sheriff's Department

Present: Sheriff Wayne Pettit  
Lt. Gene Pellillo  
Bill Miedzinski, Administrator

Office of Community Services

Present: Phebe Barth, Community Services Coordinator  
Valerie von Allmen, Children & Youth Council  
Richard Portee, Human Relations Commission  
Dorothy Barclift, Commission for Women  
Sybil Basnight, Marcey House  
Howard Hagen, MHADAAC  
Suzanne Lorence, MHADAAC

Office of Planning and Zoning

Present: Frank Gerred, Director

Prior to discussion of the FY '87 Budget, Mr. Gerred reiterated the need of a Planner in the Office of Planning and Zoning to assist with the Comprehensive Development Plan update and the requirements of the Critical Areas legislation. Mr. Gerred displayed charts indicating the increase in permit and other activities in the Office of Planning and Zoning and requested that he be allowed to begin the process for hiring a Planner at this time in order to be prepared by July 1. Discussion ensued regarding the funds forthcoming from the State for the Development Plan and the need for the position in the Office of Planning and Zoning.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, that the Director of Planning and Zoning be given the authority to prepare a job description for a Planner in the OPZ and to begin the advertising process because of the need for that person and because there will be a large demand by other jurisdictions because of the critical areas legislation. Three Commissioners voted in favor with Commissioner Millison voting against. Motion carried three to one.

Emergency Operations Center

Present: Tom Oliver, Director  
Paul Wible, Deputy Director

Department of Public Works

Present: John Norris, Director

(The Commissioners will review the Capital Projects Budget of DPW next week.)

(COMMISSIONER MILLISON LEFT MEETING - 4:35 p.m.)

CABLE TELEVISION

The County Administrator presented a memorandum dated April 28, 1986 setting forth recommendations regarding cable television in St. Mary's County. Mr. Cox advised that questions have arisen between Rite CATV and Simmons CATV relative to the right to service the Golden Beach area. On April 25 the County Attorneys, Weiner and Densford; Director of Planning and Zoning, Frank Gerred; SMECO's Alfred Gough, met and developed the following recommendations:

1) Since by correspondence dated November 6, 1984 County Attorney Weiner advised Rite CATV of the practice in St. Mary's County notto award franchise but only to require 3% of gross fee; and since on January 13, 1986 the Office of Planning and Zoning issued a Zoning Permit for the construction of Rite's microwave receiver tower in Mechanicsville, it is recommended that the Board of County Commissioners admit it legally arguable that a franchise agreement in fact has been established with Rite CATV and that Rite should be authorized to use the right-of-way subject to payment of the 3% gross fee.

2) Since Section 267-10 of the St. Mary's Code requires all existing and future cable television companies to pay 3% of gross revenues, the Board of County Commissioners should rescind the exception given to Lex Par CATV and require from that firm the same payment required of Simmons CATV and Rite CATV.

3) The Board of County Commissioners should appoint a CATV study Committee to develop a Telecommunications Ordinance similar to that recommended by Intern Mattingly in his report dated August 20, 1985. The ordinance will set forth all terms and conditions for CATV operations in St. Mary's County.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the referenced recommendations. Motion carried.

OFFICE OF PLANNING & ZONING

ZONING DECISIONS

ZPUD # 84-1307-A: J.I. KNOTT

ZPUD # 85-0171 JOSEPH A. CLARKE

ZPUD # 85-1374 MICHAEL HEWITT

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

ZPUD # 84-1307-A: J. I. KNOTT

Requesting rezoning from CP, Camper Palrk and AR, Agricultural-Residential, to MH, Mobile Home Park, to permit establishment of a 300 unit mobile home park ("Take-It-Easy Ranch Village"). The property contains over 200 acres and is located off Take-It-Easy Ranch Road, in the Second Election District, shown on Tax Map 57, Block 6 as Parcels 10, 22 and 23.

Mr. Guyther recalled that this was the resubmitted request to convert the Take It Easy Ranch Camper Park into a mobile home park. The request was modified and now includes some 281 mobile home units. The Planning Commission again recomended that the application be denied, based on the facts that the project did not conform to the Comprehensive Plan and that the project would remove a significant percentage of the sewer capacity from Lexington Park.



Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, that the Assistant County Attorney be instructed to prepare the appropriate resolution denying the rezoning based on his written opinion, previously proffered during the Board's initial consideration of the request (Commissioner Dean concluded that the facts had not changed and thus, the basis for said denial would be incorporated in said written opinion), also based on the staff and Planning Commission's analysis and recommendation.

ZONE # 85-1374: MICHAEL HEWITT

Requesting rezoning of 3.25 acres from C-1, to C-2, Commercial. The property is the site of the CHEVRON STATION located on Maryland Route 235, California, Maryland, at the intersection with Chancellors Run Road, Eighth Election District, shown on Tax Map 43, Block 1, as Parcel 238.

Staff recalled that this consideration included the property known as the Chevron Station located on the corner of Chancellor's Run Road and Route 235, currently zoned C-1. The Planning Commission recommended that the zoning be changed to C-2, based on the apparent mistake in the original zoning of the property, as the service station existing on the site in 1974, was not a permitted use in C-1 zone (nonconforming use).

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously passed, that the Assistant County Attorney be instructed to prepare the appropriate resolution approving the rezoning, with the findings as so incorporated in the staff report and Planning Commission's recommendation.

Commissioner Dean remarked that there were several other significant points, i.e. that the service station was in operation in 1974, a C-2 use, and became a nonconforming use. As argued by the applicant, it should be recognized that this was not a nonconforming use in the sense that it could be expected to cease and discontinue, but rather that this was a proven, long-lived commercial enterprise, further illustrated by the numerous other rezonings which had occurred in this neighborhood.

ZONE # 85-0171: JOSEPH ABEL CLARKE

Requesting rezoning of 11 acres from R-1, Rural-Residential, to CM, Commercial Marine. The property is located off Abell's Wharf Road in the Third Election District, shown on Tax Map 48, Block 4, as Parcel 204, and Part of Parcel 123.

Staff noted that this property included the applicant's home, which he has proposed to convert into a club house/yacht club and establish a small marina on the property. The Planning Commission recommended approval with the limitation that only 33 boat slips be approved, per the submitted application. Other restrictions/conditions were imposed: Any new building, should be completely buffered from view across the bay; no construction or disturbance of land within 50 ft. of the small pond; any construction of new buildings or parking areas are to be 100 ft. from mean high tide; no new construction within the 100 year flood plain, including fuel storage tanks; all boat slips must be provided with waste tank pump-outs to be connected to an on-shore sewage disposal system. Both the Planning Commission and staffs positive recommendations were based on the finding that there had been a substantial change in the neighborhood, as the home site was now completely surrounded by a gravel mining operation and was not conducive to residential development/use. Also, that historically, contiguous property (located some 400 yds. around the cove) had been used for a marina/restaurant/bar (formerly Abell's Wharf). Mr. Guyther noted that staff had determined that if the aforementioned restrictions were placed on the operation, the use would meet the criteria of the Chesapeake Critical Areas Commission.

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, to instruct the Assistant County Attorney to prepare the appropriate resolution approving the rezoning, said finding based on change in the character of the neighborhood, namely, the gravel mining operation.

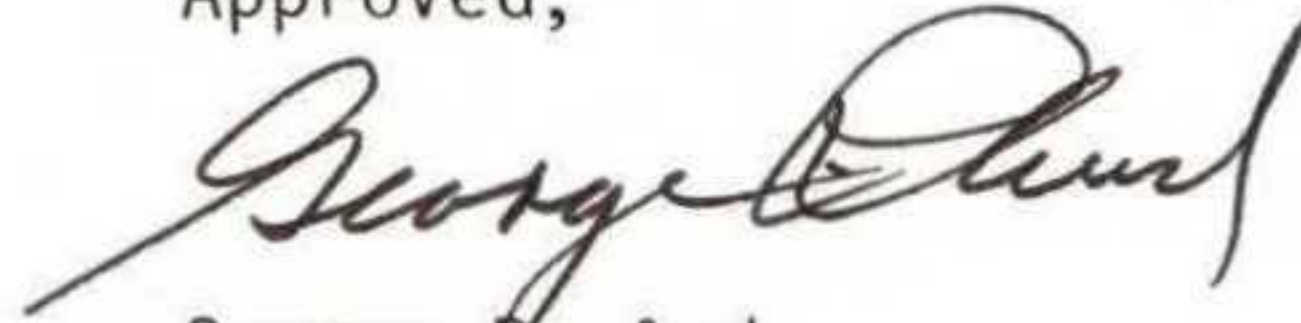
DISCUSSION REGARDING DESIGN STANDARDS

Mr. Guyther wished to clarify that the Design Standards for new development pertained/applied ONLY TO NEWLY CREATED LOTS (25 ft. set-backs from creeks and 150 ft. impervious). This matter will be scheduled as a separate agenda item in the near future.

ADJOURNMENT

The meeting adjourned at 5:30 p.m.

Approved,



George R. Aud  
President