

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, February 26, 1980

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.

ENCUMBRANCE VOUCHERS

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

STATE'S ATTORNEY
REQUEST FOR LIMITED PRIVATE PRACTICE

Present: Neal Myerberg, State's Attorney

Mr. Myerberg appeared before the Commissioners to request the Commissioners' endorsement for amending current legislation for St. Mary's County giving him limited ability to do weekend or night work preparing wills, tax returns and settlements. He stated that he would operate on the basis that the State's Attorney is a full-time position. He further stated that he has discussed this possibility with Senator Simpson and the Senator was agreeable if the County Commissioners gave their endorsement.

After discussion, the Commissioners agreed to forward correspondence to Senator Simpson endorsing this proposed legislation.

OVERTIME REQUEST - SHERIFF'S DEPARTMENT

The County Administrator presented a request for overtime from the Sheriff's Department for the period of January 5, 1980 through February 1, 1980 as follows: \$739.81 for regular deputies and \$271.39 for CID Deputies. With this payment, budgeted overtime funds for Sheriff's Department are exhausted.

Commissioner Sayre moved, seconded by Commissioner Arnold, to authorize payment of overtime to the deputies as set forth above. All Commissioners voted in favor.

BAY DISTRICT VOLUNTEER FIRE DEPARTMENT LOAN

The County Administrator presented a request by the Bay District Volunteer Fire Department to have the County endorse the repayment of their \$45,000 loan for the expansion of the Lexington Park Fire Department and further presented a letter for the Commissioners' signatures, if approved, to the First National Bank of St. Mary's endorsing this request.

After discussion, Commissioner Sayre moved, seconded by Commissioner Millison, to endorse the repayment of the \$45,000 loan with the First National Bank. All Commissioners voted in favor.

COMMERCIAL INVENTORY TAX REVIEW COMMITTEE

Commissioner Aud, moved, seconded by Commissioner Dean, to appoint F. Elliot Burch, Jr., Cuthbert I. Fenwick and Joseph P. O'Dell to the Commercial Inventory Tax Review Committee. All Commissioners voted in favor.

BUDGET AMENDMENTS NO. 80-33 AND NO. 80-35

On behalf of the Budget Officer, the County Administrator presented the referenced Budget Amendments as follows:

NO. 80-33 - Increase Account No. 1083-2151 (Publications/Memberships) by \$500 and Account No. 1083-2121 (Legal Advertisements) by \$800. Decrease Account No. 1081-2111 (Travel-Planning Commission) by \$500; Account No. 1083-3101 (Equipment-Planning and Zoning) by \$699; and Account No. 1081-1101 (Office Supplies-Planning Commission) by \$101.

NO. 80-35 - Increase Account No. 2141-42810 (Undistributed Budget Allocation) by \$19,812. Decrease Account No. 2141-1114 (Salary-Grant) by \$19,812.

Commissioner Aud moved, seconded by Commissioner Dean, to approve the Budget Amendments as set forth above. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 80-2-79
VETERANS ADMINISTRATION FEASIBILITY
WILDEWOOD NEIGHBORHOOD NO. 2

The County Administrator presented the referenced clearinghouse project which has been reviewed by the Office of Planning and Zoning 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. The Commissioners gave their concurrence.

CORRESPONDENCE TO BOARD OF EDUCATION
SCHOOL BUS TRANSPORTATION COSTS

The County Administrator presented correspondence for the Commissioners' signatures to the Board of Education setting forth specifics concerning their request to supplement with local funds the public school bus contractors formula for reimbursement. The Commissioners agreed to sign and forward said letter.

PRIVATE BUS TRANSPORTATION

Present: Leonard Kessler
Winnie Burroughs
Joseph P. O'Dell, Budget Officer

Mr. Kessler appeared before the Commissioners to request the Commissioners' assistance in submitting a grant application to the Mass Transit Administration for federal, state and local funds for the purpose of subsidizing the operation of his privately owned bus transportation system throughout the County. Mr. Kessler went on to explain the success of his bus service and the fact that ridership has increased 30% in the six months it has been in operation.

Mr. O'Dell mentioned the potential of such a system and advised the Commissioners that it should be determined that there is in fact public support in the County for this type of transportation. Once this is determined, consideration should be given to meet these needs over the long term. Further, Mr. O'Dell stated that he would prepare a pro forma statement setting forth the mass transit needs.

In conclusion, the Commissioners advised that they would consider the request and return with a response in the near future.

MARYLAND STATE POLICE REPORT

Present: Lt. Bill Miedzinski
Capt. Larry Gibbs
1st St. Mosby Sandidge
Cprl. Jan Roth

Lt. Miedzinski distributed to the Commissioners copies of the 1979 Annual Report for the Leonardtown Post of the Maryland State Police and advised that they would like to make this an annual presentation.

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The referenced individuals reviewed the Report with the Commissioners which set forth the activities of the Post during 1979 and future projected plans and objectives for 1980.

A copy of the Report has been placed on file in the County Commissioners' Office.

AIRPORT COMMISSION

Present: George Sullivan, Chairman
Austin White, Member

As a follow up to last week's discussion, the referenced members of the Airport Commission appeared before the Commissioners to obtain the Commissioners' approval for the following items:

1. Lease for the Airport - Commissioner Dean addressed two issues with regard to the lease:

a. that it was difficult to evaluate the \$6,000 and 2% rate without having an understanding of the finances for the Airport's operation;

b. that there be included in the lease an additional item about cancellation of the lease due to inadequate performance.

Mr. White stated they would provide the necessary information.

2. Letter to Exxon - The Commissioners agreed to prepare a letter to the Exxon Corporation to authorize the gas allocation to the base operator.

3. Grant - Prior to the Commissioners making a decision whether to support the grant application, Commissioners Dean and Arnold agreed to meet with some of the Airport Commission members at the Airport to physically view what they want to do with the grant funds.

GOLDEN BEACH SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer

Mr. Norris distributed to the Commissioners the outline for the reconstruction of sub-standard roads by special taxing district for the Golden Beach Subdivision, which will be distributed at the Public Informational Meeting to be held on February 28, 1980 at White Marsh Elementary School.

HOLLYWOOD SHORES SPECIAL TAXING DISTRICT

Present: John Norris, County Engineer

Mr. Norris requested that the Commissioners set a date for the public hearing for the Hollywood Shores Special Taxing District. March 18, at 1:30 p.m. was set as the date and time in the County Commissioners Conference Room.

PROJECT NO. SM 77-1-11
NURSING HOME ACCESS ROAD

Present: John Norris, County Engineer

Mr. Norris presented Monthly Estimate No. 6 in the amount of \$26,515.70 payable to Dean Construction Company. He stated that the job is essentially complete.

Commissioner Sayre moved, seconded by Commissioner Millison, to approve payment as set forth above. All Commissioners voted in favor.

PROJECT NO. 80-2-2(A)
MARGARET BRENT AUDITORIUM
BID TALLY SHEET

Present: John Norris, County Engineer

Mr. Norris stated that one bid was received for the referenced project; namely, C & C Plumbing of Hollywood in the amount of \$12,500. In that this was the second time this project was bid, Mr. Norris recommended that the Commissioners award the bid to C & C Plumbing.

Commissioner Sayre moved, seconded by Commissioner Dean, to accept the County Engineer's recommendation. All Commissioners voted in favor.

SURFACE TREATMENT AND ASPHALT OVERLAY SCHEDULE

Present: John Norris, County Engineer

Mr. Norris presented the Surface Treatment/Repair Program covering 50.3 miles and the Asphalt Overlay Program covering 20 miles for Fiscal Year 1981 for the Commissioners' review. Mr. Norris mentioned to the Commissioners for their information that he would like to try a new mixture called "Slurry Seal" which could mean a considerable savings to the County. He stated that the Federal Highway Administration was interested in assisting the County in evaluating this substance.

STORM WATER MANAGEMENT
DISCOVERY SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that J&T Homes is making a request that the County take over the maintenance responsibility for the storm water management pond in Discovery Subdivision, which is located off of Peggs Road, since it is a storm water system of the roads.

After the discussion of the safety factor of this pond, the Commissioners advised Mr. Norris that they would review the request and make a decision at a later date.

GRANT APPLICATION PROPOSAL
ST. PETER CLAVER, HOLLYWOOD AND FIFTH DISTRICT PARKS

Present: John Baggett, Director, Recreation and Parks

Mr. John Baggett presented to the Board a grant application for approval for the site plans of three parks - St. Peter Claver, Hollywood and Fifth District. Copies of the site plans were distributed to each Commissioner and they were asked to include in the grant proposal items for complete parks including the total amount of money needed. When the budget is completed, it will be decided what items will be necessary at that time. Mr. Baggett said he needed the grant application approved now in order to proceed to get contracts and get the project started.

Commissioner Millison made a motion, seconded by Commissioner Sayre, that the St. Peter Claver Park be approved as follows: Motion approved.

Total amount requested for St. Peter Claver - \$186,900.

One tennis and two hard surface courts
Two ball fields - soccer/football field combinations
Playground equipment
Shelter building
Parking lot

Commissioner Dean moved, seconded by Commissioner Arnold, and unanimously approved, that the grant application for the Hollywood Park be approved as follows:

Total amount requested for Hollywood Park - \$296,400.

Three ball fields
Three soccer/football field combinations
Double tennis court
Playground equipment
Shelter building
Access road and parking lot.

Commissioner Arnold moved, seconded by Commissioner Dean, and unanimously approved, to approve the grant application for the Fifth District Park as follows:

Total amount requested - \$349,750.

Three ball fields
Three soccer/football field combinations
Double tennis court
Playground equipment
Shelter building
Access road and parking lot.

REZONING HEARING
ZA NO. 79-262
JOSEPH D. WEINER
(HERMANVILLE ESTATES)

Present: Kenneth Rossignol, Agent for Applicant
John Weiner, Attorney for Applicant
James Bell, Adjoining Property Owner
H. Taylor, Adjoining property owner
Jerry Smith, Assistant Planner, Office of P & Z
Anita Meredith, Recording Secretary

The Commissioners conducted a public hearing on the zoning application of Joseph D. Weiner to rezone approximately five acres located on Md. Rt. 235 in the Hermanville Estates Sub-division, Section A, Lots 1-8, in the Eighth Election District on Tax Map 52, Block 7, Parcel 144, from R-1, Residential, to C-2, Commercial.

The complete record, minutes and tape of the proceedings is on file in the Office of Planning and Zoning.

PUBLIC HEARING
TEXT CHANGES TO THE ZONING ORDINANCE

Present: Jerry Smith, Assistant Planner, Office of P&Z
Anita Meredith, Recording Secretary

The Commissioners conducted a public hearing on certain proposed text amendments to the Zoning Ordinance relative to size of signs. The complete record, minutes and tape of proceedings is on file in the Office of Planning and Zoning.

REZONING DECISION DISCUSSION
ZA NO. 79-252
JOSEPH ABELL CLARK

Present: Jerry Smith, Assistant Planner, P&Z
Anita Meredith, Recording Secretary, P&Z

Having conducted a public hearing on January 22, 1980, on the application of Joseph Abell Clark to rezone property located on Md. Rte. 5, Tax Map 41, Parcels 22 and 23 adjacent to St. Mary's County Fairground, from AR-2, Agricultural, Residential, to C-2, Commercial, the Commissioners commenced discussion.

Commissioner Dean distributed a paper setting forth findings of fact to recommend rezoning the referenced property to CL, Commercial Limited, rather than the C-2 category as requested by the applicant in that C-2 zoning was not consistent with the County's Comprehensive Land Use Plan.

Commissioner Millison was of the opinion that the application met the test of change in neighborhood to warrant the approval to C-2 and Commissioner Sayre stated that he was in favor of the C-2 because there was not opposition from adjacent property owners. Commissioner Arnold stated that the property is currently being used for commercial purposes as a C-2 category.

After discussion, Commissioner Millison moved, seconded by Commissioner Sayre, to recommend that the County Attorney prepare the appropriate Resolution granting the rezoning as requested to C-2, Commercial. Four Commissioners voted in favor, with Commissioner Dean voting against.

CEDAR COVE
(AICUZ - ACCIDENT POTENTIAL ZONE)

Present: Robert Haldeman, Attorney, Westinghouse
Steve Clayton, Westinghouse
Dorsey Hughes, Westinghouse
Joseph E. Bell, II, County Attorney
Jerry Smith, Assistant Planner, P&Z

Mr. Haldeman advised the Commissioners that since the last meeting regarding the Agreement concerning Cedar Cove with the AICUZ (Air Installation Compatible Use Zone), Westinghouse has received correspondence from the Navy Department stating that they are no longer interested in purchasing lots in Section I of the Cedar Cove Subdivision. He stated that they are now in a position that there are lots that are in the Accident Potential Zone (APZ) which under the County's Zoning Ordinance precludes any residential development. He stated that there is a potential purchaser for these lots, and Westinghouse is requesting both a release of the building permits and removal of the Designation of Accident Potential Zone from the lots.

Commissioner Dean advised the Commissioners that Mr. Haldeman had contacted him with reference to the above and was told to meet with the full Board for comments. Commissioner Dean further stated that his recommendation to the Board would be to not move the APZ line off of the Westinghouse property. He stated that he did not feel that the County could arbitrarily move the AICUZ "footprint" to go around Westinghouse property so that it would not be affected. Commissioner Dean stated that the County tried working a settlement with Westinghouse that was consistent with the Navy's needs and fair to the developer and it was mutually agreed that the existing AICUZ that had been adopted would not be changed.

Commissioner Millison stated the following for the record: "Commissioner Dean was very anxious in having the suit settled. I was not quite as enthusiastic about it. I cannot give you any comments on what you are proposing until I see in writing what the other members of the Board have been privileged to see. I will need time to study them. I will not continue this discussion with you because I have not seen any of the documents you are speaking of."

Mr. Haldeman explained that the purpose of this meeting was to bring the Board up to date in light of the recent correspondence from the Navy and advised that he would provide each member of the Board with a copy of this letter along with Westinghouse's correspondence setting forth their request to the Commissioners.

After further discussion of the request by Westinghouse the Commissioners advised that they would not be making any comment or decision today, but would review the matter and the correspondence when it is received and make a decision at a later date.

PUBLIC WORKS AGREEMENT
PINE HILL INDUSTRIAL PARK

On behalf of the County Engineer, the County Administrator presented a Public Works Agreement, along with appropriate Letter of Credit, by and between Pine Hill Corporation and St. Mary's County guaranteeing completion of roads in Pine Hill Industrial Park, Eighth Election District, by September 1, 1980.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept said Public Works Agreement and Letter of Credit. All Commissioners voted in favor.

ROAD RESOLUTIONS NO. 80-12, 80-13, 80-14

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolutions as follows:

No. 80-12 - designating the following streets in St. Mary's Industrial Park as Stop Streets: Airport View as it intersects with Md. St. 235; Airport View as it intersects with Lawrence Hayden Road; Commerce Avenue as it intersects with Airport View Drive.

No. 80-13 - posting all county roads within St. Mary's Industrial Park at 25 miler per hour.

No. 80-14 - designating the following streets in Lanedone Subdivision as stop streets: Main Way as it intersects with Lake Drive; Lanedon Drive as it intersects with Lake Drive.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Road Resolutions. All Commissioners vote in favor.

BIDS FOR PURCHASE OF MAXI-VAN

The Commissioners reviewed the bids for the purchase of the maxi-van for use by the Residential Drug Abuse Center and requested that the Director of Purchasing and Logistics give a report as to the reasons why more local dealers did not submit a bid.

EVACUATION PLAN SEMINAR

The County Administrator advised that the Nuclear Regulatory Commission is requesting the County to participate in a two-day seminar on evacuation plans relative to the Calvert Cliffs project. He stated that the County will be represented by Otis Wood, Tom Oliver and Dr. William Marek. The Commissioners gave their concurrence.

REQUEST FOR LEGISLATION
BRETON BAY CONFERENCE CENTER

Present: Tom Waring
Jerry McCabe

(Commissioner Millison excused himself from participating in this discussion because of possible conflict of interest.)

Mr. Waring appeared before the Commissioners to request that a letter be forwarded to the Legislative Delegation requesting to amend Chapter 131 of the St. Mary's County Code, regarding personal property tax abatement for manufacturing industries, to include an operation such as the proposed Breton Bay Conference Center which will employ approximately 200 people. He stated that the legislation should apply to service type industries that would employ a minimum of 100 people so that it would give an incentive for industry to come into the County.

The Commissioners agreed that the Conference Center will be an asset to the County. However, it would not be equitable to the other businesses in the County nor to the taxpayers to support such legislation.

The Commissioners indicated that they were not supportive of this type of legislation and advised Mr. Waring that they would inform him of their formal decision at a later date.

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TAXPAYERS' ASSOCIATION

Present: Ed Curley
Claude Jarboe
Charles Mattingly
Webster Bell

The above representatives of the Taxpayers' Association requested the Commissioners to endorse proposed legislation taxing bowling alleys.

Further, Mr. Jarboe requested that the Commissioners do not take any more land off the tax rolls and that St. Mary's City Commission and Historic District be limited in the amount of land to be taken by the State.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of February 19, 1980 as corrected. All Commissioners voted in favor.

The meeting adjourned at 3:25 p.m.

A handwritten signature in cursive script, appearing to read "George Arnold". The signature is written in dark ink and is positioned in the lower right quadrant of the page.