

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 7, 1983

Present: Commissioner George R. Aud, President  
Commissioner Larry Millison, Vice-President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner Sayre was not present.)

The meeting was called to order at 9:35 a.m.

APPROVAL OF VOUCHERS

Commissioner Aud moved, seconded by Commissioner Dean, to approve payment of the bills as submitted. Motion unanimously carried.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, May 31, 1983 as submitted. Motion unanimously carried.

BUDGET AMENDMENT NO. 83-64  
SHERIFF'S OFFICE

The County Administrator presented the referenced Budget Amendment for the Commissioners' review and approval by the Director of Budget and Data Services for the following purpose: Increased cost of cleaning jail plus inmate personal hygiene supplies. Savings estimated in jail medical costs.

Commissioner Arnold moved, seconded by Commissioner Aud, to approve Budget Amendment No. 83-64 as recommended. Motion unanimously carried.

LETTERS OF APPRECIATION

The County Administrator presented correspondence for the Commissioners' signatures to individuals who will no longer be serving on certain Boards, Committees or Commissions because they did not accept re-appointment or were not reappointed. The Commissioners agreed to sign and forward said letters.

APPOINTMENT

Commissioner Arnold moved, seconded by Commissioner Aud, to make the following appointments to Boards, Committees and Commissions with terms as indicated:

<u>AIRPORT COMMISSION</u>	<u>Term To Expire</u>
F. Elliott Burch, Sr. (reappt.)	June 30, 1986
<u>COASTAL RESOURCE ADVISORY COMMISSION</u>	
Frank Gerred (reappt.)	June 30, 1986
<u>COMMISSION FOR WOMEN</u>	
Christine B. Clarke (reappt.)	June 30, 1986
<u>COMMUNITY COLLEGE ADVISORY BOARD</u>	
Senator James C. Simpson (reappt)	June 30, 1988
John F. Slade (reappt.)	June 30, 1988

<u>ECONOMIC DEVELOPMENT COMMISSION</u>	<u>Term To Expire</u>
Joseph A. Thompson (reappt.)	June 30, 1986
Bill Raley (reappt.)	June 30, 1986
<u>ENVIRONMENTAL COMMITTEE</u>	
Charles A. Young (reappt.)	June 30, 1984
<u>ST. MARY'S COUNTY ETHICS COMMISSION</u>	
Paul Bailey (reappt.)	June 30, 1986
<u>HOUSING AUTHORITY</u>	
Michael Glaser (reappt.)	June 30, 1988
<u>PLUMBING BOARD</u>	
B.I. Mattingly (reappt.)	June 30, 1986
<u>ST. MARY'S COUNTY COUNCIL ON C &amp; YOUTH</u>	
Ann Cline (reappt.)	June 30, 1984
Deedie Jones (reappt.)	June 30, 1984
<u>SOCIAL SERVICES BOARD</u>	
Robert Himieleski (reappt.)	June 30, 1986
<u>SOIL CONSERVATION SUPERVISORS</u>	
John Sivak (reappt.)	June 30, 1986

CLEARINGHOUSE PROJECT NO. 83-4-521  
1983 FEDERAL AID PROGRAM UPDATE #2

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. The Commissioners gave their concurrence.

REQUEST FOR WAIVER OF BUILDING PERMIT FEE

The County Administrator presented correspondence dated May 28, 1983 from the Co-Director of Camp Maria requesting a waiver of the building permit fee for a mobile home on Camp Maria property for staff members. The Office of Planning & Zoning has advised that the request is in compliance with the County's Resolution No. 85-53.

Commissioner Arnold moved, seconded by Commissioner Dean to grant this waiver. Motion unanimously carried.

NOTIFICATION OF GRANT AWARD  
TITLE III-B - OFFICE ON AGING

The County Administrator presented the Notification of Grant Award dated May 18, 1983 in the amount of \$51,180 for Title III-B Program for the Commission on Aging. This NGA supersedes the NGA issued on December 15, 1982.

Commissioner Dean moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign the NGA. Motion unanimously carried.

CLERK STENOGRAPHER  
OFFICE OF COUNTY ADMINISTRATOR

The County Administrator presented a memorandum dated June 6, 1983 from the Personnel Officer advising that Tanya Butler has submitted her resignation to be effective June 16. Authority is requested to begin the recruiting procedures to fill the Clerk-Stenographers position, Grade 6.

Commissioner Aud moved, seconded by Commissioner Dean, to grant this request. Motion unanimously carried.

CORRECTION OFFICER POSITIONS  
SHERIFF'S DEPARTMENT

The County Administrator presented a memorandum dated June 6, 1983 from the Personnel Officer recommending the appointment of Helen T. Nolan and William E. Wood to the two Correction Officer positions, Grade 10, in the Sheriff's Department.

Commissioner Aud moved, seconded by Commissioner Arnold, to accept this recommendation. Motion unanimously carried.

REQUEST FOR ADDITIONAL FUNDING - COUNTY HEALTH DEPARTMENT  
REORGANIZATION OF SANITATION STAFF

The County Administrator advised the Commissioners of a pending decision regarding a request from Dr. Marek of the Health Department on May 17 for additional funding to increase the sanitarian staff in the Environmental Health Division.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve the request for additional funding as requested. Motion unanimously carried.

CARVER ANNEX BUILDING

The County Administrator presented a memorandum from Mr. Kanowicz of St. Mary's Public Schools dated May 23 regarding the Carver Annex Building which was deeded from the Board of Education to the County. The memorandum contained a report from the liability insurance carrier who suggested that the building should either be destroyed or made completely inaccessible. The Commissioners agreed to defer a decision on this matter for approximately two weeks.

TEL-MED SYSTEM - HEALTH DEPARTMENT

The County Administrator presented correspondence dated May 23 from Dr. Marek, Deputy Health Officer requesting a letter of endorsement of the Tel-Med System and that the County's share of funds in the amount of approximately \$12,000-\$15,000 from Medicare be used. Mr. Cox stated that the Director of Budget & Data Services recommends that the Commissioners not approve use of these funds until November 1 in order to determine if there are overexpenditures in the Health Department budget that may require these funds. The Commissioners approved Dr. Marek's request on the condition that Mr. O'Dell's recommendation be followed.

NURSING SCHOOL SCHOLARSHIP  
REQUEST FOR DEFERMENT OF OBLIGATION

The County Administrator advised that correspondence was received from Patricia A. Speith, a nursing scholarship recipient, requesting a deferment of her obligation to work in the County for two years. She advised that she has received a job offer in Virginia and would like to take it for a year and then return to the County to fulfill her obligation as agreed to in her personal bond.

After discussion, the Commissioners gave their concurrence.

BIDS ON TRASH REMOVAL AND PORTABLE TOILETS  
PUBLIC WHARVES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid tally sheets for the referenced project and recommended awarding the contracts as follows:

Trash Service

Locations: Piney Point, Smith Creek, Chaptico Wharf, Bushwood Wharf, Colton Point Wharf, River Spring Wharf, White Spring Wharf, White Neck Creek Wharf, Forest Landing Ramp.

Awarded to Buddy's Disposal Service (only bidder) at the annual amount of \$2,444.

Portable Toilets

Location: Blessing of the Fleet

Awarded to Banagan's Portable Toilets (only bidder) in the amount of \$770.

Location: Piney Point, Smith Creek, Bushwood Wharf, Forest Landing.

Awarded to Banagan's Portable Toilets (only bidder) in the amount of \$5,000.

Commissioner Dean moved, seconded by Commissioner Arnold, to award the bids as recommended by the Director of Recreation & Parks. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1. Project No. SM 83-4-3  
St. Mary's County Airport Grant Project  
Obstruction Removal and Taxiway Embankment

Mr. Norris presented the bid tally sheet for the referenced projects and advised that Arundel Asphalt Products was the lowest bidder. The amount of Arundel's bid for Schedule II is \$235,215; however, Mr. Norris recommended eliminating the following items from the original proposal:

Bituminous Surface Course BF - 800 tons	- \$23,200
Bituminous Surface Course SN - 400 tons	- \$12,600
Bituminous Prime Coat - 1,600 gals.	- \$ 2,400
Bituminous Tack Coat - 600 gals.	- \$ 600
Taxiway Painting - Lump Sum	- \$ 2,700
Total	\$41,500

By eliminating these items from Schedule II, the bid would be \$193,715. Mr. Norris advised that these items could be added to the next grant project.

Commissioner Dean moved, seconded by Commissioner Aud, to accept Mr. Norris' recommendation as set forth above. Motion unaimously carried.

2. Contract and Addendum  
McIntosh Road and Bridge

Mr. Norris presented a contract by and between the Board of St. Mary's County Commissioners and Bates and Associates for construction of a triplecelled reinforced concrete culvert on McIntosh Road and Bridge

in the amount of \$90,226.25. Addendum No. 1 stated that additional cost for work performed outside normal working hours is to be paid by the County.

Commissioner Millison moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the Contract and Addendum. Motion unanimously carried.

3. Project No. SM 78-1-3  
Project No. SM 80-1-6  
McIntosh Road and Bridge Reconstruction (Sod Proposal)

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Greensward Turf Farm Inc., the lowest bidder for the total amount of \$6,008.

Commissioner Aud moved, seconded by Commissioner Dean, to award the bid as recommended by the County Engineer. Motion unanimously carried.

4. Point Lookout State Park  
Exemption for Hauling Permit Fee

Mr. Norris advised the Commissioners that the State of Maryland has requested to be exempt from paying the fee for commercial trash hauling from Point Lookout State Park to St. Andrews or Clements Landfill.

The Commissioners gave their concurrence to grant this exemption.

#### EXECUTIVE SESSION

Present: Ted Weiner, County Attorney  
John Norris, County Engineer

Commissioner Dean moved, seconded by Commissioner Aud to meet in Executive Session in order to discuss a matter of litigation. The Session was held from 10:50 a.m. to 11:35 a.m.

#### COMMENDATION GREAT MILLS HIGH SCHOOL BAND

Present: Sal Raspa, Principal, Great Mills High School  
Rick Jaeschke, Band Director  
Members of the Great Mills High School Band

The Commissioners presented a commendation to the Great Mills High School Band for their accomplishments in receiving a silver medal in the International Band Championships and for receiving a "1" rating at a recent competition.

#### DECISION DISCUSSION ZPUD #82-113b - REILLY PROPERTY

Present: Frank Gerred, Director, Office of Planning & Zoning  
Robin Guyther, Planner, " " " " "  
Anita Meridith, Recording Secretary, " " "

(Requesting rezoning from R-1, Rural Residential, to PDR 1.0, Planned Development Residential, one dwelling unit per acre. The property contains approximately 416.7 acres and is located on Md. Rt. 235 and Far Cry Road, 1st and 8th Election Districts, Tax Map 59, Block 145, Parcel 4. Rezoning would allow up to 400 dwelling units to be constructed.)

(Concurrent with the rezoning request is a request to change the classification of the property from W-6 to W-3 and from S-6 and S-3, in the St. Mary's County Comprehensive Water and Sewer Plan.)

Relative to the concern of sewer capacity, Commissioner Dean reflected that it was his understanding that when the line was constructed, there had been capacity built into the line to accommodate the property under its present zoning density. He questioned whether this proposal would exceed that planned capacity. Mr. Guyther responded that this proposal was actually less and based this knowledge on the fact that Steve King, of the St. Mary's County Metropolitan Commission, had given a former presentation to the Planning Commission with respect to the capacity of the line in this particular area.

Commissioner Aud inquired how much commercial property was proposed for development and what types of uses would be developed. Staff advised that the proposal included five (5) commercially zoned acres and the applicant had discussed the possibility of some type of convenience store such as 7-11, as well as some type of professional office space.

Commissioner Millison felt that if there was available capacity in the sewer line, that anyone should be entitled to that availability. He felt that acceptance of new customers should be encouraged as the addition of same would help defray the costs to everyone currently paying debt service.

Addressing other factors, Commissioner Dean agreed that the County should not accept the property proffered by the applicant, however, he added that it would be appropriate, should the land be dedicated to the Boy Scouts of America, that a review of the deed or instrument of conveyance be mandated, in the interest of preserving the property in its natural state.

Mr. Guyther advised that the Planning Commission had voiced the same concerns. He added that a letter had been received from the Boy Scouts of America which indicated that their plans for the property were to maintain the natural setting by utilizing the property for Christmas tree sales and occasional camping.

Commissioner Dean asked whether it would be appropriate, as a condition of approval, that a review of the deed be required in concert with the agreement. Commissioner Millison stated that he would not like to see any covenants put on the land.

Commissioner Dean referenced a staff report, dated March 24, 1983, which was not included in his package and questioned what information was included in said report. Mr. Guyther explained that said reference pertained to correspondence which was a follow-up to the staff's initial report which addressed the recommendation that no building be allowed in "wet areas", thus cutting back the proposed number of units to 250 units. Staff provided this added recommendation, in addition to a description of what was proposed with respect to the 40-acre tract bounding the water.

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously passed, that the development plan be approved, thus authorizing the County Attorney to prepare the appropriate adopting resolution to approve the rezoning to PUD .615, deleting any reference to the County accept the 40-acre park.

Commissioner Dean subsequently moved, seconded by Commissioner Aud, and unanimously passed, to grant the request for a change in the classification of the property from W-6 to W-3, and from S-6 to S-3, in the St. Mary's County Comprehensive Water and Sewer Plan.

PUBLIC HEARING

ZPUD #83-0273 -HUNTING QUARTER

(Requesting rezoning from AR, Agricultural-Residential, to PDR .92, Planned Development Residential. The property contains approximately 95 acres and is located on Md. Rt. 5, Callaway, Tax Map 50, Block 16, Parcel 89, Second Election District.)

A hearing will also be held regarding an amendment to the Comprehensive Water and Sewer Plan to change the designation of this property from W-6, and S-6 to W-3 and S-3, to allow for the design of a community water and sewer system.)

Commissioners Present: George Aud, Ford Dean and Richard Arnold. Commissioners Larry Millison and David Sayre were absent; however, they retain the right to avail themselves of the minutes and record of this proceeding and can participate in the decision of the Board.

Staff present: Robin Guyther, Planner, Office of Planning & Zoning  
Anita Meridith, Recording Secretary, Office of P&Z

Members of the audience included: Al Watson, Tom Watts, Irving Hewitt, Francis Hewitt, Jerry D. Nokleby and Richard Polk.

Mr. Guyther read the public hearing notice aloud, as it consecutively appeared in the May 20 and 27 issues of the Enterprise Newspaper, a publication of County-wide circulation, providing due legal advertisement of this hearing.

Mr. Jerry Nokleby of the engineering firm of Lorenzi, Dodds & Gunnill came forward and posted a large color-coded site map of the property. Mr. Nokleby verified that the property had been posted and offered the returned postal receipts from the certified letters of notification sent to all contiguous property owners within 200 feet of the subject property. (Marked Applicant's Exhibit #1)

Staff advised that this project was on 95 acres. The applicant's original presentation provided development on small lots, primarily for the reason that the applicant wanted to use a water system which would have been prohibitively expensive on 1½ acre lots. The only way such a project could have been approved, was by going to a PUD. The 95 acre parcel held the potential for approximately 71 one-acre lots; however, this proposal is for 88 lots (smallest lots are 1/2 to 3/4 of an acre and the larger lots are 1 to 1½ acre). Staff provided that the one change to plan related to the access. The applicant, subsequent to the initial hearing by the Planning Commission, has now acquired additional property which would afford them an alternate right-of-way. Mr. Nokleby explained that the reason for said acquisition was due to the County Engineer and State Highway Administration's request that the applicant move the entrance, as the original plan only provided 200 feet from the intersection to Rt. 249. Mr. Nokleby added, that if possible, the SHA would require a 700 ft. separation between intersections. The applicant was able to purchase a 50 ft. right-of-way and will now be able to increase the distance between intersections to 830 ft.

Mr. Nokleby advised that the applicant was presently involved in negotiations with the Metropolitan Commission regarding the possibility of running the line down to and connecting with the sewer project in the area of the Holy Face Church. Mr. Nokleby added that in said eventuality, said connection would add flexibility in the design of the project.

Mr. Nokleby offered a visual presentation, aided by the large color-coded site map and pointed to those areas proposed for clustered development, open areas for recreation, roads and accesses throughout the property.

Mr. Nokleby explained that the clustering proposal would tend to "create its own little neighborhoods" and open space would be incorporated between those clusters which would provide access/walkways to the common open area/park in the rear. He explained that the Planning Commission had requested the applicant to reserve a level area in the open area of approximately two (2) acres which would provide area for a ballfield. The applicant has agreed to this request and would retain the remainder of that area in its natural state.

Commissioner Dean inquired as to the Health Department's stand with respect to the proposal for private septic systems on 1/2 acre lots. Mr. Watson, applicant, advised that the Health Department regulations would allow private systems on the smaller lots, provided that appropriate percolation existed on each lot.

The interior roads would be designed and built to County standards (R-3 or R-4 standards) with arterial roads off same into the private courts which would be maintained by each individual area through the formulation of separate Homeowners' Associations for each individual cluster.

Staff reflected that the County Engineer was working on a private road ordinance and in view of the possibility of adoption of new regulations, the applicant agreed to abide by whatever regulations were approved by the County.

The Chair inquired whether anyone wished to speak either in favor or opposed.

Messrs. Irving and Francis Hewitt were in attendance, however, they noted that they did not wish to speak in opposition and were only interested in hearing the proposal.

Mr. Robin Guyther, at this point, entered the complete Planning Commission file into the record.

Hearing no further testimony, the Chair advised that the hearing would be closed and the Board would take the matter under advisement and render decision within several weeks.

#### ADOPTION OF RESOLUTIONS

##### ZONE #82-1464 - BESCHE OIL COMPANY

Requesting rezoning from R-2, Low Density Urban Residential to C-2, Highway Commercial. The property contains .71 acres and is located on Rt. 246, Great Mills Road, Eighth Election District, Tax Map 51, Block 51, Block 7, Parcel 286.

Mr. Guyther presented the prepared Resolution for the Board's consideration.

Following review of said document, Commissioner Arnold moved, seconded by Commissioner Aud, to approve and sign Zoning Amendment Resolution No. 83- for the Besche Oil Company.

Commissioner Dean abstained. The motion passed.

The Chair noted that Commissioners Millison and Sayre would be afforded the opportunity to sign the resolution as prepared.



ADOPTION OF RESOLUTIONS (continued)

ZONE #83-0332 - TEXT CHANGES TO ZONING ORDINANCE

Amendment proposed by County Commissioners to allow building on substandard lots, which existed prior to the adoption of the Zoning Ordinance, if the Health Department approves such lots.

- (1) Art. 48.05.3 and 48.05.4 - Delete.  
Change 48.05.5 to 48.05.3  
This amendment deletes requirements to combin existing lots except to meet health requirements.
- (2) Art. 53.01.3 - Delete: "and the Planning Commission" and "joint use." Add the words: "with written permission from adjoining property owner."
- (3) Article 34.03.2.b - Add item (18) as follows:  
"Fuel or heating oil provided that no more than 60,000 gallons are stored on premises. All storage tanks must be underground."

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize the Board to approve and sign Zoning Amendment Resolution No. 83-08 approving the three referenced text changes.

The motion carried unanimously.

Absent Commissioner members Larry Millison and David Sayre reserve the right to sign the Resolution as prepared.

ZONE #83-0131 - DANIEL RIDGELL (Oakville AMOCO)

Requesting rezoning from R-1, Rural-Residential, to I-1, Industrial. The property contains 2.10 acres and is located on Md. Rt. 235, Oakville, Sixth Election District, Tax Map 14, Block 22, Parcel 109 and part of Parcel 25.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Zoning Amendment Resolutin No. 83- for Daniel Ridgell, approving rezoning of the property from R-1 to C-2.

Commissioner Aud abstained from participation. Motion carried.

Absent Commissioner members Larry Millison and David Sayre reserve the right to sign the Resoltuion as prepared.

REQUISITION #14  
ST. MARY'S HOSPITAL PROJECT

The Commissioners agreed to approve and authorize Commissioner President Aud and Commissioner Dean to sign Requisition No. 14 in the amount of \$966,303.05 for costs incurred to date on the new hospital project.

TENN-WOOD ACRES  
ACCEPTANCE OF ROADS

Commissioner Arnold moved, seconded by Commissioner Aud to accept the check from the developer of Tenn-Wood Acres in the amount of \$1,000 for the completion of the roads. Motion carried. The County Engineer will be directed to submit the appropriate Deed to the Commissioners.

MECHANICSVILLE POND

The Commissioners requested that Mr. O'Dell, Director, Budget & Data Services, be directed to determine a source of funds for the filling in of the county-owned Mechanicsville pond.

ADJOURNMENT

The meeting adjourned at 1:24 p.m.

Approved,

  
George R. Aud  
President