

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 3, 1981

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. Mullins, Recording Secretary

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

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted by the Director of Finance. All Commissioners voted in favor.

CLEAN-UP CAMPAIGN

The County Administrator reviewed with the Commissioners the progress and plans of the Clean-Up Campaign as prepared by Jim Mora, Clean-Up Coordinator. Mr. Mora recommended the establishment of a committee to advise and assist the Commissioners in this project. The Commissioners gave their concurrence and advised that they would give consideration to appointments to this committee at a later date.

BUDGET AMENDMENTS NO. 82-20 and 82-21

The County Administrator presented the referenced budget amendments recommended for approval by the Budget Officer as follows:

No. 82-20 (Planning and Zoning)

Increase Account No. 1083-11110 (Salaries- General) by \$11,530;

Decrease Account No. 1016-27710 (Research and Special Projects) by like amount.

(To execute salary payment to contract employee Robin Guyther for period of October 26, 1981 through June 30, 1982.

No. 82-21 (Health Department, Personnel, Payroll)

Increase Account No. 1312-11210 (Salaries-Supplemental) by \$1,000;

Decrease Account No. 1016-27710 (Research and Special Projects) by like amount.

BUDGET AMENDMENTS NO. 82-20 AND 82-21 (Cont'd.)

(To supplement salary of Environmental Health Sanitarian VI, Walter E. Raum, and to authorize payment of supplemental salary to Dr. H. J. Miller)

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the referenced budget amendments. All Commissioners voted in favor.

AFFIRMATIVE ACTION EVALUATION COMMITTEE

The County Administrator advised that the Affirmative Action Evaluation Committee had its first meeting October 26, 1981, and the members requested official letters of appointment.

The Commissioners agreed to sign and forward letters of appointment to the following individuals: Mr. Donald Curtis, Mr. William Greene, Mrs. Viola Gardner, Mr. Jonathan Nelson and Mr. Edward V. Cox.

PROPOSED CHANGES

MANUAL OF PERSONNEL POLICIES AND PROCEDURES

Present: Gerda Manson, Personnel Officer

Having conducted a public hearing on October 13, 1981 regarding proposed changes to the County's Manual of Personnel Policies and Procedures, the Personnel Officer presented the staff's recommendations as set forth in a memorandum dated November 2, 1981 as follows:

1. That the current Accident Leave Policy providing full salary pay without charge to leave for employees hurt on the job remain in effect.
2. That Non-competitive promotions be restricted to one grade. (If additional duties are added to an occupied position which results in an upgrade of two or more grades, it is considered a new position and the incumbent should compete.)
3. That the Performance Evaluation form currently in use not be replaced at this time by the proposed form which requires the evaluation of primary tasks. Supervisors for one year will be asked to use the new form along with the old one when evaluating employees' performance.

Mrs. Manson further advised that it was the staff's recommendation that the following proposals which were received earlier in the year not be adopted:

1. Overtime payment for Police Lieutenant and Police Sergeant;

PROPOSED CHANGES (Cont'd.)

2. Prior Service Credit toward annual leave for service with the Federal Government, other Counties or service in the military;

3. Evaluation of supervisors by their employees.

The Commissioners gave their concurrence to the staff's recommendations and directed that the appropriate Resolution for adoption of the proposed amendments be prepared for their signatures.

PATROLMAN POSITION
SHERIFF'S DEPARTMENT

The County Administrator presented a memorandum dated November 3, 1981 from the Personnel Officer requesting authority to appoint Dennis Long to the Patrolman Position, Grade 11, Sheriff's Department to fill the vacancy created by the resignation of William Frost, to be effective November 9, 1981.

The Commissioners gave their concurrence.

SHERIFF'S DEPARTMENT
REQUEST FOR SEPARATE PENSION SYSTEM

The County Administrator presented a proposal from the firm of Edward H. Friend & Company, which was recommended by the Insurance Buyers' Council, for the preparation of the fiscal impact of a separate pension plan for the Sheriff's Department. The Commissioners deferred a decision on the acceptance of the proposal until next week's meeting.

PROMOTIONAL TESTING FOR SHERIFF'S DEPUTIES

The County Administrator presented a memorandum dated October 30, 1981 from the Personnel Officer advising that as directed by the Board of County Commissioners that the written police test for promotions has been developed for the Sheriff's Department and the test will be administered some time in December.

COUNCIL ON CHILDREN AND YOUTH BY-LAWS

The County Administrator presented a letter dated October 22, 1981 from Valerie von Allmen, Chairperson of the Council on Children and Youth requesting the Commissioners' approval of several By-Law changes for the Council.

After review, Commissioner Dean moved, seconded by Commissioner Arnold, to approve the By-Law changes as set forth in the October 22, 1981 letter. All Commissioners voted in favor.

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CONSTRUCTION EASEMENT
HOUSING AUTHORITY
WILLOW RUN SUBDIVISION

On behalf of the County Engineer, the County Administrator presented a Construction Easement by and between St. Mary's County Housing Authority and the Board of County Commissioners for roadway, drainage and sewer improvements in the Willow Run Subdivision (Tubman Douglas).

Commissioner Arnold moved, seconded by Commissioner Dean, to authorize Commissioner President Aud to sign said Construction Easement. All Commissioners voted in favor.

TRI-COUNTY COMMUNITY ACTION COMMITTEE
SUMMER FEEDING PROGRAM

The County Administrator advised the Commissioners that approval was previously given in the amount of \$500 for the Summer Feeding Program of the Tri-County Community Action Committee which is now requesting an increase in the amount of \$452.70 for a total of \$952.70. The Budget Officer has indicated that the approval of this request necessitates a budgetary transfer as follows: Increase Account No. 2331-29710 (Summer Feeding Program) by \$452.70 and decrease Account No. 1016-27710 (Research and Special Projects) by like amount.

After discussion, Commissioner Millison moved, seconded by Commissioner Arnold, to approve said request. All Commissioners voted in favor.

REQUEST FOR STREET LIGHT
LEXWOODS - GREAT MILLS ROAD

Commissioner Aud advised that he has received several requests for the installation of a street light at the entrance to Lexwoods Apartments on Great Mills Road. The Commissioners agreed to direct the County Engineer to take care of this request.

WILDEWOOD SUBDIVISION, NEIGHBORHOOD TWO, CLUSTER TWO

On behalf of the County Engineer, the County Administrator advised that it is anticipated that the Public Works Agreement for Wildewood Subdivision, Neighborhood Two, Cluster Two, will be received this week. Therefore, approval is requested from the Board of County Commissioners to authorize Commissioner President Aud to sign the appropriate documents upon receipt.

The Commissioners gave their concurrence with Commissioner Dean abstaining.

BOND ANTICIPATION NOTE SALE

On behalf of the Budget Officer, the County Administrator advised the Commissioners that Alex Brown and Sons has requested permission to bid on the Bond Anticipation Notes scheduled to be sold on December 1, 1981.

The Commissioners gave their concurrence.

TRI-COUNTY YOUTH SERVICES BUREAU
UPDATE REPORT ON PROGRAMS

Present: Dr. C. W. Duncan, Director
Dr. Priscilla Cogan

Dr. Duncan advised that the purpose of this meeting was to bring the Commissioners up to date regarding the various services and programs of the Tri-County Youth Services Bureau and to express appreciation for the Commissioners' support. Dr. Duncan advised the Commissioners as to how referrals are made to the Bureau through various sources such as Juvenile Services, schools, families and self-referrals and the direct and indirect services that are provided. One of the most successful services is the CINS (Children In Need of Supervision), which is totally state-funded.

Dr. Cogan advised that she has been with the Bureau since 1978 and has seen a change in the type of clientel, particularly an increase in traumatized cases.

In closing, the Commissioners congratulated Dr. Duncan and his staff for the beneficial services they are providing for the youth of the community and advised that they would be willing to assist in any way possible.

REZONING DECISION DISCUSSIONS

Present: Frank Gerred, Director, Office of Planning and Zoning
Anita Meridith, Recording Secretary
Robert Taylor, Representative for Robert A. Evans
Jim Kenney, Attorney for property owner, Valley Lee

ZONE #81-0474: ROBERT A. EVANS, TAYLOR ENGINEERING

Requesting rezoning from R-1, Residential, to a Commercial zoning (RSC, C-1 or CM), preferably RSC, Rural Service Center. The property is located on St. George's Island in the 9th Election District on Tax Map 69, Block 2, Parcels 9 & 10 and contains approximately 2.63 acres.

The full complement of the Board of County Commissioners was in attendance and participated in the ensuing discussion and decision rendering meeting held this date regarding the above captioned rezoning request for Robert A. Evans.

ZONE #81-0474: EVANS (Cont'd.)

Commissioner Sayre led the discussion and advised that he had personally discussed this request with the applicant. Reportedly, Mr. Evans advised that he was not interested at this time, nor had any intentions in the future of utilizing this property as a marina. Commissioner Sayre advised that the numerous residents in this area "seemed to be well satisfied with the rezoning, other than a marina itself." The contiguous property owners suggested that perhaps the applicant could place a fence between the two properties. Mr. Evans, upon hearing his neighbor's request, purportedly agreed to compliance with that request. Commissioner Sayre pointed out that the site was physically restricted for use as a marina due to the shallow water depth.

Commissioner Dean distributed to the other members, his prepared written considerations with respect to this rezoning request. He noted that he would add to those finding of fact, the notation that the subject property was unsuitable for use as a marina.

Commissioner Millison offered that he would be in favor of this request in terms of it providing economic growth and development to the County and aid in terms of provision of jobs and taxes.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize the President of the Board to forward to the County Attorney the findings of fact as contained within the minutes and prepared written remarks in Commissioner Dean's "paper" (approving the rezoning request to Commercial Marine) in order that the appropriate resolution be prepared for the Commissioners review and consideration. Said findings of fact to include that the property is unsuitable for the establishment of a marina; further, that the rezoning is conditioned upon provision of a prohibition of there being a marina on the site.

Question was called and Commissioner Sayre offered that the motion be amended to include that the applicant construct a fence on the northern side of the property, as previously requested by the contiguous property owner. Commissioners Dean and Arnold agreed to the amendment of the motion to include same.

Vote was called and the motion passed unanimously, thus instructing the County Attorney to prepare the appropriate resolution approving the rezoning application for Commercial Marine zoning.

ZONE #81-0891: HARRY NORRIS (Thrift Oil),
Briscoe, Kenney & Kaminetz

Application requesting rezoning of 5.414 acres of land, located off of Route 5, 3rd Election District, on Tax Map 32, Block 2, Parcel 186, from AR-2, Agricultural - Residential, to C-2, Commercial.

The full Board was present and participated in the decision rendered this date regarding the Harry Norris rezoning.

Commissioner Dean distributed to the other members, his prepared written considerations with respect to this rezoning request.

Following review of the Board, Commissioner Arnold questioned that portion of the text included in Commissioner Dean's paper referred to "Given the established developmental patterns of the node in question, the Board finds that the parcels #186 and #313 (currently already zoned C-2) should form the boundaries beyond which further commercial development should be curtailed for the foreseeable future" as to what effect this would impose on the adjacent properties to the north, should in the future, those land owners wish to pursue rezoning of their properties. Mr. Gerred advised that the Board was not curtailing any future development and explained that any future application would be reviewed by the Commissioners on an individual basis and would consider all pertinent facts relative to that request in terms of change in the neighborhood or original mistake in the zoning.

Brief discussion ensued, whereupon, Commissioner Dean moved, seconded by Commissioner Dean, to authorize the President of the Board to forward to the County Attorney the findings of fact, as outlined within the minutes and Commissioner Dean's proffered "position paper" in order that the appropriate resolution be prepared for the Commissioners' review and consideration (approving the comprehensive zoning to C-2, Commercial).

The motion passed unanimously.

ZONE #81-0376: VALLEY LEE: Briscoe, Kenney & Kaminetz

Request Comprehensive Rezoning of property located on Tax Maps 56 & 61 in the community of Valley Lee, Maryland, in the 2nd Election District from R-1, Residential, to RSC, Rural Service Center.

Commissioner Dean excused himself from participation in this matter and noted that his abstention was due to a possible conflict of interest.

ZONE #81-0376: VALLEY LEE (Cont'd.)

Commissioners Aud, Arnold, Sayre and Millison participated in the discussion and decision rendered.

Jim Kenney, representing counsel, addressed the Board and urged their consideration of a C-1 zoning classification based on the fact that the permitted uses were not that different from the planned design of the neighborhood. He noted that the C-1 category included such things as garden-farm supply and would include other agricultural uses. Mr. Kenney stated that in making the threshold finding that there was a need for some commercial services, that it would be appropriate to consider C-1 zoning for this site.

Mr. Gerred offered that the CL, Commercial Limited classification was the more appropriate zoning change for this parcel, as opposed to C-1. He stressed that C-1 was more appropriate for the larger commercial center. Rezoning of these properties to C-1 would pose a greater impact in terms of traffic generation; how much, was dependant on the size of the stores which would comprise the commercial area. He stressed again, that the CL zoning category was designed as a convenience shopping area for the immediate vicinity.

Following Commissioner Sayre's request, the staff offered aloud the permitted uses in the CL zoning category and those in the C-1.

Commissioner Millison noted simply that he was in favor "of letting people do what they want to do, as long as they don't harm anybody." In this instance, he did not feel that rezoning of the properties would pose any hardships to the residents of this area.

Following Commissioner Millison's train of thought, Commissioner Aud added that rezoning of the property to a commercial status would offer benefits to those residents in terms of provision of needed services. He noted "it's a right long ride from Piney Point and St. George's Island to Lexington Park or Leonardtown, just to get some items you need that you wouldn't be able to buy..." Commissioner Aud, in conclusion, stated that people should not be compelled to drive twenty miles to get those basic items. He further felt that rezoning would promote economic development and perhaps provide employment for a few local individuals.

Commissioner Millison moved, seconded by Commissioner Arnold, to grant C-1 zoning. Accordingly, the findings of fact prepared by Commissioner Aud and the minutes of this decision meeting will be forwarded to the County Attorney, whereupon, the appropriate resolution for C-1 zoning, for the Dean, Mowery, Fire Station and telephone building properties is to be prepared for the Commissioners' review and consideration.

The motion passed unanimously.

PROPOSED TEXT AMENDMENT CHANGES

Each amendment was reviewed separately and vote of the full Board resulted in the following:

ZONE #81-1263: TEXT AMENDMENT TO ZONING ORDINANCE

53.08.7 - Change to provide that, in certain instances, a Home Occupation may be primarily concerned with over-the-counter wholesale or retail sales, subject to the review and approval process by the Board of Appeals.

It was the concensus of the Board to adopt said text amendment.

ZONE #81-0867: TEXT AMENDMENTS TO ZONING ORDINANCE

- (1) Paragraph 32.01.4.b(4) - Change "Board of Appeals" to "Zoning Administrator".
- (2) Paragraph 70.02.3 - Change time limit for Planning Commission's recommendation to County Commissioners to 60 days from final hearing date.
- (3) Paragraph 71.04 - Penalties. Add new sub-paragraph 2 to provide for civil zoning violations.
- (4) Paragraph 53.06.6 - Delete "in Residential Districts" in line 2.

It was the consensus of the Board to adopt the first four (4) proposed amendments.

(5) ZONE 81-1084: UNSAFE STRUCTURES

The Board chose to deferr action at this point. Text to be reconsidered at a later date.

ZONE #81-0696: TEXT CHANGES TO THE ZONING ORDINANCE

- (1) Article 31.00.2.j and 32.01.3.d - Change to read: "Extraction of natural resources under 5 acres, per Article 5."
- (2) 31.00.4.1 and 32.01.5.k - Change to read: "Extraction of natural resources over 5 acres, per Article 5 and commercial sawmill and forestry operations."
- (3) Add 31.00.2.m and 32.01.2.g: "Day Care Centers."
- (4) 34.05.4.c - Change to read: "Service Garage."

PROPOSED TEXT AMENDMENT CHANGES (Cont'd.)

- (5) 34.05.4.d - Delete the words: "and service."
- (6) 41.01.6.d - Delete existing paragraph and substitute:
"Use of modular office or mobile home for use as construction or sales office while construction is underway is allowed in subdivision or on any construction site."
- (8) Delete 48.03.4.b
- (9) Change 49.04.2 and 49.04.3. Add 64.00.9 and change 64.01.3 to standardize notification procedure for Board of Appeals cases.
- (10) 64.02.2 - Change last sentence to read: "Notice of the time and place of such public hearing shall be in accordance with the procedure set forth in Section 64.00.9."
- (11) Page 8-14, Definitions - Change Mobile Home definition to read: "MOBILE HOME PARK is any site, lot, parcel or tract of land which is improved, used, or intended for the accomodation of mobile homes which are used for living purposes, where the provisions of Article 40.01.2 and exceeded."

The Board concurred on adoption of number one through six inclusive and eight through eleven inclusive.

Commissioner Dean suggested that any present applications which are currently being processed under the existing rules, as interpreted by the Board of Appeals, be processed, per the existing rules.

It was the consensus of the Board that item number seven (7) needed further consideration:

- (7) 48.03.4 - Delete the words: "The Board of Appeals" and substitute "The Zoning Administrator" in the first line.

Mr. Gerred noted that he would review all the text changes to assure that deletion of number seven would not directly impinge upon any of the other text amendments adopted this date by the Board.

It was the consensus of the Board, having reviewed all of the aforementioned proposed text changes and concurrence of those same noted herein, that the staff be so directed to prepare the appropriate resolution for signature by the members of the Board.

PUBLIC HEARING
ZONE #81-0774
HENRY E. ZOLLENHOFER

ZONE #81-0774: HENRY E. ZOLLENHOFER, Maxine Nye

Requesting rezoning from R-1, Residential, to I-1, General Industrial. The property contains approximately 4 acres of land and is located on the north-east corner of the intersection of Maryland Route 235 and Clarkes Landing Road in the 6th Election District on Tax Map 34, Block 2, Parcels 188, 204, 269 & 325.

A complete transcript and tape is on file in the Office of Planning and Zoning.

PROCLAMATION NO. 81-84
THE GREAT AMERICAN SMOKEOUT DAY

Present: Hans Tischer
Joyce Holleman

The Commissioners presented the referenced Proclamation designating November 19, 1981 as the Great American Smokeout Day in St. Mary's County and urging all citizens to support the efforts of the American Cancer Society.

PROCLAMATION NO. 81-85
DIABETES MONTH - NOVEMBER

Present: Helen Brown

The Commissioner presented the referenced Proclamation designating the Month of November as Diabetes Month in St. Mary's County.

PROCLAMATION NO. 81-86
YOUTH APPRECIATION WEEK

Present: Bailey Beavan Goode

The Commissioners presented the referenced Proclamation designating November 9, 1981 through November 14, 1981 as Youth Appreciation Week in St. Mary's County.

PROCLAMATION NO. 81-89
NATIONAL REACT MONTH

Present: Bill Fowler

The Commissioners presented the referenced Proclamation designating the Month of November as National REACT Month.

PROCLAMATION NO. 81-90
CHILDREN/YOUTH AWARENESS MONTH

Present: Mary Novotny
Phebe Barth
Bernice Nelson
Celene Graves

The Commissioners presented the referenced Proclamation highlighting the week of November 16-22, 1981 by special activities in the County as part of the statewide Governor's Conference on Children and Youth.

PRESS CONFERENCE

Present: Matt Kaye, WKIK
Stewart Faxon, Beacon

The Commissioners conducted their regular monthly Press Conference. A tape of the Session is on file in the Commissioners' Office.

MARYLAND CERTIFIED COUNTIES PROGRAM

Present: Mike Lofton, Asst. Director, Dept. of EDC
Frank Collins, Economic Dev. Coordinator, Howard County
Frank Gerred, Director, Office of Planning and Zoning
St. Mary's County MCCP Team Members
Chamber of Commerce Economic Development Committee Reps.
Economic Development Commission Representatives

Mr. Gerred advised that the purpose of this meeting is to bring the County's MCCP Team members together to hear the State's explanation of the Program and the Team's role.

Mr. Lofton went on to describe the eight step process of the Maryland Certified Counties Program and the evaluation of the key components (financial, transportation, quality of life, taxes, labor, utilities, government services, etc.) of the County's industrial development program. The purpose of the program is to assist in the expansion of existing business and the relocation of new industries into the County. Mr. Lofton stated that St. Mary's County has demonstrated all of the necessary information to become certified; however, the printing of the industrial sites and the County's portfolio will require additional time for the State to complete.

Mr. Collins, Economic Development Coordinator for Howard County explained the details of the role and function of the program in Howard County stating there were five areas of consideration:

1. To retain the businesses they have
2. To assist existing businesses to expand

MARYLAND CERTIFIED COUNTIES PROGRAM (Cont'd.)

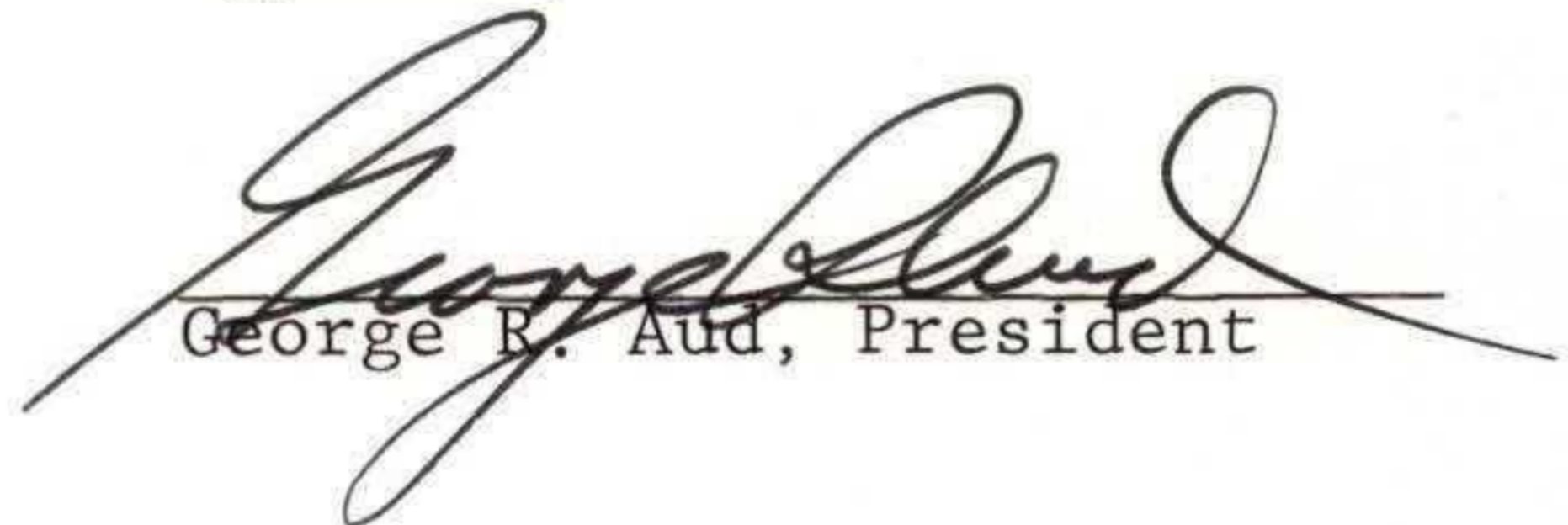
3. To attract new and desirable business to the County
4. To create new job opportunities for their citizens
5. To make their citizens aware of the value of the program

With regard to the Maryland Industrial Land Act, Mr. Lofton advised that the law was modified in 1976 to include shell buildings. He stated that this would be of interest to counties that would like to have industrial parks. The County would be required to pledge the full faith and credit of the County on the borrowing.

In closing, Mr. Gerred stated that the MCCP Team, the Chamber of Commerce Economic Development Committee and the Economic Development Commission would meet to develop recommendations to the Commissioners with regard to looking into the development of an Industrial Land Act building.

The meeting adjourned at 3:00 p.m.

Approved,



George R. Aud, President

