

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 22, 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 9:35 a.m.

APPROVAL OF VOUCHERS

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

AFFIRMATIVE ACTION PLAN/EQUAL EMPLOYMENT OPPORTUNITY
NAACP - COMMUNITY AFFAIRS COMMITTEE

Present: Donald Curtis
William Greene

As a follow up to previous discussions regarding the County's Affirmative Action Plan/Equal Employment Opportunity, representatives of the NAACP Community Affairs Committee appeared before the Commissioners to ascertain the Commissioners' decision with regard to the establishment of an Affirmative Action Committee. Mr. Curtis opened the meeting by reading a prepared statement which offered the Community Affairs Committee hopes that all previous discussions indicate a meaningful exchange of ideas, and further it was their desire that this would assist in the development of reasonable solutions to the County's Affirmative Action Plan. Mr. Curtis stated that the Community Affairs Committee would provide the expertise if the Commissioners provide the leadership.

The Commissioners presented correspondence to the representatives regarding previous discussions and advising of the County's commitment to the goal of equal employment opportunity for all St. Mary's County citizens. In addition, the Commissioners' letter agreed to the establishment of an Evaluation Committee to Review the Affirmative Action program of County Government.

Mr. Greene and Mr. Curtis advised that they would have to present this information to the Community Affairs Committee for their review and to take whatever action they deem appropriate. Mr. Greene expressed the hope that the Commissioners become

AFFIRMATIVE ACTION PLAN/EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

involved in this project by participating in it and that a Commissioner be a member of this committee.

The members of the Community Affairs Committee thanked the Commissioners for their time and advised that they would get back with them with a response to their correspondence.

AFFIRMATIVE ACTION EVALUATION COMMITTEE

Commissioner Millison moved, seconded by Commissioner Dean, and unanimously carried, to establish an Affirmative Action Evaluation Committee as follows:

Sheriff Joseph L. Somerville
President, NAACP - Samuel Taylor
Representative from Human Relations Commission
Representative from Community Affairs Committee
County Administrator - Edward V. Cox

SETTLEMENT SHEET
DUALIZATION OF ROUTE 235
HOLLYWOOD TO ST. ANDREWS CHURCH ROAD

The County Administrator presented the Settlement Sheet for the sale of property for the dualization of Route 235 from Hollywood to St. Andrews Church Road. He stated that the Deed has been signed by the Commissioners and forwarded to Southern Maryland Electric for signature. The County Attorney has reviewed the Settlement Sheet and recommends that the Commissioners sign same. The Commissioners gave their concurrence.

SEPTIC SYSTEM PROBLEMS
THOMAS DYSON

The County Administrator presented correspondence for the Commissioners' signatures to Mrs. Edith Parker regarding problems encountered in trying to provide a septic system for her father, Thomas Dyson. Mr. Cox noted that apparently there was a question of ownership.

At the suggestion of Commissioner Millison, the County Administrator was directed to revise the letter to state that the County is willing to cooperate in every way possible in order to prevent her father from being moved from his residence.

FRIENDS OF CEDAR POINT LIGHTHOUSE
SAVING THE CUPOLA

The County Administrator advised the Commissioners that the Friends of the Cedar Point Lighthouse Committee has asked for minimal assistance from the County in the saving of the cupola at the lighthouse. The Commissioners gave their concurrence.

OTHER SEPTIC SYSTEM PROBLEMS

During discussion of the above, the Commissioners referred to other citizens who are currently experiencing difficulties with percolation tests and Commissioner Arnold suggested another meeting with the health department to review these problems. Commissioner Dean recommended that all facts be assembled prior to confronting a particular agency and that agency should be given an opportunity to present their side.

POINT LOOKOUT STATE PARK
COUNTY'S SHARE OF PARK RECEIPTS
PARK ACTIVITIES

Present: Daryl DeCesare, Park Manager

Mr. DeCesare appeared before the Commissioners to announce that the County's share of receipts at the Point Lookout State Park and St. Mary's River Watershed Park is approximately \$5,500 and will be delivered shortly from the Comptroller's Office. Also, Mr. DeCesare described various activities at the state parks in St. Mary's County and indicated continued growth of participation, especially among county citizens. He indicated that approximately 250,000 participants enjoyed Point Lookout State Park activities this year and that increased hundreds have used the fishing facilities at the St. Mary's River Watershed Park.

The Commissioners thanked Mr. DeCesare for his presentation and for his continued services on behalf of St. Mary's County citizens.

UPDATE OF COUNTY ENGINEER PROJECTS

Present: John Norris, County Engineer

Mr. Norris reviewed with the Commissioners the status of the various engineering projects in his office - Landfills and Transfer Stations, Equipment, Fire Arms Range, Airport, Highways, Marine, Capital Improvements and Building Maintenance and requested direction from the Board on the following:

1. Airport - Mr. Norris indicated that he did not have a source of funds. This item will need to be addressed at a later date.
2. Breton Bay Easement - The Commissioners agreed to reconstruct the sidewalks upon completion of the project.
3. Lexington Park Storm Drainage - Decision as to road width (44 or 48 feet). Mr. Norris advised he would meet with the business people regarding design configuration. A decision is needed as to funding for the Willow Road intersection construction.

UPDATE OF COUNTY ENGINEER PROJECTS

4. Chancellors Run Road and Hewitt Road - As requested by the County Engineer that these projects be a priority item as time allows;
5. Storm Water Management - Mr. Norris indicated a need for a seminar.
6. St. George's Creek - Mr. Norris advised the Commissioners that a funding decision needs to be made. He is in receipt of a letter from the Department of Natural Resources advising that this project will be put in next year's budget and the County would be reimbursed for any expenses incurred. However, if this item is taken out of the budget, there was a question whether the County would be reimbursed. The Commissioners will make a decision on this matter at a later date.
7. Control Center and Courthouse - Mr. Norris indicated additional funds are needed for maintenance. The Commissioners directed the County Engineer to work with the Budget Officer to determine a source.

Mr. Norris recommended that either this fiscal year or next that a lot of the heating, plumbing and air conditioning maintenance be done in house in order to reduce expenses. The Commissioners agreed with this concept and directed Mr. Norris to develop a specific proposal.

920 CAT FRONT END LOADER

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County has a pay back clause with Alban Tractor on the 920 Cat Front End Loader which is currently used by State Highway Administration. Mr. Norris recommended executing this pay back clause in the amount of \$33,000 and that these funds be utilized to purchase the RW 38 Shoulder Machine. The Commissioners gave their concurrence.

MICRO-COMPUTER SYSTEM
PROJECT NO. SM 82-1-6

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and explained that of those firms that met the minimum specifications (and with hard disk) P.R.B. Associates was the lowest bidder in the amount of \$14,980. He stated that P.R.B. has proposed that there be no commitment by St. Mary's County until they demonstrate that their software works satisfactorily to the County.

MICRO-COMPUTER SYSTEM (Cont'd.)

Commissioner Dean moved, seconded by Commissioner Aud, to accept the County Engineer's recommendation and award the contract to P.R.B. with the contingency as stated above.

REVISION TO RSVP GRANT APPLICATIONS
FY 80-81 AND FY 81-82

Present: Billye McGaharn, Senior Services Coordinator

Mrs. McGaharn presented the following revised grant applications for the Commissioners' approval:

RSVP FY 80-81 for the period October 1, 1980 to September 30, 1981 in the total amount of \$32,235. (This is the original RSVP Grant.)

RSVP - FY 81-82 for the period October 1, 1981 to September 30, 1982 in the total amount of \$41,076. (This is the continuing grant.)

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Grant Applications as set forth above. All Commissioners voted in favor.

(Commissioner Sayre left the meeting).

DECISION DISCUSSION

CCAP #81-0765

CHARLES AND SUSAN WISE

Present: Frank Gerred, Director, Office of Planning & Zoning
David Carter, Adjoining Property Owner

Application to appeal the decision of the St. Mary's County Planning Commission regarding the disapproval of a three lot Minor Subdivision around three existing structures, two lots being of substandard size. The property is located in Callaway on Tax Map 57, Block 11, a portion of parcel 168, contains 3.874 acres and is currently zoned AR-2, Agricultural-Residential.

Having conducted a public hearing on August 25, 1981 on the referenced application, the Commissioners commenced discussion.

Mr. Carter, an adjoining property owner, appeared before the Commissioners to voice his opposition to the appeal by Charles and Susan Wise. He stated that it was his understanding that there would be just three lots on that property; the Wise's, Simmons and his own. However, in addition to these homes, there are two trailers that are operational and two trailers that are

CHARLES AND SUSAN WISE (Cont'd)

not. He expressed his concern that the trailers would decrease the value of his property. Mr. Carter also advised the Commissioners that he had signed a paper for the Wises agreeing to the reduction of the right-of-way from 40 feet to 28 feet so that it could be a private road and discovered later that it was already a private road.

At this point the Commissioners reviewed the plat of the property and Mr. Gerred gave a brief history of the events that had led up to the appeal by the Wises and the fact that it appeared that different versions of the plat had been presented each time.

In response to an inquiry from Mr. Carter as to how the situation had gotten this far, Commissioner Dean explained that the Director of the Office of Planning and Zoning had presented the request for a three lot minor subdivision to the Planning Commission which had denied the request. Under the provisions of the Ordinance, an aggrieved party has the right to appeal a Planning Commission decision to the County Commissioners. The decision is now pending before this Board.

In conclusion, Commissioner Aud explained that there are several issues involved which at this point are not clear and the Commissioners must try to resolve them. He stated that a decision could not be made at this time because a majority of the Board are not present. The Commissioners agreed to render a decision at their October 6 meeting.

MARYLAND CERTIFIED COUNTIES PROGRAM

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

Mr. Gerred brought the Commissioners up to date with regard to St. Mary's County certification in the Maryland Certified Counties Program stating that the Department of Economic and Community Development has completed the photography and is in the process of ordering the printing of site descriptions of the County which are to go into the application. He stated that a group from St. Mary's County will be visiting an industrial retention meeting in Howard County to learn that County's procedures. An Economic and Community Development representative, Mike Lofton, has agreed to come to the County and meet with the County's Economic Development Team for the Maryland Certified County Program to coincide with the presentation of the County's certification.

(Commissioner Sayre returned to the meeting).

ZONE #81-0474
ROBERT EVANS

Present: Robert Taylor, Taylor Engineer Company, Representative
of Applicant
Frank Gerred, Director, Office Of Planning & Zoning
Linda Bronsdon, Assistant Planner
Catherine B. Travers
Theresa Price
Betty Clayton
George Ralph Clayton
Floyd E. Clayton, Sr.
Francis Maddox
Richard D. Fritz, Attorney for Mr. & Mrs. Charles R. Adams

(Commissioners George R. Aud, Ford L. Dean and David F. Sayre participated in the hearing.)

Application 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 Ninth Election District on Tax Map 69, Block 2, Parcels 9 and 10 and contains approximately 2.63 acres.

The Director of Planning and Zoning read the Notice of Public Hearing which was published in the St. Mary's Beacon and The Enterprise newspapers in the September 2, 1981 edition.

Mr. Taylor presented the Return Receipts of the Notification to adjacent property owners within 200 feet of the subject property. Mr. Taylor indicated that the property was properly posted.

Also entered into the Commissioners' record, as recommended by Mr. Gerred, was the complete record of the Planning Commission.

Mr. Taylor, on behalf of Mr. Robert Evans, began his presentation by referring to the letter of justification which he stated was included in the Commissioners' packets. He summarized the letter, stating that originally Mr. Evans had an existing restaurant since 1964. In 1974 when the zoning districts were established, Mr. Evans was at that time a non-conforming use. In April of this year, Mr. Taylor stated, they realized there was a problem and Taylor Engineering prepared a Site Plan for an addition to his restaurant/kitchen and more dining room space. At that time it was realized that Mr. Evans had reached within a few square feet, the allowable amount for expansion under a minor expansion of non-conforming use, which is 50%. Mr. Taylor went on to explain that because of this it was his recommendation to Mr. Evans that the property be rezoned so that if there were any other renovations to the building it would not have to go through Board of Appeals and

ZONE #81-0474 (Cont'd.)

public hearing process, and it would be more feasible to go through the zoning hearing process.

Mr. Taylor stated that the basis for the rezoning was to show a mistake because the business has been in existence since 1964 and it has grown to meet the needs of his customers. The rezoning of Parcels 9 and 10 was for a commercial classification; RSC, C-1 or CM. Since Rural Service Center required three businesses and C-1, Light Commercial, does not allow a restaurant, Mr. Taylor stated that CM, Commercial Marine, was the most appropriate classification. Mr. Taylor pointed out that Mr. Evans currently has approval for a shucking house, which will be within the building itself and no addition will be necessary for that.

In response to a question posed by Commissioner Sayre, Mr. Gerred stated that even though the classification allows for a marina, Mr. Evans' property has reached the point where there is not adequate room to do much more than he is currently doing. His basic intention is to continue doing what he is currently doing with just some expansion. Mr. Gerred further stated that if Mr. Evans were to plan a marina, he would have to obtain site plan approval as well as Corp of Engineer for any piers. Mr. Sayre stated that there could be possible opposition to a marina and inquired as to what steps could be taken to prevent it. Mr. Gerred responded that if the Commissioners so desire and cause is shown to make a limitation, a restriction not allowing that use could be placed in the adopted Rezoning Resolution. In reply to an inquiry by Commissioner Aud, Mr. Gerred stated that this would be binding on any possible future owners. Mr. Taylor indicated that there was a limitation on the expansion in that Mr. Evans has reached his parking capacity and therefore, any addition to service a marina would require additional parking facilities which he does not have. In addition, Mr. Taylor pointed out that water at the end of the 200 foot pier is only four feet deep and would be too shallow. Mr. Gerred stated that the reason for the application was to make conforming the use that he has with some small expansion.

Mr. Richard Fritz, on behalf of Mr. and Mrs. Charles Ridgell Adams, who have approximately 20 acres which is in close proximity to the subject property, stated that the Adams' have requested that Mr. Fritz express their concern about any marina facilities being put in that area in that they feel it would affect their property which is on the water. Mr. and Mrs. Adams are also concerned that a marina would increase the traffic in that area.

Mrs. Travers expressed concern as to whether trailers would be allowed to stay overnight on the subject property to which Mr. Gerred responded that this use would require ten acres in order to establish a camper park which Mr. Evans does not have.

ZONE #81-0474 (Cont'd.)

Commissioner Sayre inquired of the property owners who were present as to whether they had objection to buying and shucking of oysters and buying and picking of crabs. Mr. Fritz stated that on behalf of the Adamses, there would be no objection as long as sanitary conditions are taken into consideration. Mrs. Travers stated that she had no objection if that was what Mr. Evans started doing originally.

Mr. George Clayton stated that he had no objection to oyster shucking or crab picking but expressed the concern that nothing else be placed in the parking area in that parking is somewhat inadequate now.

In conclusion, Commissioner Aud stated that it was apparent that those present had no objection to the expansion but were opposed to a marina. Commissioner Sayre stated that he did not feel that the water at the pier could be dredged to accomodate a marina in that there were oyster bars in that area.

After inquiring as to whether anyone else wished to speak for or against the zoning application, Commissioner Aud closed the meeting and stated that the Commissioners will make a decision on the application within 30 days.

REQUEST FOR OVERTIME PAYMENT - SHERIFF'S DEPARTMENT

The County Administrator presented a request for overtime payment from the Sheriff's Department for the period of August 15, 1981 and ending September 11, 1981. He stated that a policy decision is needed by the Board as to whether the secretary in the Sheriff's Office should be included in the overtime. Inasmuch as other secretaries in County government receive compensatory time for work beyond the normal working hours, the Commissioners agreed that the Sheriff's Department secretary not be included in the overtime payment.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the payment of overtime for the Sheriff's Deputies in the amount of \$1,282.65. All Commissioners voted in favor.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of September 8, 1981 as submitted. All Commissioners voted in favor.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of September 15, 1981 as corrected. All Commissioners voted in favor.

The meeting adjourned at 2:45 p.m.

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Approved,


George R. Aud
President