

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 24, 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 9:10 a.m.

APPROVAL OF VOUCHERS

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

BOARD OF EDUCATION  
CAPITAL IMPROVEMENT BUDGET

Present: Dr. Larry Lorton, Superintendent of Schools  
Mr. James Raley, Supervisor of School Facilities  
Jerry Himmelheber, Project Developer and Inspector

The referenced individuals appeared before the Commissioners to present the Board of Education's Capital Improvement Program for FY83 for the Commissioners' approval and further to review the Five Year Capital Improvement Program.

Mr. Raley reviewed the Capital Projects for FY83:

- (1) Northern Special Education School
- (2) Chopticon High School Addition and Alterations
- (3) Great Mills High School Addition and Alterations
- (4) Green Holly School Additions

After review and discussion the Board of County Commissioners unanimously agreed to approve the Capital Improvement Program for the Board of Education for FY83, but agreed with Commissioner Dean's recommendation that the auditoria proposed for the Great Mills and Chopticon High Schools be moved up in the programs' priorities.

VISIT BY STUDENTS FROM BANNEKER ELEMENTARY SCHOOL

Present: Fifth Grade Students From Banneker Elementary

In commemoration of the 250th Anniversary of the birth of Benjamin Banneker, Fifth Grade students from Banneker Elementary School visited the Commissioners to tell of the projects they have been working on during this celebration.

The Commissioners extended their congratulations to the students and presented a Commendation to the Fifth Grade Class for their dedicated efforts to inform the community of the contributions of Benjamin Banneker.

OFFICE OF COUNTY ENGINEER

Present: John Norris, County Engineer

Approval of Voucher  
Contract Rental Services

Mr. Norris presented Voucher No. 039639 in the amounts of \$12,844.67 and \$1,273.54 payable to B. F. Asher for Project No. SM 81-1-5 (Contract Rental Services). The Commissioners gave their concurrence for approval of payment.

Approval of Voucher  
Recreation Shelter Buildings

Mr. Norris presented Voucher No. 039631 in the amounts of \$481.25, \$481.25 and \$481.25 payable to Taylor Plumbing and Electrical Company, Inc. for the Recreation Shelter Buildings (Project No. SM 81-4-9). The Commissioners gave their concurrence for approval of payment.

1982 Secondary Rural Federal Aid

Mr. Norris presented an Agreement by and between State Highway Administration and St. Mary's County, Maryland for the 1982 Secondary Rural Federal Aid Program for St. Mary's County in the amount of \$65,135.00. Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Agreement. All Commissioners voted in favor.

Quit Claim Deed  
Villa Road Reconstruction

Mr. Norris presented a Quit Claim Deed regarding the reconstruction of Villa Road and requested authorization for Commissioner President Aud to execute said Quit Claim Deed dated November 24, 1981 returning that portion of the old County road that was abandoned due to the construction of Villa Road. The

OFFICE OF COUNTY ENGINEER (Cont'd.)

old right-of-way will be quit claimed to the abutting land owner in accordance with the right-of-way agreement. Commissioner Millison moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Deed. All Commissioners voted in favor.

Acceptance of Deed  
Stoney Court

As recommended by the County Engineer, Commissioner Dean moved, seconded by Commissioner Arnold, to accept the Deed dated November 15, 1981 by and between Wayne A. Wise and Anna P. Wise and the Board of County Commissioners of St. Mary's County accepting Stoney Court in Section II, of Stoney Run Subdivision and a resubdivision of Stoney Run, Section I. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: John Norris, County Engineer  
Joseph E. Bell, II, County Attorney

The Commissioners agreed to meet in Executive Session in order to discuss a matter of pending litigation. The Session was held from 9:50 a.m. to 10:05 a.m.

BUDGET AMENDMENTS - NO. 82-26 and NO. 82-27

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

No. 82-26 (Budget Office)

Increase Account No. 1055-31010 (Office and Communications Equipment) by \$35 for the purpose of acquiring an HP-38C Calculator.

Decrease Account No. 1055-21010 (Office Supplies) by like amount.

No. 82-27 (Recreation and Parks)

Increase and Decrease various accounts in order to reorganize the Recreation and Parks Revolving Account Fund based on a program basis rather than by non-functioning districts.

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

OVERTIME REQUEST - SHERIFF'S DEPARTMENT

The County Administrator presented a request for overtime payment from the Sheriff's Department for the period beginning October 10, 1981 and ending November 6, 1981 for the total amount of \$947.86.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the request as set forth above. All Commissioners voted in favor.

ZONING AMENDMENT RESOLUTION NO. 81-15  
MARY O. CALLAWAY - ZONE NO. 79-261

Having conducted a public hearing on February 19, 1980 and held decision discussion on March 18, 1980, on the application of Mary O. Callaway to rezone a tract of land located at the intersection of Route 5 in Calloway located in the Second Election District of St. Mary's County, Maryland, and known as Parcel 21, Tax Map 600 containing 4.09 acres more or less from AR-2 and RSC to C-2, Commissioner Millison moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. 81-15. Four Commissioners voted in favor with Commissioner Dean voting against. Motion carried.

PROJECT DIRECTOR POSITION (RSVP)  
OFFICE ON AGING

As recommended in a memorandum dated November 20, 1981 from the Personnel Officer, Commissioner Sayre moved, seconded by Commissioner Millison to select Johanna Marusic to the position of Project Director, Grade 8, in the Office on Aging, effective November 30, 1981. All Commissioners voted in favor.

SAND AND GRAVEL TAXATION COMMITTEE

Commissioners Dean moved, seconded by Commissioner Millison to appoint a Sand and Gravel Taxation Committee for the purpose of studying the feasibility of imposing a tax on sand and gravel mining in the County and leaving the County, and if so imposed under what parameters the tax would be imposed and how much. The members of the Committee are Kay D'Esposito, County Treasurer; William Curtis, Representative from Economic Development Commission; Kennedy Abell; and Clarence Ridgell. All Commissioners voted in favor.

PURCHASE OF EQUIPMENT ACQUIRED IN CETA PROGRAM

The County Administrator advised the Commissioners that the County had an opportunity to purchase equipment that was acquired through the CETA program at a depreciated value.

Each department has submitted a list that would be necessary for the functioning of their office. Mr. Cox stated that account transfers would be necessary to accomplish this. The Commissioners gave their concurrence.

MARYLAND ASSOCIATION OF COUNTIES  
LEGISLATIVE COMMITTEE

The County Administrator advised that each year the Maryland Association of Counties appoints a Legislative Committee and each County selects an elected official for membership and an alternate member. In the past Commissioners President Aud has been the delegate and Commissioner Arnold the alternate.

Commissioner Dean moved, seconded by Commissioner Sayre, to reappoint Commissioner Aud and Commissioner Arnold to the MACo Legislative Committee. Three Commissioners voted in favor with Commissioners Aud and Arnold abstaining.

REQUEST BY POTOMAC RIVER ASSOCIATION  
PUBLIC HEARING BY CORPS OF ENGINEERS  
MARYLAND ROCK INDUSTRIES

The County Administrator advised correspondence was received from the Potomac River Association dated October 31, 1981 requesting the Commissioners' support in requesting the Army Corps of Engineers to hold a public hearing with St. Mary's County before any permits are considered for Maryland Rock Industries. The Commissioners gave their concurrence and requested the County Administrator to prepare correspondence to the Army Corps of Engineers stating that if there is an application for a permit to allow dredging to provide access to Maryland Rock Industries sand and gravel operation that there first be a public hearing conducted in the County.

SITE PLAN NO. 81-1134  
DAVCO FOODS, INC. - WENDY'S

Present: George Sparling, Attorney for DAVCO  
Mr. Rosstein, DAVCO  
Mr. Chadwick, "  
Mr. Johnson, "  
John Norris, County Engineer

(Commissioner Millison did not participate.)

SITE PLAN NO. 81-1134 (Cont'd.)

Mr. Sparling advised that the purpose of this meeting was to resolve the question with the County Engineer regarding the Storm Water Management Plan for the referenced Site Plan. He stated that there was disagreement between the County Engineer and DAVCO Foods, Inc. as to whether the Storm Water Management System was sufficient. In view of the problem that exists at this location because of the inadequate pipe size, Mr. Sparling requested approval of the Site Plan with the contingency of an alternative plan that the Storm Water Management Plan as shown on the Plan could be rendered unnecessary if there were area-wide storm drainage system improvements made that would take care of this property as well as other properties in the area. Mr. Sparling proposed a Special Drainage Taxing District to accomplish this which could be initiated upon request by at least one-third of the property owners in the proposed District.

The County Engineer agreed with the concept of the Special District; however, he expressed reservations about the contingency Storm Water Management Plan as shown on the plat.

Later in the meeting after further discussion, Commissioner Aud moved, seconded by Commissioner Arnold, to approve Site Plan No. 81-1134, DAVCO Foods, Inc., contingent upon the seller, Mr. Aldridge, and DAVCO Foods, Inc., the purchaser, provide a letter that they would be the initiating parties in obtaining a petition for the creation of a Special Taxing District for Drainage Improvements as provided for in Article 25 of the Annotated Code of Maryland. The four Commissioners present voted in favor.

RESOLUTION NO. 81-94  
GENERAL OBLIGATION BOND ANTICIPATION NOTES  
(RECISION OF RESOLUTION NO. 81-92)

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell reviewed his memorandum dated November 18, 1981 regarding Fiscal Matters with the Commissioners. As set forth in said memorandum, Mr. O'Dell recommended that the County reduce the upcoming bond anticipation note sale from \$4 Million to \$2 Million and use the year ending surplus of June 30, 1981 to fund this reduction in bond funds. The surplus amount is \$1,972,076.

Commissioner Arnold moved, seconded by Commissioner Dean, to accept this recommendation and therefore to rescind Resolution 81-92 and to approve and sign Resolution No. 81-94. All Commissioners voted in favor.

SUPPLEMENTAL APPROPRIATION  
REQUIREMENT FOR PUBLIC HEARING

Present: Joseph P. O'Dell, Budget Officer

With regard to the decision to use the surplus of \$1,972,076 for funding of the County's Capital Projects for 1981-1982, Mr. O'Dell advised that a public hearing is required any time there is a change in the budget without budgetary authority. Therefore, Commissioner Dean moved, seconded by Commissioner Aud, to conduct a public hearing on the use of undesignated fund balance. All Commissioners voted in favor.

BUDGETARY DEVELOPMENT PROCESS

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell reviewed the Budgetary Development Process for FY '83 and requested the Commissioners' approval of the following:

1. Budgetary Policy Letter to be sent to all spending units receiving FY '83 County funds.
2. St. Mary's County Budgetary Calendar for FY82-83.
3. Spending Unit Target Amounts by Department and Function.

Later in the meeting, the Commissioners discussed the above matters and gave their concurrence for approval of same.

REZONING HEARING  
ZONE #81-1148  
HERMAN W. AND ELIZABETH HEWITT

Present: James Kenney, Attorney for Applicant  
Frank Gerred, Director, Office of Planning and Zoning  
Anita Meridith, Recording Secretary

(Application by Herman W. and Elizabeth R. Hewitt to rezone Parcels 9A and 9B, Block S, Sections I & II of Tax Map 43A, located in Patuxent Park Subdivision on the north side of Md. Rt. 246, opposite St. Mary's Square, containing approximately 3.89 acres, from R-4, Medium Density Residential, to C-2, Commercial.)

The complete record, tape and minutes are on file in the County Commissioners' Office.

REQUEST FOR RURAL SERVICE CENTER STUDY  
HELEN AREA - ZONE NO. 81-1441

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

Mr. Gerred advised the Commissioners that his office has received a request for a Rural Service Center in the Helen area. He advised the Commissioners that he will schedule a public hearing in that area to obtain reaction from property owners in that area. The Commissioners authorized Mr. Gerred to proceed.

SITE PLAN NO. 81-1397  
WILDEWOOD INDUSTRIAL PARK  
SITE NO. 1 - OFFICE PARK

Present: Frank Gerred, Director, Office of Planning and Zoning  
Joseph Waldschmitt  
Ed Wettengel, Developer, Wildewood

(Commissioner Dean did not participate.)

Mr. Gerred reviewed the referenced Site Plan with the Commissioners and advised that the Planning Commission has recommended approval of the Site Plan which is for the purpose of an industrial office building.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve Site Plan No. 81-1397. All Commissioners present voted in favor.

ST. MARY'S PRESS EXPANSION  
MARYLAND INDUSTRIAL LOAN PROGRAM

Present: Mr. Stewart Stern, St. Mary's Press  
Mr. Charles Palmer, " " "  
Mr. "Buck" Briscoe, Director, EDC  
Mr. George Van Buskirk, Financial Asst. Officer,  
Dept. of Economic and Community Development  
Frank Gerred, Director, Office of Planning and Zoning  
Robin Guyther, Assistant Planner, Office of Planning  
and Zoning

Mr. Stern explained the continued growth and positive fiscal circumstances of St. Mary's Press up to the present and explained the necessity for an expansion program. He requested the approval of the Board of County Commissioners to submit a Letter of Intent to the Secretary of the Department of Economic and Community Development for participation in the Maryland Industrial Loan Program in order to enlarge the present facility by 6,000 square feet.



ST. MARY'S PRESS EXPANSION (Cont'd.)

The County Administrator defined the Maryland Industrial Loan Program, the County's participation and options concerning same and presented a Letter of Intent for the Commissioners' approval and signatures.

After some discussion, the Commissioners approved the proposal from St. Mary's Press and signed the Letter of Intent to Secretary Roberson of the State Department of Economic and Community Development, a copy of which is on file in the County Commissioners' office.

Mr. Gerred, Director of Planning and Zoning was assigned the task of working with the representatives of St. Mary's Press to complete the formal application process for participation in the Maryland Industrial Loan Program.

RESOLUTION NO. 81-95  
AUTHORIZATION FOR EXECUTION OF AGREEMENT  
RE: INDUSTRIAL REVENUE BONDS (KESSLER AND CLEVELAND)

Present: Irene Graves (on behalf of Kessler and Cleaveland)

As a follow-up to the Commissioners' meeting of November 10, 1981, Commissioner Aud moved, seconded by Commissioner Arnold, to sign Resolution No. 81-95 (Resolution Authorizing the Execution of an Agreement with Alfred Kessler, Vera Kessler, James Perry Cleaveland and Peggy Joyce Cleaveland, Hereinafter Referred to as Project Owners, Pertaining to the Financing of a Commercial Facility within the Boundaries of St. Mary's County, Maryland for the Use of Project Owners.) All Commissioners voted in favor.

Further, Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign the attached Exhibit to the referenced Resolution entitled Agreement to Issue Bonds. All Commissioners voted in favor.

BIDS ON POLICE RADIOS FOR SHERIFF'S DEPARTMENT

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid tally sheet for the purchase of five police radios for the Sheriff's Department and recommended awarding the bid to General Electric, the lowest bidder, in the amount of \$10,410.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept this recommendation. All Commissioners voted in favor.

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SITE PLAN NO. 81-1036  
FRITO-LAY  
FIFTH ELECTION DISTRICT

Present: Wayne Davis, Bates & Associates  
Frank Gerred, Director, Office of Planning and Zoning  
John Norris, County Engineer

(Commissioner Millison did not participate.)

Mr. Davis, on behalf of Bates & Associates, construction firm for the Frito-Lay project, appeared before the Commissioners to discuss the referenced Site Plan.

Mr. Gerred advised that the Planning Commission approved the Site Plan; however, the County Engineer's Office denied issuance of the grading permit in that the County Engineer required off-site improvements to the drainage system along the County road. Mr. Gerred stated that the Planning Commission approved the Site Plan, however, this requirement was not within the purview of the Planning Commission and therefore Mr. Gerred suggested that Mr. Davis appear before the Commissioners.

The Commissioners discussed the issue as to whether or not the developer of the site is responsible for the improvement of the drainage along an existing County road and evaluating the cross pipe to see whether it is of proper size.

After discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to approve Site Plan No. 81-1036 subject to Mr. Davis submitting to the County Engineer an analysis of the size of the channel to the pipe and the pipe size. The County Engineer may issue a grading permit; however, the Building Permit issuance is contingent upon calculations from Mr. Davis. Upon presentation of the calculations, a decision will be made as to the scope, if any, of off-site improvements that will be required by the applicant.

RESOLUTION NO. 81-96  
TEXT CHANGES TO THE ZONING ORDINANCE

Having conducted public hearings on September 8, 1981, October 13, 1981 and October 27, 1981 on various text amendments to the Zoning Ordinance (Zone No. 81-0696, Zone No. 81-0867, and Zone No. 81-1263), Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 81-96. All Commissioners voted in favor.

CLERK STENOGRAPHER POSITION  
RECREATION AND PARKS DEPARTMENT

The County Administrator presented a memorandum from the Personnel Officer dated November 24, 1981 advising that the Clerk-Steno position, Grade 6, in the Recreation and Parks Department will be vacated on November 27, in that Joan Combs, who has been on maternity leave (LWOP) since August 17, will not be returning to work. Authorization is requested from the Commissioners to advertise the position in-house.

Commissioner Dean moved, seconded by Commissioner Millison, to accept this recommendation. All Commissioners voted in favor.

CLEAN-UP CAMPAIGN COMMITTEE

Commissioner Aud moved, seconded by Commissioner Sayre, to appoint the following individuals to the Clean-Up Campaign Committee:

<u>MEMBER</u>	<u>REPRESENTATION</u>
Frank Gerred	Office of Planning and Zoning
Joseph E. Bell	County Attorney
William Marek	Health Department
Joseph Mitchell	Housing Authority
John Baggett	Recreation and Parks
Joseph L. Somerville	Sheriff's Department
Lt. William Miedzinski	Maryland State Police
Larry Lorton	St. Mary's County Public Schools
F. Elliott Burch, Jr.	Chamber of Commerce
Larry Petty	Metropolitan Commission/Public Works
James Mora	Citizen Representative

COMMERCIAL INVENTORY TAX

The County Administrator advised that correspondence was received from the Chamber relative to Commercial Inventory Tax. In light of past discussion by the Board on this subject, Mr. Cox recommended seeking broad authority from the General Assembly to have the ability to determine the amount of commercial inventory tax exemption. The Commissioners gave their concurrence.

ECONOMIC DEVELOPMENT COORDINATOR

Commissioner Aud moved, seconded by Commissioner Dean, to authorize the establishment of the Economic Development Coordinator position, Grade 16. All Commissioners voted in favor, with Commissioner Millison commenting that he was in favor with the understanding that at the end of a year, the accomplishments of the Coordinator be evaluated.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
John Rhodes, Sheriff's Deputy  
Dick Vorhaar, Sheriff's Deputy  
Clarke Raley, State's Attorney

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 3:00 p.m. to 4:45 p.m.

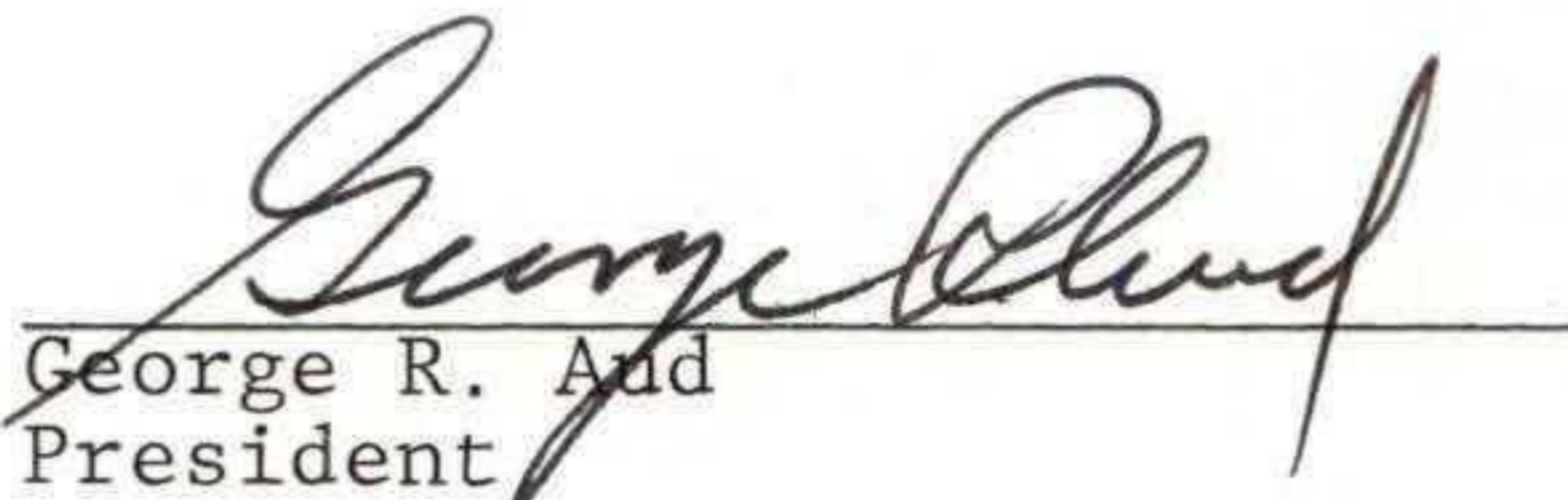
EXECUTIVE SESSION

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

The Commissioners agreed to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 4:45 p.m. to 5:15 p.m.

The meeting adjourned at 5:15 p.m.

Approved,

  
George R. And  
President