

BOARD OF COUNTY COMMISSIONERS

Tuesday, May 21, 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 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners' meeting of Tuesday, May 14, 1985. Motion carried.

APPROVAL OF BILLS

Commissioner Millison moved, seconded by Commissioner Aud, to approve payment of the bills as submitted with the exception of No. 001261. Motion unanimously carried.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve payment of Voucher No. 001261; Commissioner Millison abstained. Motion carried.

COUNTY ADMINISTRATOR ITEMS (A.M. SESSION)

Present: Edward V. Cox, County Administrator

1) JAIL ANNEX FACILITY

The County Administrator advised that staff attended Leonardtown's Planning Commission meeting last night regarding the jail annex facility being located on the second floor of the old armory building. The Leonardtown Board of Appeals had previously returned the case back to the Planning Commission because they had not ruled clearly.

At the meeting last night the Planning Commission denied the County's petition for use of the facility, and Mr. Cox requested authority to appeal this decision to the Leonardtown Commissioners.

After discussion Commissioner Dean moved, seconded by Commissioner Millison, to appeal to the Leonardtown Commissioners the matter of the jail annex facility on the second floor of the former armory building. Motion unanimously carried.

CHARLES COUNTY JAIL COSTS

Commissioner Millison noted for the record that the Charles County Jail issue was in the amount of \$5.3 Million and the annual operation of the jail was estimated to be \$950,000. He stated that the figure for operation of the jail is now up to \$1.4 Million a year.



2) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Budget Director with justifications as indicated:

No. 85-84  
Civil Defense  
Advanced Life Support

Justification: Intra-department transfer of funds based on current rates of outlays.

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

No. 85-85  
Public Works

Justification: Request to use existing budgetary authority to accounts needing funds to execute priority projects.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Budget Amendment. Motion carried. (This item was brought up in the afternoon session and Commissioner Millison was not present.)

3) S.M.I.L.E.  
REQUEST FOR FUNDS

The County Administrator reviewed a memorandum dated May 13, 1985 from the Budget Director advising that the \$15,000 requested by S.M.I.L.E. can be accomplished by recording the outlay as an advance on FY '86 appropriations and reversing the entry after July 1 charging it as an expense.

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

4) CONFIRMATION OF FUNDING DECISIONS

The County Administrator advised that two decisions made by the majority of the board during the past week need conformation in the minutes:

a) \$5,000 advance to Tri-County Council, which was necessitated because of funds tied up in savings and loan. (The Governor had issued an emergency order that no more than \$1,000 could be drawn out of a savings and loan in a month.)

b) \$8,000 additional funds for the Leonardtown Critical Area Treatment Project. The bids on the project came in higher than estimated, which increased the County's share.

Commissioner Millison moved, seconded by Commissioner Sayre, to confirm the referenced decisions as requested by the County Administrator. Motion unanimously carried.



5) LEGAL RESEARCH ASSISTANT POSITION  
SUMMER YOUTH EMPLOYMENT PROGRAM

The County Administrator reviewed his memorandum dated May 6, 1985 with the Board requesting approval to use Summer Youth Employment Program funds for the referenced position which will be placed in the County Commissioners' office to provide legal research assistance to the County Attorney and Assistant County Attorney. This position will be for ten weeks at the rate of \$4.00 per hour.

Commissioner Sayre moved, seconded by Commissioner Dean, to establish the Legal Research position using Summer Youth Employment Program funds. Motion unanimously carried.

6) VEHICAL FOR OFFICIAL USE

The County Administrator reviewed with the Board his memorandum dated May 7, 1985 in which he requested to reserve from public sale one of the vehicles traded in by the Sheriff's Department for a general purpose official use vehicle. The vehicle would be assigned to the County Commissioners' office and its use would be authorized by the County Administrator. Documentation will be required to provide a record of its use.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve this request. Motion unanimously carried.

ST. CLEMENTS ISLAND MUSEUM  
CHILDREN'S DAY AT THE MUSEUM

Present: Children of the 7th District  
Representatives of the Museum

Representatives of the St. Clements Museum children representing various youth groups from the Seventh District appeared before the Commissioners to invite them to Children's Day at the Museum and to request them to be judges for the Children's parade to be held on June 1, 1985.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) MD. RT. 4  
(ST. ANDREWS CHURCH ROAD)  
GRADING PROBLEM

Mr. Norris advised the Commissioners of a situation involving a property owner on St. Andrews Church Road wherein the grade of the road was lower than his property. The problem occurred in the late '60's when the county was reconstructing that portion of St. Andrews Church Road. When the County owned the road, we had agreed to alleviate the problem by providing an deceleration shoulder. However, the state now owns the road, and the County is requesting their participation in solving the problem at a total cost of \$10,000.

Mr. Norris requested the Board's concurrence for the authorization to expend \$5,000 as the County's share for this project.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve this request. Motion carried.



2) AUTHORIZATION TO REPLACE OPERATOR III POSITION

Mr. Norris advise that an Operator III has submitted his resignation and therefore requested authorization from the Board to replace the individual by advertising in-house (for one week instead of the normal two weks) which will create a "domino effect"; i.e. Operator II to an Operator III, Operator I to Operator II, Highway Worker 5 to Operator I, and Highway Worker 4 to Highway Worker 5. This would leave the Highway Worker 4 position open and Mr. Norris stated he that position would be advertised in the normal procedure.

Commissioner Dean moved, seconded by Commissioner Aud, to accept Mr. Norris' recommendation to replace the Operator III position and to reduce the in-house advertisement from two weeks to one week. Motion unanimously carried.

3) LEONARDTOWN CRITICAL AREA TREATMENT PROJECT  
AMENDMENT NO. 1 TO AGREEMENT

Relative to the Commissioners' previous decision to provide \$8,000 additional funds for the referenced project, Mr. Norris presented Amendment No. 1 to the Agreement for the Commissioners' approval.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign siad Amendment. Motion unanimously carried.

4) BID TALLY SHEET  
CONSULTING ENGINEER SERVICES  
TALL TIMBERS SECOND SHORE EROSION DISTRICT

Mr. Norris presented the bid tally sheet for the referenced project and advised that Department of Natural Resources recommended awarding the bid to Andrews, Miller and Associates, Inc. Mr. Norris requested the Commissioners to accept this recommendation. Commissioner Dean moved, seconded by Commissioner Millison, to accept this recommendation. Motion unanimously carried.

5) JEFFERSON ISLAND CLUB  
SHORE EROSION CONTROL PROJECT

Mr. Norris presented correspondence from Department of Natural Resources dated May 16, 1985 requesting the Commissioners to accept the bid from Coastal Design and Construction, Inc. for the referenced project. Mr. Norris recommended that the Commissioners accept this recommendation pending review by the County Attorney to assure that the resolution establishing the district places the county in a proper legal position to enforce the district.

The Commissioners gave their concurrence.

6) ADDENDUM TO PUBLIC WORKS AGREEMENT  
LEXWOODS SUBDIVISION, SECTION III

Mr. Norris presented an Addendum to the Public Works Agreement by and between Harkins Associates, Inc. and St. Mary's County Commissioners extending the deadline for the completion of improvements in Lexwoods Subdivision, Section III to May 1, 1986 and reducing the bond to \$3,000.

Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign said Addendum. Motion carried.



7) ROAD RESOLUTIONS

Mr. Norris presented the following Road Resolutions for the Commissioners' review and approval:

a) R-85-19

Designating Circle Lane as a Stop Street at its intersection with Cedar Lane (1st Election District);

b) R-85-20

Designating Barnes Court as a Stop Street as it intersects with Independence Road (6th Election District);

c) R-85-21

Designating Weber Street as a Stop Street as it intersects with Independence Road (6th Election District);

d) R-85-22

Designating Kennedy Court as a Stop Street as it intersects with King Drive (6th Election District);

e) R-85-23

Designating Barbara Lane as a Stop Street as it intersects with Morgan Road (6th Election District);

f) R-85-24

Designating Morgan Road as a Stop Street as it intersects with Morgan Road (6th Election District);

g) R-85-25

Designating Mattingly Road as a Stop Street as it intersects with Van Ward Road (7th Election District);

h) R-85-26

Designating Louis Thomas Road as a Stop Street as it intersects with Louis Thomas Road (7th Election District).

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

SIGNING OF FY '86 APPROVED BUDGET  
RESOLUTION NO. 85-11  
OPERATING AND CAPITAL BUDGETS  
ENTERPRISE AND SPECIAL ASSESSMENTS FUNDS AND  
PROPERTY TAX RATE

Present: Joseph P. O'Dell, Director, Budget & Data Services

Mr. O'Dell appeared before the Commissioners to present the final budget for FY '86 and adopting Resolution for approval.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve and sign the FY '86 Approved Budget and further to sign Resolution No. 85-11 setting the Operating Budget at \$32,220,900; Capital Budget at \$7,348,150, Enterprise Fund at \$389,834, Special Assessment Fund at \$380,196 and setting the County Property Tax Rate at \$1.99 per \$100 of assessed valuation.



Commissioner Aud moved, seconded by Commissioner Sayre, to sign and adopt the Final Budget and Resolution No. 85-11 as set forth above. Commissioner Millison voted against the motion. Motion carried four to one.

(THE COMMISSIONERS LEFT THE MEETING TO ATTEND THE DEDICATION OF THE VEDA BUILDING IN LEXINGTON PARK.)

(The following public hearing was conducted by staff in absence of the Commissioners.)

PUBLIC HEARING  
911 SERVICE FEES

Present: Tom Oliver, Director, Emergency Operations Center  
Edward V. Cox, County Administrator  
Joseph P. O'Dell, Director, Budget & Data Services

On behalf of the Commissioners, the County Administrator conducted the public hearing on a proposal to adopt a Resolution to increase the monthly 911 service fee from the current .10¢ to a .20¢ fee per telephone subscriber.

The secretary read the Notice of Public Hearing.

Mr. Oliver presented documentation explaining the need for and use of the additional funds.

Mr. Cox inquired if anyone present had any comments regarding the proposal. Hearing none the public hearing was closed.

The above proceedings are on tape which is on file in the County Commissioners' Office.

Commissioners Aud, Arnold, Dean and Sayre returned to the meeting at 1:00 p.m. Commissioner Millison did not return.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director, OPZ  
Robin Guyther, Planner, OPZ

1) REZONING HEARING  
MINNIE MARIE WILHOIT BROWN  
ZONE #84-1281 - MINNIE MARIE WILHOIT BROWN

(Requesting rezoning of 1.01 acres from R-1, Rural-Residential, to C-2, Commercial. The property is located on Md. Rt. 235, Hollywood, approximately one-half mile south of St. John's Road in the Sixth Election District, shown on Tax Map 34, Block 1 as Parcel 191.)

Present were: Commissioners Aud, Arnold, Dean and Sayre.  
Peggy Childs, Recording Secretary, OPZ  
Karen Abrams, Esq., attorney for applicant.

Commissioner Aud opened the hearing at 1:10 p.m. Robin Guyther read the Notice of Public Hearing which was published in The Enterprise on May 1, 1985, and entered the Planning Commission record of the case into the record of this hearing.



He stated that this property is just north of Toots' Bar on Route 235 in Sandy Bottom, and reminded the Commissioners that this is the same property they reviewed approximately 2½ years ago in a rezoning request. He said the Planning Commission has recommended now, as it did then, that rezoning not be granted because there is no change in the neighborhood or mistake in the original zoning.

Karen Abrams, Esq., representing the applicant, Minnie Marie Wilhoit Brown, entered into the record receipts of certified letters to property owners within 200 feet of the property as well as a picture of placard posted on the property. Ms. Abrams also presented a colored map showing the property and surrounding area, including a parcel recently rezoned C-1 and pictures of the various commercial businesses operating in the area--Toots' Bar; the Early Bird; Thompson's Furniture City; the Clover Leaf Inn; Reverend Fawley's Church; and two commercial buildings across the road from the property.

Ms. Abrams said what she is trying to show is that there is this one little parcel of land on the end of and across the road from C-1 property, and she is basing her request for rezoning on two premises: (1) that it was a mistake not to go ahead and make that little parcel C-1 as it is in the middle of commercially used property; and (2) that what we have in Sandy Bottom is a little commercial hub which is changing the character of the neighborhood into a nice little commercial area, and, since this particular piece of property has never been used residentially, it makes sense to rezone this property to accommodate the commercial area. Ms. Abrams said there is a legal basis for rezoning this property.

Ms. Abrams said her client has inherited this property from her aunt, and the house has never been completed and no one has ever lived in it. She said that they had applied for C-2 zoning, which would allow them a little more flexibility, but if the Commissioners thought C-1 would be more in keeping with the surrounding properties, they would go along with that.

Mr. Aud asked if there were any questions. Commissioner Arnold asked what was the distance from this property's boundary line to Toots' Bar and the property on the other side, the Gatton property. Mr. Guyther stated it was approximately 80 to 100 feet to Toots' Bar, and part of the area adjoining Toots' Bar is heavily wooded.

Mr. Guyther said it was the Planning Commission's feeling that the wooded area separating this parcel from Toots' Bar provided a natural break, and said the Planning Commission felt if they rezoned this property, what was to stop rezoning all the way up the road. He added that there was also some opposition to the rezoning at the Planning Commission's public hearing--the property owners across the road and immediately adjacent to the property spoke against the rezoning.

There being no further questions, Commissioner Aud stated the Commissioners would take the matter under advisement and would make their decision at a later date.

The public hearing adjourned at 1:25 p.m.

2) COASTAL ZONE MANAGEMENT PROGRAM GRANT

As a follow up to last week's discussion, Mr. Guyther correspondence addressed to Coastal Resources Division of DNR forwarding the Coastal Zone Management Program Grant application in the amount of \$16,000 (\$15,000 for salaries and \$1,000 for supplies) and requested the Board's approval.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the correspondence forwarding said grant application. Motion carried.



3) FY '86 STORMWATER MANAGEMENT GRANT APPLICATION

As a follow up to last week's discussion, Mr. Guyther presented correspondence addressed to Water Resources Administration forwarding the Grant Application for the County's Stormwater Management Program for the Commissioners' review and approval.

Commissioner Dean moved, seconded by Commissioner Sayre, to sign and forward said correspondence. Motion carried.

4) CRITICAL AREAS COMMISSION

In response to an inquiry from Commissioner Dean regarding the recommendations of the Critical Areas Commission, Mr. Gerred advised that the Commission will be conducting a series of four or five public hearings.

Commissioner Dean suggested that a joint meeting of the Planning Commission and County Commissioners be held on this subject because of its effect on the County and the Bay. The Commissioners concurred in this recommendation and requested Mr. Gerred to make the necessary arrangements.

5) INDUSTRIAL SITE PLAN - STSP 85-0403  
COMMERCIAL CONTRACTORS, INC.  
(CONGRESSIONAL INFORMATION SERVICES)

Also Present: James Kenney, Attorney for Applicant

(COMMISSIONER DEAN LEFT THE MEETING - 1:35)

As a follow up to last week's discussion regarding, Mr. Guyther reiterated the situation regarding clearance easement requirements for this project. He stated that the Planning Commission had approved the site plan subject to the County Attorney working out appropriate language for the clearance to meet the requirements of FAA and the Airport Master Plan. It was the opinion of the Director of Public Works that the condition be placed on the approval that the applicant meet the height restrictions.

Mr. Kenney pointed out that there are a number of unknown issues, i.e., the manner in which the trees would be cut, the amount to be cut, whether to cut down or top the trees. He stated that the owner of this property is being treated differently than the other property owners in the area in that they are negotiating with the county regarding tree clearance. He stated that the owners are willing to meet the requirements of the Airport Master Plan, but did not think that it should be made a part of the approval of the site plan.

Mr. Guyther recommended that the Commissioners approve the site plan subject to the language "wooded area to remain as a natural buffer" be removed and substitute language stating "wooded area to remain except for clearing as may be required by FAA standards."

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

(COMMISSIONER FORD DEAN RETURNED TO THE MEETING - 1:45 P.M.)

6) LOCAL CENSUS STATISTICAL AREA COMMITTEE

Mr. Gerred advised that correspondence dated May 8, 1985 was received from the Department of State Planning advising that plans are underway for the geographics units for the 1990 Census of Population and Housing. It is requested that a local census statistical area committee be established and that a key person per designated to serve as liaison between the Bureau of Census and the local committee. Mr. Gerred recommended that the Office of Planning and Zoning be the contact and that OPZ would appoint the committee consisting of Chamber of Commerce, Board of



Education, Department of Economic & Community Development, SMECO, Social Services, Commission on Aging, Health Department, and Planning Commission.

The Commissioners gave their concurrence.

7) PETITION FROM PATUXENT PARK RESIDENTS

Mr. Gerred advised that a petition dated April 30, 1985 from homeowners and residents of Patuxent Park was received mentioned several conditions that exist at Patuxent Park Subdivision which contribute to the decline of property values (zoning regulation violations, traffic hazards, health and safety hazards and dogs off leashes).

Mr. Gerred stated that his office has taken measures to control the duplexes and triplexes in the subdivision and that he has advised concerned residents to keep his office apprised of what is happening because it is difficult to know of violations unless it is reported.

The Commissioners requested Mr. Gerred to respond to the petitioners informing them of what is being done about their concerns.

8) ALTERNATIVE SEWAGE DISPOSAL SYSTEM  
SUNDRIVE SYSTEM

Mr. Gerred reviewed with the Commissioners correspondence from the Health Department to Commissioner Dean forwarding a proposal from SunDrive, Inc. with cost estimates for the sundrive system. Commissioner Dean suggested that he and Mr. Gerred meet with the Health Department regarding the cost figures for the construction of six systems, after which a presentation will be made to the Board. The Commissioners gave their concurrence.

COUNTY ADMINISTRATOR ITEMS (P.M. SESSION)

7) CONSENT AND WAIVER OF LIEN  
MCGREGOR & WERNER, INC. (ST. MARY'S PRESS)

The County Administrator presented the Consent and Waiver of Lien for McGregor & Werner, Inc. for certain equipment being purchased for St. Mary's Press.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Consent and Waiver of Lien. Motion carried.

8) PERSONNEL ITEMS

The County Administrator presented the following personnel items for the Commissioners' review and approval:

Clerk Typist Position  
Department of Public Works

Memorandum dated May 21, 1985 from Personnel Officer recommending the appointment of Susan A. Regel, selected from a previously established register, to fill the Clerk Typist, Grade 5, position which will be vacated by Ann Mueller, effective June 3, 1985.



Fiscal Clerk III  
Department of Purchasing & Logistics

Memorandum dated May 21, 1985 from Personnel Officer recommending the appointment of Mary L. Duke to the Fiscal Clerk III, Grade 8, position, which will be vacated by the resignation of Alice Surrency. The Personnel Office recommended that Ms. Duke be hired prior to Ms. Surrency's resignation on June 3 for training purposes.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the two referenced personnel items as recommended. Motion carried.

9) OFFICE ON AGING  
REVISED BUDGET FOR TITLE III-B AND C-2

On behalf of the Senior Services Coordinator, the County Administrator presented the revised Budget for Title III-B in the additional amount of \$6,161 and Title III-C-2 in the amount of \$1,907.

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

BOARD OF EDUCATION BUDGET - FY '86

Present: Dr. Larry Lorton, Superintendent of Schools  
Joseph O'Dell, Director, Budget & Data Services

Dr. Lorton appeared before the Commissioners to request a change in the overall budget authority for the Board of Education for FY '86. By way of a chart presentation, Dr. Lorton indicated the categories for expenditures, which included the additional funding and a chart indicating revenues for the sources of the additional funding.

After discussion the Commissioners thanked Dr. Lorton for his presentation.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director  
David Morgan, Economic Development Coordinator

1) MARYLAND CERTIFIED COUNTIES PROGRAM  
(ECONOMIC DEVELOPMENT TEAM)

Mr. Morgan advised the Commissioners of their appointment of the MCCP Economic Development Team in 1982 in order to get the County certified by the State and requested the Board's consideration for reappointment of that team. He stated that correspondence has been prepared for these appointments and a list of recommendations for each category--Tourism Development, Assisting Existing County Businesses, Business Retention, and Attracting Select New Business. Mr. Morgan indicated that if the Board concurred in these recommendations, an awards reception is being planned for Thursday, June 13 to recognize those individuals who have assisted the County in its economic development effort.

The Commissioners concurred in the concept and advised that they would respond regarding the appointments as soon as possible.

2) TRI-COUNTY COUNCIL VISITORS' CENTER PROPOSAL

The Commissioners reviewed a memorandum dated May 21 from the Economic Development Coordinator advising that the Tourism Advisory Committee has recommended support of the proposal by Tri-County Council for two visitors' centers and a rest area.



The Commissioners gave their concurrence with the recommendation and directed the County Administrator to notify Tri-County Council accordingly.

DEPARTMENT OF RECREATION AND PARKS  
COUNTRY WESTERN FESTIVAL

Present: John V. Baggett, Director  
Claude Clarke

Mr. Baggett and Mr. Clarke brought the Commissioners up to date with regard to the Country Music Festival scheduled for June 8 and 9 at the county fairgrounds. Mr. Baggett stated that all artists have been signed, tickets have been distributed for sale, and the advertising campaign via posters, radio and newspapers is underway.

During discussion Mr. Baggett indicated that some of the costs are exceeding original projections and that he would present a more formal accounting at a later date. Mr. Baggett further noted that there are several volunteer organizations participating and that if the program produces a profit, these profits will be shared by those organizations.

In closing the Commissioners expressed their enthusiasm for the festival and requested to be kept up to date on the program.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Gerda Manson, Personnel Officer

Commissioner Dean moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss matters of personnel. The Session was held from 3:00 p.m. to 4:15 p.m.

ADJOURNEMNT

The meeting adjourned at 4:15 p.m.

Approved,



George R. Aud  
President