

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, June 19, 1984

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

CALL TO ORDER

Commisisoner President Aud called the meeting to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold to approve the minutes of the Commissioners' meeting of Tuesday, June 12, 1984 as submitted. Motion unanimously carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENTS  
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Aud moved, seconded by Commissioner Arnold, and unanimously carried to make the following appointments to Boards, Committees and Commissions with terms as indicated:

| <u>Airport Commission</u>               |           | <u>Term to Expire</u> |
|---|-----------|-----------------------|
| Tom Howard                              | (reappt.) | June 30, 1987         |
| Philip H. Hurry                         | "         | June 30, 1987         |
| Donna Smith                             | "         | June 30, 1987         |
| <u>Commission for Women</u>             |           |                       |
| Doroty Barclift                         | (reappt.) | June 30, 1987         |
| Elvare Gaskin                           | "         | June 30, 1987         |
| Marvin Kaminetz                         | "         | June 30, 1987         |
| Katie Kangus                            | "         | June 30, 1987         |
| <u>Community College Advisory Board</u> |           |                       |
| Mary Hewitt                             | (reappt.) | June 30, 1989         |
| Gerald DiPreta                          |           | June 30, 1989         |
| <u>Economic Development Commission</u>  |           |                       |
| William Curtis                          | (reappt.) | June 30, 1987         |
| Ralph Butler                            | "         | June 30, 1987         |
| Charles Palmer                          | "         | June 30, 1987         |
| Bruce Scheible                          | "         | June 30, 1987         |



Environmental Committee

|                       |           |               |
|-----------------------|-----------|---------------|
| Walter Raum           | (reappt.) | June 30, 1986 |
| James Golden Thompson | "         | June 30, 1986 |
| Jerome Swann          | "         | June 30, 1986 |
| Tucker Brown          | "         | June 30, 1986 |
| Charles A. Young      | "         | June 30, 1986 |

Housing Authority

|                     |           |               |
|---------------------|-----------|---------------|
| G. Thomas Daugherty | (reappt.) | June 30, 1989 |
|---------------------|-----------|---------------|

Human Relations Commission

|                        |           |               |
|------------------------|-----------|---------------|
| Marlene Kaminetz       | (reappt.) | June 30, 1987 |
| Rev. Charles Daugherty | "         |               |

Johnsongrass Committee

|                 |           |               |
|-----------------|-----------|---------------|
| Vernon Saunders | (reappt.) | June 30, 1986 |
| Aloysius Raley  | "         | June 30, 1986 |
| Franklin Hewitt | "         | June 30, 1986 |
| Douglas Bowles  | "         | June 30, 1986 |
| R. Johns Dixon  | "         | June 30, 1986 |
| Tommy Bradburn  | "         | June 30, 1986 |
| James R. Owens  | "         | June 30, 1986 |

Mental Health Alcoholism Drug Abuse Advisory Council

|                  |           |               |
|------------------|-----------|---------------|
| Elizabeth Raley  | (reappt.) | June 30, 1987 |
| Kathy Lacer      | "         | June 30, 1987 |
| Suzanne Lawrence | "         | June 30, 1987 |

Metropolitan Commission

|               |           |               |
|---------------|-----------|---------------|
| Fred Pumphrey | (reappt.) | June 30, 1987 |
| L. G. Raley   | "         | June 30, 1987 |

Nursing Home Board

|                  |           |               |
|------------------|-----------|---------------|
| Joseph Tolson    | (reappt.) | June 30, 1987 |
| Julia Richardson | "         | June 30, 1987 |
| Isabelle Raley   | "         | June 30, 1987 |
| Laverne Stewart  | "         | June 30, 1987 |

St. Mary's Council on Children and Youth

|                   |           |               |
|-------------------|-----------|---------------|
| Jennifer Kalendek | (reappt.) | June 30, 1987 |
|-------------------|-----------|---------------|

Social Services Board

|                       |           |               |
|-----------------------|-----------|---------------|
| Sister Sara Ann Abell | (reappt.) | June 30, 1987 |
| Eva Lentz             | "         | June 30, 1987 |

Tri-County Group Home Board

|              |           |               |
|--------------|-----------|---------------|
| Wilma Reeves | (reappt.) | June 30, 1987 |
|--------------|-----------|---------------|

Soil Conservation Service

|            |           |               |
|------------|-----------|---------------|
| John Sivak | (reappt.) | June 30, 1987 |
|------------|-----------|---------------|



Chesapeake Bay Critical Area Commission

(Nominees to be forwarded to Governor):

Commissioner David F. Sayre  
Frank Gerred, Director, OPZ  
Larry Petty, Director, Metropolitan Commission

2) AGREEMENTS  
RAPE CRISIS PROGRAM/BATTERED SPOUSE PROGRAM

The County Administrator presented correspondence dated June 15, 1984 from the Department of Human Resources advising that the grants for the referenced programs have been approved and requested the President of the Board's signature on the Purchase of Service Agreements between the Md. Department of Human Resources and St. Mary's County Commissioners.

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

3) BUDGET AMENDMENT NO. 84-51  
OFFICE ON AGING

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification: Request by Office on Aging Director to adjust RSVP grant line items.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign said Budget Amendment. Motion unanimously carried.

4) CLEARINGHOUSE PROJECTS

- a) #MD 84-6-689  
Army Corps of Engineers  
Feasibility Study-Navagational Improvements  
to Coan River
- b) #84-6-699  
DNR - Tidewater Administration  
Chesapeake Bay National Estuarine Sanctuary

The County Administrator presented the referenced clearinghouse projects and recommended that they be forwarded to the State with the comment that they are not inconsistent with this agency's plans, programs, or objectives. The Commissioners gave their concurrence.

5) RESOLUTION NO. Z84-12  
SUBDIVISION REGULATIONS AMENDMENT  
CIVIL VIOLATIONS - ZONE #83-1462

Having conducted a public hearing and held subsequent discussion, Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign the referenced Resolution amending the Subdivision Regulations which provides for civil penalties for violations rather than criminal. Motion unanimously carried.



6) PERSONNEL

a) Patrolman  
Sheriff's Department

The County Administrator presented a memorandum dated June 14, 1984 from the Personnel Officer advising that the Sheriff has recommended the selection of Steven M. Doolan for the Patrolman position, Grade 12, effective July 2, 1984. Commissioner Aud moved, seconded by Commissioner Dean, to accept this recommendation. Motion unanimously carried.

b) Supervisor, Construction and Inspections  
County Engineer

The County Administrator presented a memorandum dated June 14, 1984 from the Personnel Officer requesting authority to establish and advertise the Supervisor, Construction and Inspections position, Grade 17. (This position was formerly held by Walter Wise as Resident Maintenance Engineer.)

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

c) Permits Clerk  
Office of Planning & Zoning

The County Administrator presented a memorandum dated June 14, 1984 from the Personnel Officer recommending the selection of Mary Russell for the position of Permits Clerk, Grade 5, effective July 2, 1984.

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

7) Correspondence to Sheriff Pettit

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to Sheriff Pettit relative to conditions at the county jail and the county's efforts to combat drug abuse. The Commissioners agreed to sign and forward said letter.

TRASH AND TOILET SERVICE SERVICE AT WHARVES  
TOILET SERVICE AT BLESSING OF FLEET

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid talley sheet for the referenced projects and recommended awarding the bids as follows:

Trash Collection

Buddy's Disposal Service in the amount of \$2,444.

Portable Toilet Service at Parks

Banagan's Portable Toilets in the amount of \$4,950.

Portable Toilet Service at Blessing of the Fleet

Banagan's Portable Toilets in the amount of \$770.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept Mr. Baggett's recommendations as set forth above. Motion unanimously carried.



EQUIVALENT DWELLING UNIT ALLOCATION (EDU's)  
INDIAN BRIDGE APARTMENTS

Present: Frank Gerred, Director, Office of Planning & Zoning

Inasmuch as the Commissioners have a policy wherein an application for more than 20 EDU's for the Pine Hill Wastewater Treatment Plant is to be approved by the Board, Mr. Gerred advised that Mr. Tom Waring is requesting approval of 120 EDU's for Indian Bridge Apartments located on Great Mills Road.

After discussion, Commissioner Aud moved, seconded by Commissioner Millison to grant this request. Motion unanimously carried.

During discussion of the Commissioners' EDU policy, the Commissioners directed that a new policy be drafted giving the Planning Commission approving authority for more than 20 EDU's.

EXECUTIVE SESSION

Present: Joseph Densford, Assist. County Attorney  
Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of potential litigation. Motion unanimously carried. The Session was held from 10:00 a.m. to 10:35 a.m.

ST. MARY'S COUNTY DEVELOPMENT REPORT

Present: David Schultz, Md. Economic & Community Development  
Penny Davis, " " " " "  
Estralda Alexander " " " "  
Olga Radwick " " " "  
Lowell Frederick, " " " "  
Joseph Mitchell, County Economic & Community Development  
David Morgan, Economic Development Coordinator  
Frank Gerred, Director, Office of Planning & Zoning

The above-referenced representatives from Maryland Economic & Community Development appeared before the Commissioners to present the final draft of the "St. Mary's County Development Report" which was prepared as a document of the Maryland Rural Development Program. The Report presents an overall development strategy for the improvement of the quality of life for the County.

Mr. Schultz reviewed the Summary of the Report which included four substrategy areas: Industrial and Commercial Development; Housing Development; Community Facilities Development; and Skills Development.

Mr. Schultz indicated that once Commissioner approval of the draft is received, that a meeting would be scheduled with the Md. and County Depts. of Economic & Community Development, Planning Commission, and County Commissioners to chart out what specific items need to be done to implement the program. Mr. Schultz further pointed out that the Development document will be used to obtain state and federal grants for county projects.

In closing, the Commissioners thanked the referenced individuals for their efforts in preparing the Development Report and advised that a decision would be made in the next week or two.



JAIL SITE REVIEW

Present: Bill Moseley, Moseley-Hening Associates, Inc.  
Craig Covey, " " " "  
Sheriff Wayne Pettit  
John Norris, County Engineer  
Frank Gerred, Director, OPZ  
Fayrene Mattingly, Leonardtown Commissioners  
Greg Stevens, Leonardtown Engineer

Mr. Moseley appeared before the Commissioners to present an updated report on the Jail Site Study. He stated that a study had been conducted in 1983 for the expansion and modernization of the existing jail, but there were enough potential disadvantages to conclude that the best investment of county dollars would be a new facility at the Governmental Center site.

Mr. Moseley began by briefly reviewing the 1976 Master Plan, and stated that his firm has designated four potential sites at the Governmental Center property. Mr. Covey displayed the plans for these sites and Mr. Moseley explained that each concept was reviewed from the standpoint of roads, water/sewer service, visibility, access to courts, etc.

Mr. Moseley pointed out that before definitive cost estimates can be derived, the Commissioners need to select a particular site for the proposed jail facility.

In closing, the Commissioners requested Moseley-Hening Associates to prepare listings of the pluses and minuses for each of the sites prior to the Board determining whether to proceed with plans for a new jail and if so, at which location.

(COMMISSIONER SAYRE LEFT MEETING AT 12:25 P.M.)

PUBLIC HEARINGS  
OFFICE OF PLANNING AND ZONING

Present: Commissioner George R. Aud  
Commissioner Larry Millison  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Frank Gerred, Director, OPZ  
Robin Guyther, Planner, OPZ

Also Present: William E. Winters, Joseph J. Miller, Gertrude Miller, Ann K. Gass, James C. Gass, Michael W. Cwikla, C. R. Gass, B. C. Zander, Stanley Raley, B. I. Mattingly.

Mr. Guyther read the notice of public hearing for the following cases as it appeared in the Enterprise Newspaper, providing public notification of the hearings.

ZONE #84-0115  
BILL WINTERS

(Requesting rezoning from AR, Agricultural-Residential, to C-2, Commercial. The properties contain approximately 8.5 acres and are located on MD. Rt. 5, Redgate, Tax Map 50, Block 13, Parcels 53, 54 and 232; Second Election District.)

Mr. Guyther entered the Planning Commission record into the official case file as well as the postal return receipts from the certified letters of notification sent to all contiguous property owners. Mr. Winters indicated that the property had been properly posted.



Mr. Guyther noted for the record that the application stated the amount of acreage as 8.5; however, a recent survey indicates the amount to be 5.5 acres.

Mr. Guyther indicated that the applicant is requesting C-2 zoning based on mistake in the original zoning and pointed out that the property has been in commercial use for more than 40 years. He stated that the Planning Commission has recommended approval of the rezoning request.

Mr. Winter advised that he had not had the property rezoned in 1974 at the time Comprehensive Zoning was adopted, but realized now that he should have done it in order to make the changes he would like for his business.

At this point, Mr. Guyther displayed the plat of the property indicating the layout and boundary survey.

Commissioner Aud inquired whether anyone present wished to speak for or against the referenced zoning application. Hearing none, Commissioner Aud advised that the record is closed and that a decision will be made next week.

ZONE #83-1355  
FRANK GASS

(Requesting rezoning from R-1. Rural-Residential, to C-1, Commercial. The property is located in Point Blackstone, Lots 1-5 and 10-20 in Block 4 and 39-44 in Block 12, Tax Map 53A2, Seventh Election District.)

Mr. Guyther entered the Planning Commission record of the referenced zoning application into the official case file along with the postal return receipts from the certified letters of notification sent to all contiguous property owners. Mr. Gass indicated that the property had been properly posted.

Mr. Guyther advised that Mr. Gass has applied for rezoning of property on which a store is located as well as the ballfield, and that some neighbors have expressed concern relative to the rezoning of the ballfield. There was testimony to this effect at the Planning Commission public hearing held December 12, 1983.

Mr. Guyther stated that the Planning Commission recommended that the store site be rezoned to C-1 as requested; however, that the ballfield property remain as R-1.

Mr. Gass stated that when he purchased the property there were no restrictions on it, and that if the Museum at Colton's Point proves to be successful that he may want to construct a store on the ballfield property.

Regarding the reason for rezoning, Mr. Guyther noted that it is Mr. Gass' intention that there was a mistake in the original rezoning. He further pointed out that if the application is approved by the Board after June 30, 1984 that the Findings of Fact will have to also be based on the Chesapeake Bay Bill. He stated that relative to property within 1,000 feet of water findings have to be made as to whether it will adversely affect the water or its habitats.

Commissioner Aud inquired whether anyone present wished to speak in favor or against the referenced application.



Mr. Joe Miller expressed concern as to the type of establishment Mr. Gass may want to place on the ballfield property and that he would not like to see a place that would attract patrons that would be a nuisance to the neighborhood. Mr. Cwikla echoed Mr. Miller's concerns stating that he has lived there over 30 years and would like the area to remain a decent place for his children and grandchildren.

Mrs. Miller inquired as to the affect the commercial rezoning of the property would have on the taxes of the adjoining properties, to which Mr. Guyther responded that it would have none.

Mr. Carroll Gass stated that he was in agreement with the Planning Commission's recommendation that the ballfield not be rezoned Commercial and presented a copy of the letter dated February 15, 1984 addressed to the Planning Commission setting forth his concerns and arguments relative to the rezoning. Mr. Guyther noted that the February 15 letter is part of the package of information provided to the Commissioners.

Commissioner Aud inquired whether anyone else wished to comment on the zoning application; hearing none, the public hearing was closed. Commissioner Aud stated that a decision will be made at a later date.

ZONE #84-0440  
TEXT AMENDMENT TO ZONING ORDINANCE (JULIUS FINNACOM)

(Requesting amendment to Article 32.02.3 to include as a permitted use under that section: Extraction of natural resources under five acres, per Article 5, Section 53.06.6 of the Zoning Ordinance.)

Mr. Guyther noted that several R-2 property owners are interested in mining gravel on their property; however, according to the present Zoning Ordinance, this is not allowed in R-2. Gravel mining is permitted on property less than five acres in R-1 and AR Districts. The Planning Commission has recommended that the Zoning Ordinance be amended to allow the mining in R-2, but that a public hearing be held in order to allow adjacent property owners an opportunity to comment. Mr. Guyther stated, however, that the staff recommended that the Zoning Ordinance be amended to permit gravel mining on property of five acres or less in R-2 Districts.

After discussion, the Commissioners agreed to make a decision within the next couple of weeks.

SPEC 84-0741  
AMENDMENTS TO COMPREHENSIVE WATER AND SEWER PLAN

(The proposed change involves these properties: Parcel 19, Block 16, Tax Map 50, located in Callaway, Second Election District, at the southwest corner of Md. Rtes. 5 and 249; Parcels 220 and 114, Block 16, Tax Map 39, located in Compton, Third Election District, on the west side of Md. Rte. 243. The required change for all three parcels is from S6 to S3, which will allow the properties to be served by public sewer systems.)

- 1) B. I. Mattingly and William Bailey  
(Tax Map 39, Block 16, Parcels 22 and 114 - S6 to S3)

The purpose of the change is to allow service by public sewer now serving St. Clements Shores.

Mr. Guyther advised that the Planning Commission has recommended approval of the Water and Sewer Amendment for the referenced property.



Commissioner Millison moved, seconded by Commissioner Arnold, to approve the change to the Comprehensive Water and Sewer Plan for the referenced property from S6 to S3D. Motion unanimously carried.

- 2) Al Watts - Old Dements Store  
(Tax Map 50, Block 16, Parcel 19 - S6to S3)

The owner intends to run sewer line under Rt. 5 to serve the property.

Mr. Guyther advised that the Planning Commission has recommended approval of the Water and Sewer Amendment for the referenced property.

Commissioner Dean moved, seconded by Commissioner Aud, to approve the change to the Comprehensive Water and Sewer Plan for the referenced property from S6 to S3D as noted above. Motion unanimously carried.

SHA SURPLUS PROPERTY - MD. RT. 4

Present: Frank Gerred, Director, Office of Planning & Zoning

Mr. Gerred advised that the Chamber of Commerce had requested that he look into the feasibility of State Highway Administration providing a location for a tourist information center on Md. Rt. 4. The Commissioners agreed to Mr. Gerred to contact SHA about this request.

COUNTY ADMINISTRATOR ITEMS (Afternoon Session)

Present: Edward V. Cox, County Administrator

- 8) GROUP HEALTH INSURANCE POLICY/COUNTY EMPLOYEES

The County Administrator presented a staff recommendation for the purpose of changing the basis for computing premium fees relative to the county employees' group health insurance coverage by Blue Cross/Blue Shield. The recommendation is to change effective July 1, 1984 from a normal fee basis to a retrospective fee basis whereby the county will be rewarded for its low usage thereby reducing the fiscal impact and allowing future improvements and options of health care coverage for county employees.

After some discussion, the Commissioners gave unanimous concurrence to authorize the change to the retrospective fee and directed that any formal agreement should be returned for their approval.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Dean to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 1:50 p.m. to 2:50 p.m. (The County Engineer entered the Session at 2:35 p.m.)

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
John B. Norris, County Engineer  
John L. Mattingly, Mattingly Construction  
Tom Fairfax, Mattingly Construction

Commissioner Aud moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of potential litigation. The Session was held from 2:55 to 3:35 p.m.



(COMMISSIONER MILLISON LEFT THE MEETING AT 3:25 P.M.)

CONTINUATION OF COUNTY ADMINISTRATOR ITEMS

9) MEMORANDUM OF AGREEMENT  
MINITEC (LOT 25, INDUSTRIAL PARK)

Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign the Memorandum of Agreement wherein First National Bank of St. Mary's agrees to convey to St. Mary's County Lot 25 of the St. Mary's Industrial Park in fee simple for the relocation of Minitec, subject to approval by Minitec. Motion carried.

10) ST. MARY'S HOSPITAL PROJECT  
REQUISITION NO. 38

Commissioner Dean moved, seconded by Commissioner Aud, to approve Requisition No. 38 payable to St. Mary's Hospital in the amount of \$620,000 representing costs incurred for the St. Mary's Hospital project. Motion carried.

11) PERSONNEL  
COUNTY ENGINEER'S OFFICE

a) Highway Maintenance Workers

The Commissioners reviewed a memorandum dated June 19, 1984 from the Personnel Officer recommending the selection of the following individuals for the Highway Maintenance Workers positions (Grades 4 and 5):

Highway Maintenance Worker (Grade 5)

William B. Armstrong  
Francis C. Copsey  
John D. Justice  
George W. Lathroum  
James T. Yorkshire

Highway Maintenance Worker (Grade 4)

Michael L. Herbert  
Joseph E. Payne, Jr.  
Sandra K. Bean  
Karen Y. Parham  
James S. Gass

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

b) Motor Equipment Operator I, II, III

The Commissioners reviewed a memorandum dated June 19, 1984 from the Personnel Officer recommending the selection of the following individuals for the referenced positions:



Motor Equipment Operator III, G-8

Joseph D. Clarke, Jr.  
Robert B. Norris, Jr.  
James A. Ridgell  
Maurice C. Thompson  
John A. Vallandingham

Motor Equipment Operator II, G-7

Glenn A. Norris  
Thomas s. Pilkerton  
Stephen T. Tippet  
James I. Gatton, Jr.

Motor Equipment Operator III, G-6

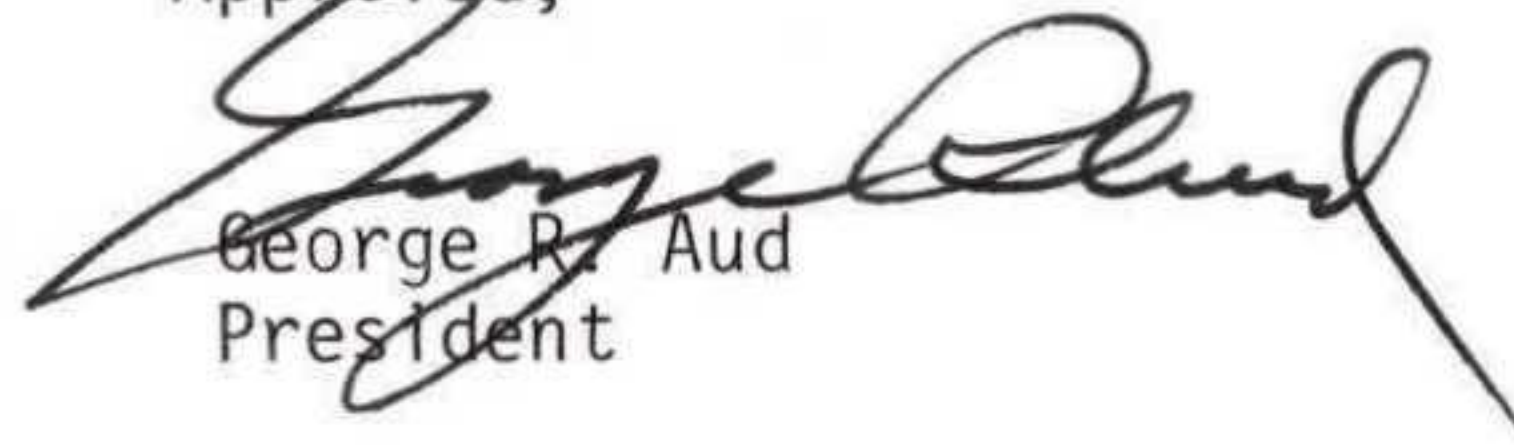
William B. Buckler, Jr.  
Richard P. Wood  
John D. Yates

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

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

Approved,

  
George R. Aud  
President