

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 23, 1987

Present: Commissioner Joseph P. O'Dell, President  
Commissioner W. Edward Bailey, Vice-President  
Commissioner Robert Jarboe  
Commissioner John Lancaster  
Commissioner Rodney Thompson  
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 MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes June 16, 1987. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1. STORMWATER MANAGEMENT  
INSPECTOR II POSITION

The County Administrator advised that staff met with Water Resources Administration relative to the County's non-compliance with certain facets of the State's regulations on the Stormwater Management Program. He stated that the County is now in conformance and as the Public Works Director announced last week, the State has agreed to fund an additional inspector position. Therefore, authority is requested to establish the position of Inspector II, Grade 9, in the Department of Public Works.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to establish the Inspector II position in the Department of Public Works as requested in the June 22 memorandum from the Personnel Officer. Motion carried.

2. OFFICE ON AGING POSITIONS  
CONVERSION OF TEMPORARY POSITIONS AND RECLASSIFICATIONS

The County Administrator presented a memorandum dated June 22, 1987 from the Personnel officer recommending the conversion of five employees in the Office on Aging (three drivers and two site managers) from temporary to permanent part-time. Further it is recommended that the two fiscal clerks (Grade 8 and Grade 5) be reclassified to Fiscal Clerks II, Grade 6.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the referenced requests. Motion carried.

3. DEPUTY DIRECTOR - PERSONNEL OFFICER POSITION

The County Administrator presented a memorandum dated June 16, 1987 from the Personnel Officer recommending the selection of Belinda L. Johns for the Deputy Director - Personnel, Grade 14-2.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

4. BUDGET AMENDMENTS

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

No. 87-51 - Department of Public Works

To fund landfill account for remainder of FY '87 - \$1600

NO. 87-52 - Personnel

To fund advertisement for Personnel Officer

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner President O'Dell to sign the Budget Amendments as submitted. Motion carried.

5. PERSONNEL POLICY - LEAVE WITHOUT PAY

The County Administrator presented a memorandum dated June 23, 1987 from the Personnel Officer recommending that each request for leave without pay due to non-service injury or pregnancy be considered on a case-by-case basis and not automatically as is the current policy. Approval is requested to change the wording in the current policy to read: "leave may be granted."

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to change the wording as set forth above. Motion carried.

6. HOMELESS SERVICE PROGRAM APPLICATION

The County Administrator presented the Homeless Service Program Application for 1987-88 in the amount of \$44,024 to be submitted to the Department of Human Resources.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner President O'Dell to sign the Application as presented. Motion carried.

ECONOMIC DEVELOPMENT COORDINATOR

Present: Joseph Mitchell, Director, DECD  
David W. Morgan, Economic Development Coordinator

Mr. Mitchell advised the Commissioners that Mr. Morgan will be retiring from County Government as of June 30, 1987. The Commissioners expressed their appreciation to Mr. Morgan for all his dedicated efforts on behalf of the County and wished him well.

COUNTY ROAD CONDITIONS

Present: Pete Catalina  
John Norris, Director, Dept. of Public Works  
Walter Wise, Supervisor of Highways

Mr. Catalina appeared before the Commissioners to express his concerns relative to the condition of certain County roads. He displayed photographs of roads with hazardous conditions and stated that he felt guardrails should be installed. Among the roads of concern are: Dr. Johnson Road, Flat Iron Road, Bushwood Road. Mr. Catalina noted that he realized that there were only 26 men to maintain 550 miles of road in the County, but felt that some of these roads were "deathtraps" with deep ditches and bridges without guardrails.

Mr. Norris explained what work is currently underway to correct some of the hazards on county road including the striping program. He stated that the biggest problem in the county in correcting these hazards is the lack of manpower. He explained that there is difficulty in attracting and retaining qualified workers. Mr. Norris further indicated that the County is adding road mileage to the system each year.

Commissioner O'Dell pointed out that lack of sufficient funds prevented some of this work from being completed and suggested that perhaps there were grant funds to do a study of the safety issues. Mr. Norris stated that in 1976-1977 a hazardous location report was done and suggested that there be a re-analysis of the roads and a re-determination of the most hazardous locations in a ranking priority.

#### RESTAURANT PERMIT FEES

Present: Dr. William Marek, Deputy Health Officer  
Tom Russell, Director, Environmental Health  
Vic Krasnokutsky, Inspector  
Kim Engman, Inspector

(Commissioner Thompson moved, seconded by Commissioner Lancaster, to recess as the Board of County Commissioners and reconvene as the Board of Health. Motion carried.)

The referenced individuals appeared before the Commissioners to request approval of the establishment of a permit fee in the amount of \$30 for inspection of restaurants. House Bill 159, regulating food establishments, was passed by the Maryland General Assembly in 1987, and requires local health departments to issue annual food service permits and to charge a fee. Dr. Marek advised that the fee has been set to cover the costs of inspections and administrative paperwork involved in the permit process.

After discussion, Commissioner Lancaster moved, seconded by Commissioner Thompson, that the Board of County Commissioners, sitting as the Board of Health, establish a food service inspection fee of \$30 which was based on cost analysis during this fiscal year and that the Health Department will do a cost analysis on an annual basis to determine the fee rate and make appropriate recommendations to the Board of County Commissioners each subsequent year. Motion carried.

(Commissioner Thompson moved, seconded by Commissioner Lancaster, to adjourn as the Board of Health and reconvened as the Board of County Commissioners. Motion carried.)

#### DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

##### 1) TIMBERS SHORE EROSION DISTRICT

Mr. Norris distributed a handout relative to the Tall Timbers Shore Erosion District outlining the fiscal status of Shore Erosion District No. 1 and local share of Corps project costs. Included in the handout are the following two alternatives regarding the establishment of a third district:

- A. Create Shore Erosion District No. 3 of benefitted properties only and continue pay off of existing outstanding debt.
- B. Create a Shore Erosion District No. 3 including Shore Erosion District No. 1 and other benefitting property owners.

Mr. Norris stated that this handout will be presented to the citizens at their annual meeting on July 5, at which time they will selected an alternative. He advised that the Commissioners need to determine the level of agreement by the County to provide one of the referenced alternatives (or modifications thereof) leading to a commitment for delivery and reimbursement of interest-free money, length of terms, etc.

Discussion ensued regarding funding and whether an interest-free loan can be obtained for the District, and Commissioner O'Dell suggested that contact be made with our Congressional and Legislative delegation in this regard.

Mr. Norris noted that he would need a determination as to how to proceed by next week.

2) BID TALLY SHEET  
TRUCK CAB AND CHASSIS

Mr. Norris presented the bid tally sheet for acquisition of the referenced truck and recommended awarding the bid to McKay's GMC in the amount of \$20,470.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to award the bid to McKay's GMS as recommended. Motion carried.

3) SOUTHAMPTON STREET LIGHTING DISTRICT

Mr. Norris advised that additional signatures had been obtained in order to meet the requirements for establishment of a special taxing district. A petition has now been received with at least 60% of the signatures, and a public hearing has been scheduled for July 14 with the Commissioners. The cost will be \$18.50 per lot per year; the County will collect the money and forward it to SMECO.

Mr. Norris requested the Board to acknowledge the above and further to authorize Commissioner President O'Dell to sign correspondence to Southern Maryland Electric requesting that a separate account be established.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to acknowledge the above and to authorize Commissioner O'Dell to sign correspondence to SMECO as requested. Motion carried.

4) VISIT TO FAA OFFICE

In preparation for the Commissioners visit the the Federal Aviation Administration Office in Falls Church later today, Mr. Norris reviewed previous correspondence from FAA which included a provisional program for development at the County Airport. Mr. Norris further reviewed his Department's Capital Program Worksheet for improvements at the Airport.

PUBLIC HEARINGS

SPEC #85-1083 - WILLIAM HAWES  
ZPUD #87-0430 - CALVERT BEAN PROPERTY

The full complement of the Board was in attendance. Commissioners included: Joseph P. O'Dell, W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Betsy Anthony, Recording Secretary, Office of Planning & Zoning.

Mr. Guyther read the Notice of Public Hearing aloud, as advertised in "The Enterprise" Newspaper on June 3, 1987, a publication of county-wide circulation, providing legal notice for the following public hearing(s):

SPEC # 87-1083: WILLIAM E. HAWES PROPERTY

Requesting to amend the Comprehensive Water and Sewer Plan from S-6 to S-3D on part of the property shown on Tax Map 40, Block 19, as Parcel 175. The site contains 5 acres and is located on the east side of Rosebank Road about 600 feet north of Drury Lane in the Third Election District.

Mr. Guyther gave the Commissioners a brief description of the request explaining that it was an amendment of the Water and Sewer Plan. The property is near the sewer line but will not perc. He explained that all fees would be taken care of by the applicant. Mr. Hawes is the property owner, but Mr. Harris had asked to purchase the land. The Planning Commission had given approval to allow Mr. Hawes to attach his land to the site. Met Comm and staff were also recommending approval. Mr. Guyther indicated on the plan the location of the site. He also explained that S-6 meant "no planned service", and S-3D meant "planned service but owner pays expense."

Commissioner O'Dell inquired whether anyone present wished to speak either in favor or opposed to the request. No comment being offered, the matter was taken under advisement.

Commissioner Bailey moved, seconded by Commissioner Thompson, and passed unanimously, to approve Mr. Hawes request for the water and sewer plan to be changed from S-6 to S-3D.

ZPUD # 87-0434: CALVERT BEAN PROPERTY, BEAN ASSOCIATES

The applicant is requesting that 54.98 acres now zoned Planned Development Residential (PDR) 5.74 and Planned Development Shopping Center (PDSC) be rezoned such that 33.8 acres is zoned PDR7.93 and 17.92 acres is zoned PDSC. The remaining 3.3 acres will be dedicated to streets. The property is shown on Tax Map 51, Block 1, as Parcels 2 and 160.

Mr. Guyther informed the Commissioners that the property was located on the east side of Chancellors Run Road. The applicant was asking that 17 acres be zoned PDR and the remaining acreage be zoned as PDSC. The Planning Commission recommended approval with the condition that if the fire house location was required, the acreage be donated and then deducted from the open space, and the applicant had the option of constructing his portion of Pegg's Lane Extended or participating in a work agreement with Department of Public Works. He explained that the applicant had indicated he would construct the road himself, but he could still change his mind.

It was asked how much it would cost the applicant to construct the road. Mr. Guyther informed the Commissioners that it would be approximately \$70-80,000.

Commissioner O'Dell asked if they could approve the rezoning with the condition that the funding of the road be subject to the Commissioners' decision. Mr. Guyther said that he did not think so. He explained that the Commissioners could require the applicant to build the road and not give them the option.

Commissioner Jarboe asked if the fee only applied to residential development and not commercial. Mr. Guyther indicated that it did at that time. Commissioner Jarboe also asked if they approved the request, would they be exempting the commercial development. Mr. Guyther said they would be at that time.

Commissioner O'Dell indicated that he would rather say that the applicant had the option to build the road themselves but if they wanted to contract with Public Works, they would have the option to do so.

Mr. Guyther indicated that Public Works would be requiring the applicant to donate a 100 foot r.o.w. and put in a two lane highway.

Commissioner O'Dell asked whether the Commissioners could impose a condition as a part of the rezoning in the rezoning decision, and Mr. Guyther replied affirmatively. Commissioner O'Dell explained that he would like to see only one entrance/exit to the property and that if at a certain date it was required to have a traffic signal installed, that the applicant bare the cost along with SHA. On the Pegg's Road side of the commercial where it will be joined to the residential, there will be only one entrance allowed. If a traffic light is required, the same condition would apply. He indicated that he was not in favor of any developer having to give up valuable land, but it should be a condition that no development occur within the potential 100 foot r.o.w. requirement on Chancellor's Run Road. Commissioner O'Dell noted that on the presented plan, it was showing an entrance/exit onto Chancellor's Run Road. He asked if they could eliminate that and make all entrance/exits from Pegg's Lane. Mr. Guyther responded affirmatively.

The Commissioners were concerned with running into the same problem they had with Indian Creek, and Mr. Guyther informed them that as long as this would be an entrance/exit, it would have to be connected with the other road.

After much discussion, Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously passed, to authorize the staff to prepare a resolution to approve the rezoning of the Calvert Bean Property with the following conditions:

1. Only one entrance from Route 246 to the commercial property;
2. Only one entrance from Pegg's Lane Extended to the commercial area;
3. Only one entrance from Pegg's Lane Extended to the residential area, and this entrance shall be aligned with entrance to the commercial area;
4. Only one entrance to residential portion from Chancellor's Run Road;
5. The road from Chancellor's Run Road in the residential section shall connect with the road from Pegg's Lane Extended;
6. The owner shall participate in the cost of installing a traffic light at Chancellor's Run Road and Route 246 intersection; and
7. If a traffic light is required at the intersection created on Pegg's Lane Extended due to this development, it shall be at the expense of the developer.

#### OTHER BUSINESS

##### DISCUSSION ON SUBDIVISION AND REZONING MORATORIUMS

Mr. Guyther indicated that the Citizens Advisory Committee had recommended that there be a temporary moratorium on new rezoning applications and new applications for subdivisions in excess of three lots. The committee recommended that the moratorium become effective June 17, 1987. The committee has further said that if anyone had previously applied for a perc test that they could proceed. He explained that the committee had voted forty (40) to six (6) in favor of the recommendation, and the Planning Commission had voted six (6) to zero (0) in favor of recommending to the Commissioners to accept the temporary moratorium. Mr. Guyther explained that the moratorium would remain in effect until December 31, 1987 or until the adoption of the Comprehensive Plan. He indicated the OPZ has received about 80 rezoning requests within the last six months. He explained that customers would submit requests in letter form stating that they have a piece of land that they would like to have rezoned, and the property would be looked at later during the final development of the plan.

Commissioner Thompson asked if the moratorium would lessen the work-load of OPZ, and Mr. Guyther indicated that it really would not because if you have commercial zoning or industrial zoning you would still be allowed to submit site plans.

Commissioner Bailey indicated that he would vote for the moratorium but was not agreeable with it.

It was noted that if they were going to wait for the adoption of the Comprehensive Plan, they really did not need a date. Mr. Guyther informed the Commissioners that the plan might be approved as early as July.

After much discussion, Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously passed, to enact a total rezoning moratorium and also enact a moratorium on all new subdivision requests in excess of three (3) lots, to become effective June 18, 1987.

After further discussion, Commissioner Jarboe felt it necessary to amend his motion. Commissioner Jarboe moved, seconded by Commissioner Lancaster, and unanimously passed, to amend the motion to read as follows: To enact a total rezoning moratorium and also enact a moratorium on all new subdivision requests in excess of three (3) lots, to become effective June 18, 1987. This moratorium will remain in place until December 31, 1987 or until the adoption of the Comprehensive Plan update.

Commissioner O'Dell noted for the record that he was making his decision on the basis that the majority of the people that would be effected by the moratorium had been duly advised with ample notice/advertisement of same having been provided publicly.

#### 350TH CELEBRATION COMMITTEE AWARDS

Present: William Lawyer, 350th Committee member  
Richard Wilson, President, Friends of St. Mary's  
Martha Bekkum, Docent, St. Mary's City

The 350th Celebration Committee conducted a poster and essay contest in the school system. The 350th Committee awarded a savings bond and a flag and St. Mary's City awarded a Commendation and a year's pass to St. Mary's City events to the following students:

#### Poster Contest Winners

Kindergarten - 2nd Grade - Christina Gillman of  
White Marsh

3rd Grade - 5th Grade - Susan Leonard  
Greenview Knolls

#### Essay Contest Winners

Middle School - Bridgett Grillo, Margaret Brent

High School - Felicia Butler, Leonardtown High School

#### EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss property acquisition, litigation and personnel. Motion carried. The Session was held from 12:05 p.m. to 12:35 p.m.

#### ADJOURNMENT

The meeting adjourned at 12:35 p.m.

#### VISIT TO FEDERAL AVIATION ADMINISTRATION

At this time the Commissioners departed for the FAA office in Falls Church, Virginia.

Approved

  
Joseph P. O'Dell  
President