

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, January 8, 1985

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. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Wednesday, January 2, 1985. Motion carried.

APPROVAL OF BILLS

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

INSTITUTE OF MUSEUM SERVICES GRANT

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett requested approval from the Board for the submission of a grant application to the Institute of Museum Services in the amount of \$8,376. The grant would cover items needed by the St. Clements Museum such as video equipment, brochures, etc.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the grant application. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENTS  
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Arnold moved, seconded by Commissioner Aud, and unanimously carried to make the following appointments for terms as indicated:

| <u>St. Mary's Council on Children &amp; Youth</u> | <u>Term to Expire</u> |
|---|-----------------------|
| Nancy Luginbill                                   | December 31, 1987     |
| Alonzo Gaskin                                     | December 31, 11987    |
| Brian Glaser (student)                            | June 30, 1985         |
| <u>Tri-County Group Home Board</u>                |                       |
| Michael Whitson                                   | June 30, 1985         |
| <u>Library Board of Trustees</u>                  |                       |
| Frederick N. Gass                                 | December 31, 1989     |



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2) PROPOSED GROUP HOME FOR EMOTIONALLY DISTURBED YOUTHS

The County Administrator advised that there was an informational meeting in Charlotte Hall on January 3 regarding the proposed Group Home for Emotionally Disturbed Youths, and there is now a need for an official public hearing by the Board of County Commissioners on this issue. The date and time for the public hearing has been established for January 24, 1985, 7 p.m., at White Marsh Elementary School.

The Commissioners gave their concurrence and requested the County Administrator to advertise and make the necessary arrangements for the hearing.

(Commissioner Aud left meeting - 9:35 a.m.)

3) TRI-COUNTY YOUTH SERVICES BUREAU  
OFFICE IMPROVEMENTS

The County Administrator presented correspondence dated December 19, 1984 from Tri-County Youth Services Bureau regarding the remodeling of the screened-in porch into office space at a cost of \$2,000. \$1,259 has been received as a donation and Dr. Duncan, Director, TCYS, is requesting the Commissioners' consideration to divert January's rent to County in the amount of \$750 to pay the balance of the work inasmuch as the project is an improvement to county property.

The Commissioners gave their concurrence.

4) COMMUNITY COLLEGE ADVISORY BOARD

The County Administrator presented correspondence from the Community College Advisory Board requesting funds in the amount of \$1,000 for the completion of the study on the analysis of the Community College at St. Mary's as had been required by the County Commissioners.

Commissioner Arnold moved, seconded by Commissioner Millison, to approve this request. Motion carried.

5) BUDGET AMENDMENTS

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

No. 85-43  
Sheriff's Department  
County Engineer

Justification: To provide additional funding for security lock systems at County Jail. Discussed at 1/2 meeting.

No. 85-44  
Sheriff's Department

Justification: To provide additional funding in salary accounts as a result of County Commissioners' approval of promotional system in Sheriff's Department.

Commissioner Arnold moved, seconded by Commissioner Dean to approve the referenced Budget Amendments. Motion carried.



6) BUDGET AMENDMENT NO. 85-42  
STATE'S ATTORNEY'S OFFICE

The County Administrator stated that the Commissioners had been requested in Executive Session by the State's Attorney to grant certain salary increases for three staff persons. He stated that a motion is needed to approve the salary adjustments as requested.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the salary adjustments as requested and further to authorize the President to sign Budget Amendment No. 85-42 implementing this decision. Motion carried.

7) EXPENSING OF ACCOUNTS RECEIVABLE  
(LORD BALTIMORE'S WORLD AND AMERICAN WIND SYMPHONY)

As a follow up to previous discussion regarding the expensing of Accounts Receivable for the referenced projects, the County Administrator presented a Budget Amendment implementing this decision.

In response to an inquiry from Commissioner Millison, Mr. Cox stated that the County is not forgiving the debt, which was a loan from the County but only removing the Accounts Receivable from the books.

Discussion ensued regarding this matter and it was agreed to defer action on the Budget Amendment, and further that the County Attorney be requested to render an opinion on the following questions:

- a) What alternative does the County have with regard to recovery of the money? and
- b) Is the county implementing correct account procedures in this matter?

8) CLEARINGHOUSE PROJECT NO. MD 85-12-139  
HISTORIC NOMINATION - ST. RICHARD'S MANOR

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.

RESOLUTION NO. 85-03  
9) CDA HOMEOWNERSHIP  
DEVELOPMENT/MORTGAGE PURCHASE PROGRAM  
SWAREY BUILDERS  
BIG OAK AND PATUXENT KNOLLS SUBDIVISION

On behalf of the Director of Economic & Community Development, the County Administrator presented the referenced Resolution which indicates that the Community Development Administration is willing to provide financing for 21 units in the Big Oak Subdivision and the Patuxent Knolls Subdivision and requires endorsement of the County Commissioners.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 85-04. Commissioner Dean abstained stating that under the Home Ownership Program the lenders are selected to originate the loans and his company will be originating the loan under this commitment. Motion carried.

(COMMISSIONER AUD RETURNED TO THE MEETING - 9:45)



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NEW CORRECTIONAL FACILITY

Regarding the proposal for a new jail facility, the County Administrator presented a memorandum to the Commissioners recommending certain actions regarding this project as follows:

- a) Make a formal commitment for the construction of a new correctional facility at the Governmental Center;
- b) Submit legislation for a 1985 Jail Loan Act to provide 50% of construction costs;
- c) Appoint County Engineer as Project Coordinator;
- d) Employ technical assistance of Mr. James Raley to develop scope of services for architect/engineer firm and to provide additional assistance on an as needed basis;
- e) Formally charge the Jail Advisory Committee to:
  - (1) Initiate the architect/engineer process and make selection recommendation.
  - (2) Oversee the design and construction phases.
- f) Adopt the following planning calendar:

|                       |   |
|-----------------------|---|
| February 1985         | Jail Review Committee initiate architect/engineer selection |
| Mid-April 1985        | Receive RFP responses                                       |
| June 1985             | Select architect/engineer firm                              |
| July 1 '85-Jan. 1 '86 | Design Phase  |
| Jan. 1, '86-Feb. '86  | Bid/award - construction phase                              |
| April 1986            | Groundbreaking  |
| July 1, 1987          | Occupancy   |

g) Direct that the State Office Building project and the Correctional Facility project be coordinated as to site use, facilities, utilities, architecture, and construction compatibility.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to accept the recommendations as presented by the County Administrator.

During discussion of the motion, Commissioner Millison stated that he was of the opinion that the new facility would not solve the problem as he felt that persons who committed certain minor crimes should not be housed with those who have committed violent crimes. He stated that there are vacant and soon-to-be vacant buildings in the County that could be used to house those who would be eligible for work release programs and that the current jail would be adequate for the violent criminals.

Commissioners Arnold and Dean expressed opposing points of view and stated various reasons for proceeding at this time with the construction of a new facility.

Vote was taken on the motion with Commissioners Aud, Arnold, Dean and Sayre voting in favor and Commissioner Millison voting against. Motion carried four to one.



OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) SOUTHERN MARYLAND REGIONAL LIBRARY

Also Present: Charlotte Young, Library Board

The County Engineer advised that a question has been raised as to the accuracy of the survey for the Southern Maryland Regional Library facility to be located at the Charlotte Hall property. This possible error may reduce the amount of acreage needed for the library.

Inasmuch as the reduced area would not meet the needs of the regional library facility, 5th District library and related items (sewage disposal, parking, etc.), Mr. Norris recommended that the Commissioners approve relocating the facility to the 4.99 acre county-owned site at the intersection of Rts. 5 and 6. Mr. Norris pointed out that this site did have certain advantages over the previous one. He stated that concurrence has been received by GSA, Department of Education and the Library Board for this relocation. If approved by the County Commissioners, the property would then have to be given proper zoning and percolation tests performed.

After discussion, Commissioner Arnold moved, seconded by Commissioner Dean, to approve the relocation of the site for the proposed Southern Maryland Regional Library facility to the 4.99 acre location. Motion unanimously carried.

Mrs. Young requested that the Commissioners have the percolation test done as soon as possible. Mr. Norris responded that this is being taken care of by the architect in that he is doing the preliminary site plan.

Commissioner Dean stated that if for some reason the land did not pass the "perc" test, that perhaps the County could contact PEPCO for use of their easement area at that location for the sewage disposal easement area.

2) FEDERAL AID SECONDARY HIGHWAY FUNDS AGREEMENT

Mr. Norris presented an Agreement dated January 8, 1985 by and between the State Highway Administration of the Department of Transportation and St. Mary's County Maryland for Federal Aid Secondary Highway Funds in the amount of \$109,905 for FY '85.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and authorize Commissioner President Aud to sign said Agreement. Motion carried.

3) STREET LIGHT DISTRICT POLICY

Mr. Norris stated that the County Attorney informed him that the Commissioners have authority in Article 25 of the Maryland Annotated Code to establish lighting taxing districts. He stated that the County would have to follow the rate structure that is set by Southern Maryland Electric.



4) TALL TIMBERS SECOND SHORE EROSION DISTRICT

Mr. Norris brought the Commissioners up to date with regard to the Tall Timbers Second Shore Erosion District and presented correspondence dated December 27, 1984 from Mr. Casanova of Department of Natural Resources. Mr. Casanova has stated that although there are sections of the seawall that do need immediate attention, it is not of sufficient extent to warrant giving emergency status. In his letter he further stated that the work will not begin until 1986.

Mr. Norris indicated that this would be unacceptable to the residents of the District.

After some discussion, the Commissioners directed Mr. Norris to prepare correspondence to the Department of Natural Resources recommending that the County advance funds for the design with reimbursement by DNR upon approval of the FY '86 Capital Improvement Program of the State.

5) IDENTIFICATION OF ROADS IN MINOR SUBDIVISIONS

Mr. Norris recommended to the Commissioners a policy for the identification of roads in minor subdivisions so that emergency vehicles and residents of the roads can provide proper instructions to get to these roads. He stated that his office would require developers of minor subdivisions to put in an entrance off of county roads and require the installation of street signs (white on blue) which would be different from county standards. The County would then be responsible for maintaining the signs. Mr. Norris stated that his office would keep the records on the roads and would provide the Control Center with the mapping and indexing of the roads.

The Commissioners gave their concurrence.

(COMMISSIONER MILLISON LEFT THE MEETING.)

OFFICE OF PLANNING AND ZONING  
ZONING DISCUSSION/DECISION

11:00 A.M.

Commissioners present: George Aud, Ford Dean, David Sayre, and Richard Arnold. Commissioner Larry Millison absented himself from participation, as he is the applicant in this zoning request. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary.

ZONE # 84-0839: J. L. MILLISON

Requesting rezoning of 1.07 acres from R-2, Low Density Urban Residential, to C-2, Commercial. The properties are Lots 39, 40 and 42 in Block A, Section 1, Patuxent Park Subdivision, Eighth Election District, Tax Map 43 A.

The Commissioners having held a public hearing on this matter on Tuesday, November 27, 1984 held discussion relative to the pending matter.

Mr. Guyther provided a colored site map and offered a visual presentation, familiarizing the Board with the location of the subject properties and zoning of contiguous parcels. Staff also advised that both the Planning Commission and staff had issued a positive recommendation with regard to this zoning application.



Commissioner Dean led the discussion, stating that he concurred with the reasons set forth in both the staff's report and the attorney for the applicant's presentation in the case. Reflecting on the particulars of the case, he noted that the subject parcel was surrounded on three sides by commercial property and was formerly part of an approved residential subdivision which has since been deplated and has now been dedicated to the County as parkland and part of the Patuxent Park West PUD. Thus, he felt that this piece of property was no longer accessable from the residential area but only from the commercial area. Based on those factors, he felt that the applicant has certainly proven that there had been a change in the neighborhood.

Commissioner Arnold moved, seconded by Commissioner Sayre, to instruct the County Attorney to prepare the appropriate resolution, approving the rezoning application, as requested.

The Chair called for the vote with Commissioners Arnold, Sayre and Dean voting aye. Commissioner Aud abstained. Motion passed.

(COMMISSIONER MILLISON RETURNED TO THE MEETING - 10:35 a.m.)

#### USE OF PVC PIPE DISCUSSION

Present: Frank Gerred, Director, Office of Planning & Zoning  
Jim Weber, Chief, Permits, OPZ  
Jessie Baltimore, Plumbing Inspector, OPZ  
Larry Petty, Director, Metropolitan Commission

The County Administrator opened the meeting by advising that as requested by the Board, information has been gathered concerning the use of PVC in other jurisdictions and cost comparisons between PVC and cast iron. He stated that the State of Maryland as well as several other nearby jurisdictions approve the use of PVC as an alternative use. (A copy of the County Administrator's January 8, 1985 memorandum to the Board setting forth his findings is on file in the Commissioners' office.)

During discussion of this matter, Commissioner Dean stated that the question is "should St. Mary's County permit in its Plumbing Code the option for an individual to use either the PVC or cast iron pipe." He stated that it appeared to him that if the State Plumbing Code permits the use of PVC and if there are a numberof other jurisdictions that use it, unless there is an overwhelming reason as to why St. Mary's County should not also allow that option, it was his opinion that the County should give some consideration to amending the Code to allow the optional use. He went on to state that there are various qualities and grades of PVC pipe and there should be a standardization for appropriate materials for appropriate application.

After discussion, the Commissioners directed the Office of Planning and Zoning in conjunction with the Metropolitan Commission to develop a series of recommended standards which would then be presented to the Plumbing Board for review and then back to the Commissioners for a public hearing.



OFFICE OF PLANNING & ZONING

Present: Frank Gerred, Director, OPZ

- 1) RESOLUTION NO. 85-02  
1982 COMPREHENSIVE WATER AND SEWER PLAN  
(ANNUAL UPDATE)

Mr. Gerred pointed out that the Commissioners adopted a Resolution last year for the 1982 Comprehensive Water and Sewer Plan and inasmuch as clarification was needed to that document, it is recommended that the Board adopt a new Resolution. Therefore, Mr. Gerred presented Resolution No. 85-03 amending the St. Mary's County Comprehensive Land Use Plan to incorporate the St. Mary's County Comprehensive Water and Sewer Plan.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Resolution. Commissioner Millison abstained. Motion carried.

- 2) RESOLUTION NO. 85-01  
COMPREHENSIVE WATER AND SEWER PLAN  
(AMENDMENTS)

Public Hearings were held on June 19, 1984 and November 20, 1984 on amendments to the Comprehensive Water and Sewer Plan as follows:

June 19, 1984

Parcel 19, Block 16, Tax Map 50, in Callaway, Second Election District, located at the southwest corner of the intersection of Md. Rts. 5 and 249 from S-6 to S-3;

Parcels 114 and 220, Block 16, Tax Map 39, located in Compton, Third Election District, from S-6 to S-3.

November 20, 1984

P/O Parcel 17, Tax Map 51, Indian Bridge Apartments from W4D to W2D;

Parcels 2 and 15, Tax Map 51, Calvert Bean property from W4D to W3D and S5D to S3D;

Parcel 51, Tax map 42, Amber Meadows Mobile Home Park, from W4D to W3D and S4D to S3D;

Parcel 118, Tax Map 42, Beverly Hills Mobile Home Park, from W4D to W3D and S4D to S3D;

P/O Parcel 20, Tax Map 43, San Souci Estates, from W4D to W3D and S4D to S3D.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 85-02. Commissioner Millison abstained. Motion carried.

(COMMISSIONER AUD LEFT MEETING - 10:55 a.m.)



3) SITE PLAN NO. SSSP #82-1386  
PINE HILL PARTNERSHIP

(Requesting industrial site plan approved for Lot 1, Section 1, Tax Map 44, Block 21, Parcel 14, property located in the Pine Hill Industrial Park off Pine Hill Road, Eighth Election District, zoned PD-IP.)

Mr. Gerred presented the referenced site plan for review and approval by the County Commissioners and advised that it has received Planning Commission approval.

After discussion, Commissioner Arnold moved, seconded by Commissioner Sayre, to approve said Site Plan. Motion carried.

LEGISLATIVE ITEM NO. 27  
CASH ON DELIVERY PAYMENT FOR BEER

Present: Ed Monahan

Mr. Monahan appeared before the Commissioners to request reconsideration of their position to "Oppose" the legislative proposal Item No. 27 which he had proposed relative to the requirement that establishments are required to pay for beer upon delivery. He stated that only nine counties, including St. Mary's, have this restriction and was of the opinion that because of the interruptions it causes, it should be removed. Mr. Monahan advised that he was going to write each local legislator requesting their support in having this restriction removed.

Commissioner Dean stated that the Commissioners chose to not support this particular item in that no other public comment had been made either for or against it. He stated that the Commissioners' position in matters that had not received comments for or against, that it should remain "status-quo."

(Commissioner Millison stated that he was going to abstain from discussion of this matter in that he holds a liquor license.)

After some discussion, Commissioner Dean questioned why the delivery of beer should be different than any other product that a wholesaler delivers to a retailer and stated that he would be willing for the Commissioners to have a discussion of the pros and cons. The Commissioners concurred in this suggestion.

SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY  
ANNUAL REPORT

Present: Robert Sherwood, Director, SMHSA  
Mary Zieha, Director, Resource Development (SMHSA)  
Billye McGaharn, Senior Services Coordinator (alternate rep. for  
Commissioner Aud)

The referenced representatives from SMHSA appeared before the Commissioners to present the Annual Report for FY '84. Mr. Sherwood highlighted the activities and progress of the past year. He stated that future plans include researching consumer problems and providing advice to consumers in rectifying these problems.

Commissioner Millison inquired as to what mechanism is used to assure the consumers of a physician's competency. Mrs. McGaharn stated that this would be brought up at the next SMHSA meeting.

Ms. Zieha reported on activities with which she is involved, including education to the consumer, hospice, grieving, elderly health care and support systems for the chronically ill.

The Commissioners thanked the SMHSA for their presentation.



EMERGENCY RESPONSE TRAINING

Present: Tom Oliver, Director, Emergency Operations Center  
Tom Forgette, Supervisor, Emergency Plan, Baltimore Gas &  
Electric  
Greg Rudigier, Emergency Planning Analyst, "

As required by Federal Regulation, the referenced Baltimore Gas and Electric nuclear power plant representatives appeared before the Commissioners to give an instructional review of the Emergency Response Plan. Mr. Forgette explained that as a result of the Three-Mile Island incident, emergency plans have been instituted to include a 10-mile radius around the power plants.

Mr. Rudigier and Mr. Forgette reviewed with the Commissioners the basic radiation theory, hazards, types of accidents, levels of emergencies, consequences and the response plan and county interface in the likelihood of an accident at the Calvert Cliffs power plant.

At the conclusion of the presentation, the Commissioners thanked the BG&E representatives for their informative presentation.

PROCLAMATION NO. 85-05  
NATIONAL DENTAL HEALTH MONTH - FEBRUARY

Present: Dr. Cooper

The Commissioners presented the referenced Proclamation designating February as National Dental Health Week in St. Mary's County.

ADJOURNMENT

Having no further business, the meeting adjourned at 12:15 p.m.

Approved,

  
George R. Aud  
President