

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, December 9, 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 9:15 a.m.

APPROVAL OF BILLS

Commissioner Millison moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted by the Director of Finance.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meetings of October 21, October 28, Spec 1 Meeting of November 10, November 19, November 25, 1980. All Commissioners voted in favor.

Commissioner Millison moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of December 2, 1980. All Commissioners voted in favor.

CEDAR COVE REZONING CASE ZPUD #80-2606  
NOTIFICATION TO ADJACENT PROPERTY OWNERS

The County Administrator advised that copies of the notifications to adjacent property owners have been received as had been agreed to at the rezoning hearing for Cedar Cove on December 2, 1980 and will be placed in the case file.

COUNCIL ON CHILDREN AND YOUTH  
CHANGED IN BY-LAWS

The County Administrator presented correspondence dated December 8, 1980 from the Council on Children and Youth requesting approval of two changes in their by-laws, which would assist in improving attendance and participation at their meetings and to increase the number of youth members.

The Commissioners gave their concurrence for these by-law changes.



STATE'S ATTORNEY'S OFFICE  
ESCROW ACCOUNT FOR COVERT OPERATIONS

The County Administrator presented correspondence dated December 2, 1980 from the State's Attorney setting forth a description of the purpose of the referenced Escrow Account, and requested the level of funding to be \$3,000. After discussion, the Commissioners agreed to establish and fund the Escrow Account as requested by the State's Attorney, subject to the County's standard control procedures.

BUDGET AMENDMENTS 81-26 and 81-27  
OFFICE OF PURCHASING AND LOGISTICS

The County Administrator presented the following Budget Amendments for approval by the Commissioners as recommended by the Budget Officer:

No. 81-26 - Increase various utility, maintenance, etc. accounts in the Office of Purchasing and Logistics in the amount of \$69,471; decrease Account No. 2610-26912 (Reserve for Contingency) in like amount.

No. 81-27 - Increase Account No. 1730-2131 (Non-public School Transportation) by \$32,380; decrease Account No. 2610-26912 (Reserve for Contingency) in like amount.

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

STEWART ENVIRONMENTAL SYSTEMS  
PERMIT APPLICATION FOR TRANSFER OF SLUDGE

The County Administrator presented correspondence dated December 8, 1980 from Walter Raum of the Health Department enclosing copies of an application from Stewart Environmental Systems to convey 65,000 dry tons per year of sludge from Blue Plains Wastewater Treatment Plant for storage at Piney Point. Mr. Raum advised that the application has been forwarded to the Division of Solid Waste of the State Health Department.

ECONOMIC IMPACT FEE AGREEMENT  
WILDEWOOD SUBDIVISION, NEIGHBORHOOD THREE,  
CLUSTER NUMBER ONE, PLAT ONE

The County Administrator presented the Economic Impact Fee Agreement by and between Paragon Builders, Inc. and the Board of County Commissioners for the method of payment of the economic impact fee for 26 lots of Wildewood Subdivision, Neighborhood 3, Cluster No. 1, Plat 1. Commissioner Arnold moved, seconded by Commissioner Sayre to accept said agreement. All Commissioners voted in favor.



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CLEARINGHOUSE PROJECT NO. 81-12-401  
DRAFT FEASIBILITY REPORT ON FLOOD AND SHORE EROSION  
CONTROL AND NAVIGATION FOR SMITH ISLAND

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.

PROPOSED INTERIM ALLOCATION POLICY FOR  
PINE HILL RUN SEWAGE TREATMENT PLANT

Present: Bob Combs, A.L.E.R., Inc.  
Robert Erickson, A.L.E.R., Inc.  
Hugh Allston, A.L.E.R.  
Steve King, Metropolitan Commission  
Glenn Ruggles, Housing Authority  
Walter Raum, Health Department  
Frank Gerred, Director, Planning & Zoning  
(Commissioner Millison did not participate in this discussion)

Commissioner Dean explained that the purpose of this meeting was to give representatives of A.L.E.R., Inc. an opportunity to express their concerns with the County's proposed Interim Allocation Policy for Pine Hill Run Sewage Treatment Plant and how it affects two of their projects: Discovery Subdivision and Countryside Townhouses.

Mr. Combs stated that there are forty signed contracts for homes in Discovery Subdivision and with the proposed policy they would only be allotted 20 EDU's. He explained that sewer lines have been installed and Farmer's Home Administration has approved the project, and these funds would be jeopardized if there are delays.

With regard to Countryside Townhouses, this is a Section 8 Programs of HUD, consisting of 59 units and there is no hookup allocation according to the proposal. Fees have been paid to the Metropolitan Commission and review fees paid to the County and the project is ready to receive record plat approval. Mr. Ruggles explained that St. Mary's County is competing for HUD funds with other eastern shore counties, and if St. Mary's does not give an indication as to adequate sewage capacity, these funds would go to another county.

After discussion, Commissioner Dean presented a revision to the Interim Policy listing projects on three attachments. All projects listed on Attachment I would have a maximum of 20 EDU's; maximum of 15 EDU's for Attachment II projects and the EDU's allotted to Attachment III projects would be on a "first come first served" basis which would include Countryside Townhouses. Commissioner Dean stated that Friendly Trailer Park and Amber House Nursing Home, under the previous policy are in a "serious and ready to proceed" category and that



Discovery Subdivision should be removed from the Attachment I category and placed in the same category as the trailer park and nursing home. Commissioner Dean concluded his presentation by stating that the goal of the Interim Policy is to deal fairly with potential uses of the Pine Hill Run Treatment Plant and provide for the development that is ready to move forward.

After discussion and general concurrence of the revised proposal, Commissioner Dean advised that he would amend the Interim Policy as set forth above, forward it to the appropriate agencies for review and have it available for the public hearing, which will be held December 30, 1980, at 8:00 p.m., at Frank Knox Elementary School.

#### COMPREHENSIVE RECREATION AND PARKS PLAN

Present: John Bagget, Director, Recreation and Parks

For their information, Mr. Bagget advised the Commissioners that the State requested that each county submit an updated Comprehensive Recreation and Parks Plan by January 1, 1982. The present law allows a 50%-50% matching grant of funds up to \$10,000; however, there is a bill in the legislature that would provide for up to \$25,000, 100% funded by the state.

#### CHARLOTTE HALL SCHOOL PROPERTY (PARKLAND)

Present: John Baggett, Director, Recreation and Parks

Mr. Bagget advised that the County has approximately 60 acres at the Charlotte Hall School site set aside for Open Space, which he stated is rough terrain and has many ravines. He stated that the land may contain gravel and under the Program Open Space, the gravel cannot be mined. The County Engineer had advised that there should be test drilling in order to determine if gravel is there.

After discussion, the Commissioners agreed that because of the limitations of the Open Space Program funds should not be applied for at this time for this project.



CRIME LAB VAN

Present: Sheriff Joseph Lee Somerville  
Lt. Gene Pellillo  
Joseph P. O'Dell, Budget Officer

Sheriff Somerville and Lt. Pellillo appeared before the Commissioners to discuss alternatives for the purchase and equipping of the Crime Lab Van for the Sheriff's Department. Two alternatives were submitted to the Sheriff by letter dated December 1, 1980, and he advised that he has arrived at a third alternative. He recommended that the van be purchased this fiscal year using the balance of funds in the vehicle replacement account, money from the insurance company for the wrecked police vehicle, and the refund from the sales for the used Sheriff's vehicles. Sheriff Somerville stated that after December 31, 1980, the cost of the van from Ritter Chevrolet, the lowest bidder, will increase 3% to 4%. The equipping of the van will be funded next fiscal year.

After discussion, the Commissioners agreed to accept the alternative as presented by Sheriff Somerville.

TRAFFIC SAFETY GRANT

Present: Sheriff Somerville  
Lt. Pellillo  
Joseph P. O'Dell

Sheriff Somerville reported to the Commissioners that his office had forwarded an expression of intent to the State for the Highway Traffic Safety Grant in the amount of \$20,000 (50% - 50%) combined with a 100% state-funded overtime grant in the amount of \$10,000 and requested the Commissioners approval of same. He explained that the grant period begins March 1, 1981 and that the Commissioners would have to consider approval for funding for the remaining of this fiscal year and a portion of FY '82 until February 28, 1982, in that is a one-year grant.

Discussion ensued as to the number of officers included in the grant and what problem areas, such as drug abuse, are priority in the Sheriff's Department.

After discussion, the Commissioners' agreed to make a decision at a later date and to advise the Sheriff of their decision.



ZONING ORDINANCE AMENDMENTS  
ADOPTION OF AOA DOCUMENTS

Present: Capt. T.N. Flanary, II, USN, NAS  
Al Bingman, Public Works, NAS  
Bob Russell, Public Works, NAS  
Frank Gerred, Director, Planning & Zoning

Having conducted a Public Hearing on October 7, 1980 on amendments to the St. Mary's County Zoning Ordinance pertaining the Aircraft Overflight Area (AOA), and having had various work sessions and discussions on same, the Commissioners made the following motions:

Ordinance No. 80-88 (An Ordinance Establishing Comprehensive Zoning Regulations for the County of St. Mary's, and Providing for the Administration, Enforcement, and Amendment Thereof, in Accordance with the Provisions of Article 66B of the Annotated Code of Maryland as Amended, and for the Repeal of All Ordinances in Conflict herewith). Commissioner Dean moved, seconded by Commissioner Arnold, to approve and adopt Ordinance No. 80-88 providing for the amendment of the Zoning Ordinance as it relates to the AOA Regulations. All Commissioners voted in favor.

Ordinance No. 80-89 (Aircraft Overflight Area Districts: Construction Standards). Commissioner Dean moved, seconded by Commissioner Arnold to approve and adopt Ordinance No. 80-89 establishing construction standards for buildings situated in Aircraft Overflight Area Districts. All Commissioners voted in favor.

Mr. Waldschmitt expressed his opinion in opposition to this document in that he felt that Section 38 of the Zoning Ordinance addressed this issue and that he felt that it was an infringement of people's rights. In response, the Commissioners apprised Mr. Waldschmitt of the importance and need for this Ordinance, and stated that if it appears at a later time that changes need to be made, it will be re-evaluated for any further amendments.

Resolution No. 80-90 (AOA Zone 4 Disclosure Statement).

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and adopt Resolution No. 80-90 encouraging that a Disclosure Statement be provided to prospective purchasers in the AOA Zone 4 by sellers and/ or their agents, by mortgage lenders, settlement attorneys and real estate agents. All Commissioners' voted in favor.

Mr. Waldshmitt advised that he was not opposed to a Disclosure Statement; however, he felt that it was totally unsatisfactory to require any seller to sign such a statement.



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INSTALLATION OF EMERGENCY EVACUATION SIREN

Present: Irvin Bien, Project Engineer, Baltimore Gas & Electric  
Nuclear Emergency Programs  
John C. Smith, Public Affairs, Baltimore Gas & Electric

Mr. Smith explained that the purpose of this meeting was to apprise the Commissioners of the installation of the emergency evacuation sirens that will be installed within a ten-mile radius of the Calvert Cliffs Nuclear Power Plant site. The siren would alert the public in that area of any emergency situation at the Calvert Cliffs project and that they should turn on their radio for further instructions.

The Commissioners discussed the type of siren and the installation on utility poles along public rights-of-way with the BG & E representatives, and Mr. Bien explained that the public will have to be educated as to the sound and meaning of the siren. He explained that the system will be tested and evaluated, and advised that they will be requesting from the County the frequency on which to have the alert activated, where the sirens are to be installed, and what commissions are needed for the installation on poles in this area.

The Commissioners agreed to cooperate in any way possible and suggested that they coordinate this project with Tom Oliver, Deputy Director of the Emergency Operations Center.

BOARD OF EDUCATION  
FINANCIAL STATUS OF ST. MARY'S COUNTY

Present: Dr. Larry Lorton, Superintendent of Schools  
James Ogden, Public Schools  
Henry Kanowicz, " "  
James Forrest, President, Board of Education  
William Wagoner, Board of Education  
John McFadden, " "  
Dorothy Harper, " "  
Joseph P. O'Dell, County Budget Officer

Mr. O'Dell presented a copy of the County's audit for FY '80 and summary of compared analysis for FY '80, '81 and '82. In reviewing these documents, Mr. O'Dell discussed the current financial status of the county and advised what is to be expected for FY '82. In closing, Mr. O'Dell stated that information relative to the budget will be disseminated to the Board of Education and it is anticipated that the Board of Education would disseminate information back to the County.



RESOLUTION NO. 80-91  
PAYMENT IN LIEU OF TAXES  
ST. MARY'S HOME FOR THE ELDERLY, INC.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 80-91 for payment in an annual amount of \$322.79 in lieu of taxes for the St. Mary's Home for the Elderly, Inc. Cedar Lane Apartments. All Commissioners voted in favor.

OVERTIME FOR SHERIFF'S DEPARTMENT

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve payment of overtime to the Sheriff's Department for the period of November 8, 1980 through December 5, 1980 as follows: regular deputies -\$601.95 and CID deputies - \$262.95. All Commissioners voted in favor.

APPROVAL OF BUDGET POLICY LETTER, CALENDAR AND TARGET AMOUNTS

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented the Budget Policy Letter, Operating Budget Calendar and Budget Target amounts by Department for FY '81-'82 for the Commissioners' review and approval. The Commissioners gave their concurrence to sign and forward the Budget Policy Letter to all Spending Units with the calendar and other budget instructions.

COMMISSION ON AGING POSITION REQUEST

The Commissioners discussed the position request from Mrs. McGaharn, Senior Services Coordinator, and the justification offered by her in Executive Session of December 2, 1980. Having considered all the facts, the Commissioners reiterated their decision that this position request be denied and that the funds identified by Mrs. McGaharn in a memorandum dated November 19, 1980 be used for services to the elderly other than for establishing a position and that the CETA position remain available for senior citizen services.

LEONARD HALL SCHOOL

The Board of Directors for Leonard Hall School proposed that the current lease be amended on an interim basis to provide the county a maintenance storage facility in the school gymnasium at no cost consideration in return for which the County would continue to arrange for a monthly charge for electricity at the school with an increase from the current \$75.00 a month payment to \$100 a month. This interim arrangement will continue until such time as a new lease is negotiated by and between the County and the Board of Directors of Leonard Hall School.

The meeting adjourned at 3:30 p.m. Approved

  
George R. Aud