

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, October 24, 1979

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

(Commissioner Millison was not present at the beginning of the meeting.)

The meeting was called to order at 10:15 a.m.

CLEARINGHOUSE PROJECT NO. 80-10-420

DRAFT - SECTION V, PART E. (REVIEW OF CERTAIN PROPOSED USES OF FEDERAL FUNDS)

APPLICANT: SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives.

FRATERNAL ORDER OF POLICE

REQUEST FOR WAIVER OF BUILDING PERMIT FEE

The Commissioners reviewed the request of the Fraternal Order of Police, Lodge 7, for abatement of the building permit fee for the addition to their building. After discussion, Commissioner Arnold moved, seconded by Commissioner Sayre, to approve abatement of the building permit fee in the amount of \$24,80 since the FOP is in compliance with the County's Resolution No. 75-53 (Abatement of Building Permit Fees). All Commissioners present voted in favor.

ACCOUNT TRANSFER

PRIVATE/PAROCHIAL SCHOOL BUS CONTRACTORS

The County Administrator presented an Account Transfer request recommended by the Budget Officer in order to reimburse parochial/private school bus transportation contractors for FY 1979. Because of increased fuel costs, public school contractors received increased allocations, and this transfer would allow private/parochial school bus contractors to be in line with the State. Therefore, the Commissioners approved the following account transfer:

Increase Account No. 1730-2131 (Non-public transportation) by \$8,842.05;

Decrease Account No. 2610-26912 (Reserve for Contingency) by like amount.

ACCEPTANCE OF DEED  
FORMER LEONARDTOWN ELEMENTARY SCHOOL SITE

The County Administrator presented a Deed dated October 9, 1979 by and between the Board of Education and the Board of County Commissioners conveying the former Leonardtown Elementary School site on Lawrence Avenue to the County.

Commissioner Dean moved, seconded by Commissioner Sayre to approve the acceptance of said Deed. All Commissioners voted in favor.

ECONOMIC IMPACT FEE  
COUNTRY LAKES SUBDIVISION, SECTIONS II, III, AND IV

The County Administrator presented the Economic Impact Fee Agreement by and between Country Lakes and the Board of County Commissioners of St. Mary's County setting forth the method of payment of the Economic Impact Fee for 414 lots in Section II, III, IV of the Country Lakes Subdivision, Fourth Election District.

Commissioner Dean moved, seconded by Commissioner Arnold to accept and authorize Commissioner President Aud to sign said Economic Impact Fee Agreement. All Commissioners present voted in favor.

ENERGY SHORTAGE SITUATION

The County Administrator gave a brief status report on the County's efforts to prepare for possible energy shortage crisis during the winter months.

TRI-COUNTY YOUTH SERVICES BUREAU  
USE OF HEAD MASTER'S HOUSE

The County Administrator advised the Commissioners that Tri-County Youth Services Bureau has expressed an interest in using the Head Master's house at the Charlotte Hall School site. He stated that they are probably interested in a long-term lease arrangement. After discussion the Commissioners requested the County Administrator to contract Tri-County Youth Services Bureau to begin negotiations.

SHERIFF'S DEPARTMENT  
REQUEST FOR INHOUSE RANK PROMOTIONS

The County Administrator presented correspondence dated October 17, 1979 from Sheriff Somerville requesting approval by the Commissioners to establish two new in-house rank promotions of Corporal and Patrolman First Class in order to balance the chain of command and rank structure. Funding is in the budget. After discussion, the Commissioners gave their concurrence.

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR  
PATUXENT WASTEWATER TREATMENT FACILITIES  
ANNE ARUNDEL COUNTY

The County Administrator advised the Commissioners that a public hearing will be held this evening on the Environmental Impact Statement for the Patuxent Wastewater Treatment Facilities in Anne Arundel County. The Commissioners agreed to forward a prepared statement to be entered into the record of said public hearing which reads as follows: "Before any approval by regulatory agencies is given to increase sewage effluent loading in the Patuxent River, there should be established base line data that shows the Patuxent River can assimilate added effluent in a harmless way, from its point of discharge to the river's mouth.

ACCOUNT TRANSFER

The County Administrator requested approval from the Commissioners for an account transfer in the amount of \$1500 for the Judge of the Circuit Court from the existing salaries account to a newly established equipment/furniture account. The Commissioners gave their concurrence.

SPENDING LIMITATIONS - PROPOSED LEGISLATION

The Commissioners discussed proposed legislation in which spending restrictions would be imposed upon county government. Although the Commissioners agreed with the concept that all governments must limit spending practices to conserve financial resources, they voiced opposition to the concept of state imposition of such limitations and preferred that it be left to the local jurisdictions to determine spending restrictions.

SOTTERLY MANOR

Present: Joseph Densford, Assistant County Attorney  
John Norris, County Engineer  
Dan Ichniowski, County Engineer's Office  
Mary and Jack Howland, property owners  
Roger Burton, property owner  
Patty Kuzmick, property owner

The Commissioners agreed to meet in Executive Session in order to discuss a matter of litigation. The Session was held from 10:15 a.m. to 10:45 a.m.

CONTRACT - CARE FOR THE ELDERLY SERVICES (PHASE II)

Present: Ms. Constance McDonnell, Dept. of Epidemiology  
and Preventive Medicine  
Dr. Krumpholtz, University of Maryland  
Mrs. Mary Magee, Project Director

The referenced individuals presented a Contract in the amount of \$9,400 for the period of October 1, 1979 through January 31, 1980 by and between St. Mary's County and the University of Maryland to render research services to the Care for the Elderly Task Force representing Phase II of the Task Force's efforts to survey and analyze the needs of the elderly citizens of St. Mary's County.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Contract. All Commissioners present voted in favor. After the Contract is fully executed a copy will be returned to the County.

APPROVAL OF VOUCHERS  
COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Commissioner Dean moved, seconded by Commissioner Sayre, to approve payment of the following Vouchers submitted by the County Engineer.

VOUCHER NO. 28291 - (Project No. SM 76-7-1 Spring Valley Project) Estimate No. 10 in the amount of \$26,520.65 payable to B. F. Asher for the period of October 7, 1979 through October 20, 1979.

VOUCHER NO. 28292 - (Spring Valley Project) payable to J. T. Hayden in the amount of \$32,625 for concrete curbing and gutter work in the Spring Valley Project

VOUCHER NO. 28366 - (Rustic Hills Subdivision) payable to B. F. Asher in the amount of \$6,525.50 for contract work (surface treatment).

VOUCHER NO. 28293 - (Spring Valley Project) payable to James Mayonado in the amount of \$2,180.00 for materials for manholes and inlets.

VOUCHER NO. 28154 - (Golden Beach) payable to B. F. Asher in the amount of \$642 for emergency repairs on roads in Golden Beach.

PARTS AND REPAIRS TO LANDFILL EQUIPMENT

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 28369 payable to Alban Tractor Company for parts and repairs to landfill equipment in the amount of \$11,155.95. Commissioner Aud moved, seconded by Commissioner Sayre, to pay said voucher. All Commissioners voted in favor.

EQUIPMENT - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that because of delayed budget items and delays in obtaining equipment, it will be necessary for additional funding for repairs to equipment and stated that he would return to the Commissioners with an exact amount and account transfers and after discussing the matter with the Budget Officer.

APPRAISALS FOR ACQUISITION OF PROPERTY  
CLEARING OBSTRUCTIONS AROUND COUNTY AIRPORT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that two appraisals were received for the acquisition of property by fee simple for the clearing of obstructions around the County Airport. He stated that the cost to acquire the property by fee simple is extremely high and requested concurrence from the Board to have the appraisals redone for the county to acquire easements on the land so the trees can be removed that interfere with the Airport. After discussion the Commissioners gave their concurrence to obtain appraisals based on easements rather than fee simple acquisition.

MAPLE RUN SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the contractor for Maple Run Subdivision built one of the road sections at a narrower width than in the drawings and has requested a variance from the Road Standards; that he be allowed to leave the road width at six foot shoulders rather than the eight foot required shoulders. Because of the difference of two lots from an R-3 section to an R-2 section, the Commissioners agreed to grant this variance to an R-2 section.

REZONING DECISION DISCUSSION  
JAMES DOBRY - CASE NO. ZA 79-117

Present: Frank Gerred, Director, Planning and Zoning  
Anita Meredith, Recording Secretary

Commissioner President Aud excused himself from this discussion and stated that he would abstain in the matter.

Commissioner Millison was not present during these deliberations.

Commissioner Dean distributed to the Commissioner members a written consideration of his thoughts concerning this subject parcel, and offered that there would be a change from the normal procedure in this instance, wherein if the Board would reach a consensus, those pertinent facts would be directed to the County Attorney for his review and drafting of the Resolution.

Commissioner Sayre stated that this case was somewhat similar to the Mirfield case and in view of his negative vote on that prior case, he would lean towards a negative decision with respect to the Dobry request.

Commissioner Arnold stated most emphatically, that no comparison could be judged between the two cases. Mr. Arnold felt that the Mirfield case incorporated over three hundred (300) units housed on a twenty (20) acre tract vs. the Dobry case which comprised a sliver of land, consisting of less than two acres (2), which was totally surrounded by R-15 zoning designations. Mr. Arnold felt that the CL zoning category was far more appropriate and offered that he agreed with the recommendations as presented by Commissioner Dean.

Commissioner Dean stated that each rezoning request should be considered on its individual merits and characteristics, however, consideration must be given as to previous precedent with respect to similar cases. Mr. Dean reiterated his contention, i.e. the two cases (Mirfield and Dobry) remained dissimilar.

Mr. Dean indicated that the matter would not be voted on until the County Attorney had drafted a resolution. Under those conditions, Commissioner Sayre agreed to the drafting of the resolution.

Commissioner Dean instructed the staff that the Zoning Resolution be drafted by the County Attorney, to so embody what was contained within his position paper which had been distributed to the other Board members.

(Commissioner Millison entered the meeting - 1:00 p.m.)

AIRPORT ZONING REGULATIONS

Present: Frank Gerred, Director, Planning and Zoning

As a follow up to previous discussion by the Commissioners, Mr. Gerred appeared before the Commissioners to discuss the proposed establishment of AICUZ around privately-owned airports and explained the compatible use zones if this does become included in our Zoning Ordinance.

The Commissioners agreed to discuss this matter further at a future meeting.

BUILDING PERMIT REQUEST  
MIEDZINSKI SUBDIVISION

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred advised the Commissioners that his office has received a request for a building permit for Parcel 770, Tax Map 27, Block 15, Sixth Election District which was previously owned by Thomas Miedzinski and this piece of property has been improperly recorded since it has not received subdivision approval. He stated that the County has been dealing with this for several years to try to get it into compliance, and further that buildings have been built on those parcels with or without permits.

After discussion, the Commissioners requested that this matter be considered along with Tower Hills as the two subdivisions are similar in many respects and that the County Attorney be requested to comment on them.



BRETON BAY SAND AND GRAVEL PROJECT

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred advised the Commissioners that \$2,000 has been put in escrow by C.J. Langenfelder for monitoring of the Breton Bay Sand and Gravel Project which was required by a Conditional Use Order by the Board of Appeals. He gave a history of this project stating that he made inquiries to various agencies to determine if they could assist in monitoring, and Ryken High School expressed an interest in this project. A study by the Ryken students would provide certain background information as to what conditions exist. Mr. Gerred advised that he has a proposed contract to have Ryken proceed with this study of the interfact area of the Breton Bay Sand and Gravel Project. Therefore, Mr. Gerred requested direction from the Commissioners as to how to proceed. The Commissioners requested Mr. Gerred to provide them with a copy of the Order for their review after which they will make a decision.

OVERTIME REQUEST FOR SHERIFF'S DEPARTMENT

The County Administrator presented a request from the Sheriff for payment of overtime for deputies for the period of September 15, 1979 and ending October 12, 1979 as follows: \$314.78 (regular deputies) and \$280.04 (CID). Commissioner Sayre moved, seconded by Commissioner Dean, to approve said overtime. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Commissioner Aud moved, seconded by Commissioner Dean, to approve payment of the encumbrance vouchers submitted by the Director of Finance. All Commissioners voted in favor; however, Commissioner Millison abstained on the voucher payable to The Belvedere.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of October 17, 1979 as presented. All Commissioners voted in favor.

ACCOUNT TRANSFER  
NON-PUBLIC TRANSPORTATION FUNDING (FY 1980)

Inasmuch as the per mile allocation to public transportation was increased by the State, the Budget Officer by memorandum dated October 24 recommended that the Commissioners approve the increase to the non-public school bus contractors for FY '80 in concert with the public school bus drivers. Commissioner Dean moved, seconded by Commissioner Sayre, to make the following account transfer: Increase Account No. 1730-2131 (Non-public school transportation) by \$22,362 and decrease Account No. 2610-26912 (Reserve for Contingency) by like amount. All Commissioners voted in favor.

SENIOR SERVICES COORDINATOR POSITION

The Commissioners reviewed the reclassification request of the incumbent of the referenced position and approved a one-grade increase. Accordingly, effective Monday, October 29, 1979, the position of the Senior Services Coordinator is to be reclassified from Grade 13 to Grade 14. All Commissioners voted in favor.

AMENDMENT TO THE ZONING ORDINANCE  
CONDITIONAL USE - UTILITY LINES

Commissioner Dean reminded the Commissioners that on October 10, 1979 the Commissioners conducted a public hearing on certain text amendments with regard to the conditional use requirements for installation of utility lines in the St. Mary's County Zoning Ordinance. He stated that if the Commissioners concurred that the Office of Planning and Zoning be directed to prepare the appropriate Resolution which should also include the request by the Metropolitan Commission that they be included in this amendment. The Commissioners gave their concurrence.

NORTH INDIAN CREEK ESTATES

Present: Ann and Henry Trentman, resident  
Rachel Wessels  
Dale Burch  
Mrs. Williams  
John Norris, County Engineer

The above residents of North Indian Creek Estates appeared before the Commissioners to obtain the status of the promised Agreement between the Commissioners and Oliver Guyther, developer of this subdivision and to advise the Commissioners that very little work has been done on the roads.

The County Engineer reviewed the history of the matter stating that there was a public work agreement and bond posted by Dean Construction Company, the previous contractor and Mr. Guyther was to replace that bond because there was a new contractor. The new Public Works Agreement was to include requirements for certain maintenance items and this has never been executed by the developer. An Irrevocable Letter of Credit in the amount of \$62,000 has recently been received and Mr. Norris stated he would have to review this in that the amount in the proposed Public Works Agreement is \$80,000.

After a lengthy discussion, Commissioner Dean moved, that the County initiate the following action:

1. That we determine legally whether the Letter of Credit submitted in the amount of \$62,000 is in effect and accessible to the County and in concert with that determine whether the existing bond posted with the original Public Works Agreement is also in effect.
2. That we notify the developer that it is our intent to call the Letter of Credit or to call the existing bond. Further, that the only action on his part that will affect our intent is a revision of the Public Works Agreement with an acceptable completion schedule (Including maintenance) and acceptable surety.

Commissioner Millison seconded the motion with the amendment, which was accepted by Commissioner Dean, that the Agreement be acceptable to the residents of North Indian Creek Estates. All Commissioners voted in favor of the motion.

In closing, Commissioner Dean suggested that Mr. Guyther be given the opportunity to appear before the Commissioners to present his side of the issue if he so desires.

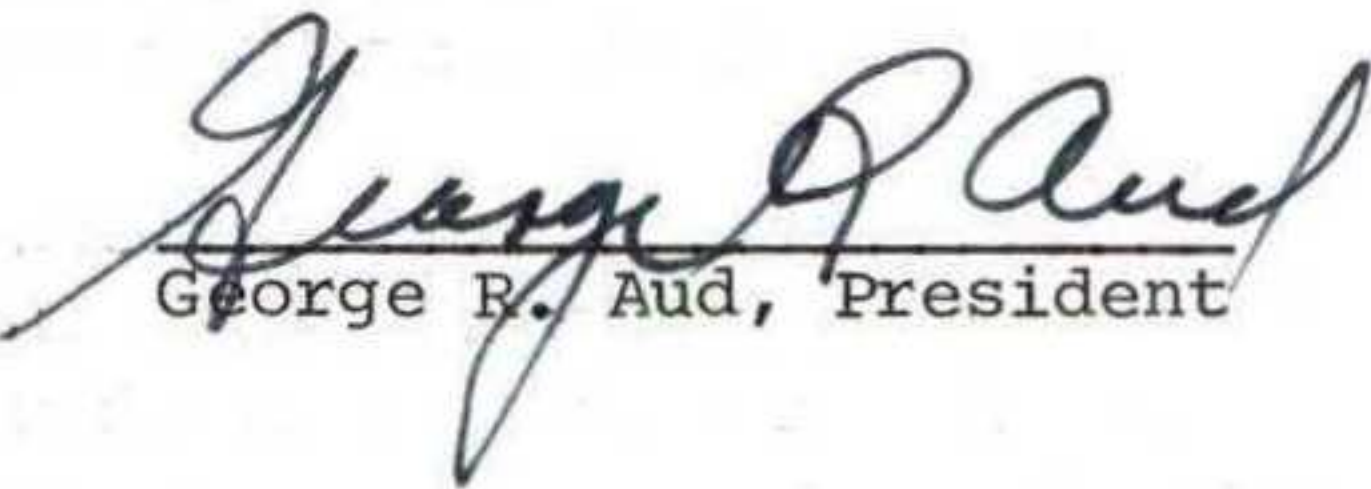
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DEPARTMENT OF TRANSPORTATION  
SIX-YEAR PROGRAM

At this time representatives of the Department of Transportation presented their Six Year Program to the Commissioners, legislators, and other interested citizens.

The meeting adjourned at 5:30 p.m.

Approved,

  
George R. Aud, President