

**BOARD OF COUNTY COMMISSIONERS' MEETING**

**Tuesday, November 13, 1990**

**Present:** Commissioner Carl M. Loffler, Jr., President  
W. Edward Bailey, Commissioner  
Robert T. Jarboe, Commissioner  
John G. Lancaster, Commissioner  
Rodney Thompson, Commissioner  
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 Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, October 30, 1990 and the Planning and Zoning portion of the Commissioners' meetings of October 23 and 30, 1990. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR'S ITEMS**

**Present:** Edward V. Cox, County Administrator

1) **CLEARINGHOUSE PROJECTS**

The County Administrator presented the following clearinghouse projects and recommended that they be forwarded to the State with the comment that they are consistent with the county's plans, programs and objectives.

- **Project #MD901024-0984**  
Permanent Easement and temporary construction easement at the Leonardtown Armory to St. Mary's County for sewer line.
- **Project #MD901011-0956**  
Interstate Commission on the Potomac River Basin Contributions to Chesapeake Bay Program.
- **Project #MD901011-0952**  
Survey, Inventory and Management of Maryland's Freshwater Fisheries Resources - CY 1991-1995.

The Commissioners agreed to accept the County Administrator's recommendation.

2) **SEWER LINE HOOKUP REQUEST**

The County Administrator presented correspondence from Attorney representing a client in the Valley Lee area whose property has not been able to pass the perc test. The client has requested permission from the Metropolitan Commission to connect to the sewer line which runs adjacent



to his property so that he could build a home. The Metropolitan Commission has indicated that the request does not meet the criteria of the Consent Agreement among the Metropolitan Commission, the Board of County Commissioners and the Department of Environment. County Administrator Cox presented correspondence addressed to Secretary Walsh of the Department of Environment requesting a written position as to the applicant's request.

Commissioner Thompson moved, seconded by Commissioner Bailey, to sign and forward the letter to Secretary Walsh, as presented. Motion carried.

3) MARYLAND ROCK INDUSTRIES  
MAINTENANCE DREDGING REQUEST

The County Administrator advised that correspondence dated October 1 was received from the Board of Public Works regarding Maryland Rock's request for maintenance dredging. The request had been forwarded to the Director of the Office of Planning and Zoning who indicated that to his knowledge there are no issues to oppose the dredging. Therefore County Administrator Cox presented correspondence to the Wetlands Administrator, Board of Public Works indicating that the Commissioners have no opposition to the requested maintenance dredging and the granting of a State Wetlands license.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to sign the letter as presented. Motion carried.

4) TREE PLANTING CHALLENGE  
PROJECT COORDINATOR

The County Administrator presented correspondence to the Department of Natural Resources appointing Joseph Hautzenroder as the County's project coordinator for the Governor's Tree Planting Challenge.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the letter appointing Mr. Hautzenroder. Motion carried.

5) NOTIFICATION OF GRANT AWARD  
HOME-SHARING GRANT - OFFICE ON AGING

On behalf of the Director of Office on Aging, the County Administrator presented the Notification of Grant Award for the Fiscal Year 1991 Home-Sharing Grant in the amount of \$3,450.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and sign the Notification of Grant Award as presented. Motion carried.

6. HISTORICAL SOCIETY - TUDOR HALL RESTORATION

The County Administrator requesting state legislation for a shared cost for the Tudor Hall restoration project. In that Tudor Hall is occupied by the Leonardtown Council and is a permanent structure within Leonardtown, the County Administrator presented correspondence to the Leonardtown Council and Mayor requesting participation in the local share of the project cost.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the correspondence as presented. Motion carried.

7. APPOINTMENTS  
REQUESTS FOR NOMINATIONS

The County Administrator presented correspondence to various organizations within the County requesting lists of names of individuals who would like to serve on the County's boards, committees, and commissions.



The Commissioners agreed to sign and forward the letters.

8) DEVELOPING CAPABLE PEOPLE SUCCESS STORY

The County Administrator advised that the Maryland Department of Housing and Community Development Self Esteem Coordinator has requested a success story from the counties. Therefore, Mr. Cox presented correspondence forwarding the "success story" of Kathleen Crosby who completed the county's Developing Capable People parenting program.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to submit the referenced "success story" as presented. Motion carried.

9) SHERIFF'S DEPARTMENT REQUESTS

The County Administrator presented the following request from Sheriff Pettit:

**Seized Motor Vehicle**

Memorandum dated October 30 requesting that the vehicle seized during a drug investigation be assigned to the Sheriff's Office for use in covert investigations.

**Civilian Crime Lab Technician**

Memorandum dated October 30 requesting funding for a second civilian Crime Lab Technician I in the amount of \$29,326. The memorandum outlined the establishment of civilian crime lab technicians and the cost savings.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the requests as presented. Motion carried.

10) ZONING ORDINANCE - ADEQUATE PUBLIC FACILITIES

The County Administrator advised that by correspondence dated September 25, Supervisor of School Facilities, Mr. Himmelheber, forwarded Board of Education Resolution No. 1990-8 addressing school capacity in keeping with its policy guidelines and Resolution No. 1990-9 addressing school population generations from proposed developments. Mr. Cox stated that Mr. Himmelheber will be before the Board next week to explain the Board of Education's actions and suggested that subsequent to the presentation that a public hearing be scheduled for December 11.

11) LAUREL RIDGE SUBDIVISION SECTION 1  
FEE WAIVER REQUEST

The County Administrator advised that a request had been received from Israel Swarey for a waiver of the site plan review fee in the amount of approximately \$3,700. Mr. Swarey indicated that he had agreed to construct a ball field in lieu of the \$300 impact fee. The location of the diamond had moved, and the Office of Planning and Zoning requested payment for the plans review. Director of Planning and Zoning by memorandum dated October 24 supporting the waiver request.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve waiver of the plans review fee as requested. Motion carried.

12) PERSONNEL ITEMS

The County Administrator presented the following personnel items for from the Personnel Officer for the Commissioners' review and consideration:



**Finance Department  
Reclassification - Procurement Clerk**

Memorandum dated November 8 requesting approval to change the Procurement Clerk, Grade 13 position, within the Procurement Office, Finance Department to a Fiscal Clerk II, Grade 13 position.

**Sheriff's Department Retirement Plan Board of Trustees**

Memorandum dated November 9 requesting the Commissioners' approval to appointment Corporal Steven M. Doolan, Deputy First Class Michael R. Merican and the continuation of Jerry M. Colvin to the Sheriff's Department Retirement Plan Board of Trustees.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve the personnel requests as referenced. Motion carried.

**13) HEALTH OFFICER PERFORMANCE APPRAISAL**

The County Administrator presented the Health Officer Evaluation Form which he had completed for the Commissioners' review and approval. He stated that the Maryland Annotated Code requires the evaluation at least annually by the County.

After review Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Health Officer Performance Appraisal as submitted. Motion carried.

**14) OATH OF OFFICE CEREMONY**

The County Administrator presented a proposal for an Oath of Office ceremony to be held December 3 at the Leonardtown High School at 5:30 p.m.

Commissioner Thompson moved, seconded by Commissioner Bailey, to accept the proposal as submitted by County Administrator Cox. Motion carried.

**15) BUDGET AMENDMENTS**

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

**No. 91-21  
Public Works**

To increase contract services account to cover anticipated material testing fees for remainder of fiscal year - \$10,000

**No. 91-22  
Orphans Court**

To provide funds for recording system. Effective January 1, 1991 Maryland Law requires all hearings and plenary proceedings before Orphans Court to be recorded - \$3200.

**No. 91-23  
Public Works**

To provide funds for installing electrical strip baseboard heaters at the Naval Air Station pass office - \$2500.



16) ST. MARY'S COUNTY AIRPORT  
LEASE AND OPERATING AGREEMENTS

The County Administrator presented the following Lease and Operating Agreements for the St. Mary's County Airport:

With St. Mary's Hangars, Inc. (Capital Improvement Lease)

With Allied Hangars, Inc. (Capital Improvements Lease)

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Lease Agreements as presented. Motion carried.

TEEN CENTER

Present: Mary Whetstine, Chair, Teen Center Finance Committee  
Beth Lewis  
Marty Wolford  
Elfreda Mathis  
Bill Arick  
Claude Clark, Recreation Supervisor

The referenced individuals appeared before the Commissioners to advised that the Teen Center Committee has an option to sign a lease for the Hub building in Lexington Park at \$1,000 a month and requested funding assistance from the Commissioners. She presented a handout setting forth costs at the current Frank Knox School site, the Hub building, and the regional park site. Mrs. Whetstine reviewed the expenditures including utilities, janitorial and payroll and pointed out the difference in expenditures for use of the Hub building and the proposed regional park is approximately \$2400.

During discussion about insurance coverage, the County Administrator recommended that the Commissioners entertain providing space at the Hub building and have the Department of Recreation and Parks oversee the operations. The facility would then be covered by the county's umbrella policy.

After discussion Commissioners indicated willingness to support the concept (up to \$1700 (\$500 - utilities; \$200 janitorial; \$1,000 - rent) and directed the County Administrator to determine a source of funds and return to the Board next week for formal action.

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director  
Joe Meinert, Deputy Director  
Peggy Childs, Recording Secretary.

1. PUBLIC HEARINGS

SPEC #88-0183 - PERSIMMON HILLS SEC 1&2 WATER CATEGORY CHANGE

Requesting approval of a Water Category Change from W-6 to W-3 for this subdivision containing 208.6 acres, zoned RPD, located in the 5th Election District on the north side of Route 5 approximately one mile north of its junction with Route 235; Tax Map 9, Block 15, Parcel 56.

Owner: Fox Lumber Co.  
Applicant: Bay Mills Construction

Mr. Meinert stated this public hearing was advertised in The Enterprise newspaper on October 24, 1990 and October 31, 1990. Concept



approval for Sections 1 & 2 was granted by the Planning Commission in 1989; subdivision plat for Section One, comprised on 46 lots on 91.16 acres, was approved with conditions by the Planning Commission on August 13, 1990; a preliminary plan of Section 2, comprised of 50 lots on 117.40 acres, was reviewed by the TEC in September 1990. The Planning Commission recommends approval of the Water Category Change, as does staff. The site is located adjacent to the Mechanicsville Town Center and a central water system is feasible.

Commissioner Loffler opened the hearing to public comment. Hearing none, the public hearing was closed and Commissioner Loffler stated the record would be held open for 10 days for additional written comments and the decision would be put on the Commissioners' agenda in two weeks.

## 2. PVC SCHEDULE 40 PIPE

Also Present: Ms. Paula Martino, OPZ Chief of Insp. & Enforcement  
Mr. Joe Mike Weiland, Plumbing Inspector  
Mr. Deedy Garner, Plumbing Board Chairman  
Attorney Jim Kenney, for Paragon Builders  
Developer Eddie Wettengel, Paragon Builders  
Former County Commissioner Ford Dean  
Larry Petty, Director, Metropolitan Commission  
Ron Jenkins, Charlotte Pipe & Foundry

Prior to the PVC presentation, Mr. Grimm introduced Ms. Paula Martino to the Board of Commissioners. Ms. Martino was recently appointed to the position of Chief of Inspections and Enforcement for the Office of Planning & Zoning, and was welcomed to County Government by the Commissioners.

Mr. Grimm advised that this public hearing requests an amendment to the County's Plumbing Ordinance, and introduced Joe Mike Weiland, County Plumbing Inspector with OPZ, and Mr. Deedy Garner, Chairman of the Plumbing Board.

Mr. Garner stated in 1985 the Commissioners signed a Resolution for use of PVC pipe in St. Mary's County, but somehow, in the preparation of the Resolution, the specification of "PVC Schedule 40" was omitted. He said there are 80 licensed plumbers in the County and, when the Resolution was adopted, 95% of them knew or felt certain the intent of the resolution was to use PVC Schedule 40, and all of them use it. As time went on, he said, it was discovered that there is a developer that uses SDR 35 pipe, which was not the intent of the Resolution, and the Plumbing Board, the Plumbing Inspector and 95% of the plumbers are asking that the Resolution be amended to specify PVC Schedule 40.

Mr. Garner offered a sample of PVC Schedule 40 and PVC SDR 35, noting the difference in size and in strength, and stating the price difference between the two is 15 to 20 cents per foot. The manufacturer's recommendation for SDR 35 pipe is that it be packed around, over and under the pipe, Mr. Garner said, which increases the cost factor of the lighter pipe to as much as or more than the Schedule 40.

Commissioner Loffler asked what affect the thinner pipe has on the flow; Mr. Weiland replied, not being an engineer, he would say no difference. There is nothing wrong with the SDR 35, he said, it is the State's minimum standard, but it is not as good as Schedule 40 and they have had problems with SDR 35 in some areas. He said there was an agreement between the plumbers and the Plumbing Board at the adoption of the Resolution that Schedule 40 would be used, and they feel it does a better job, particularly when you get into different depths of bedding pipes, with less chance of having problems with the sewer down the line.



Mr. Garner added the average sewer line is 3-1/2 to 4 ft. deep and Schedule 40 will withstand more pressure from the weight of the earth. Even Schedule 40 requires 6" bedding but Mr. Garner said he can crush the SDR 35 pipe with his hand, and the plumbers feel Schedule 40 is stronger and a superior product. In some areas of the County, Mr. Weiland said, you cannot use PVC pipe because the ground is so unstable, and iron pipe must be used.

The Chair opened the hearing to public comment.

Attorney Jim Kenney, representing Paragon Builders, asked what are the problems being experienced with SDR 35. Mr. Garner said he personally has had to go back and replace SDR 35 going to septic tanks with Schedule 40; when you dig a septic tank you have a 2 ft. area around it that you backfill, and the weight of the ground and the settlement closes the 35 pipe as time goes on, where he has not seen the same problem with Schedule 40. He said he has been in business for 45 years and has had to go back and replace his pipe as well as other people's, and he wants to provide a better quality pipe at a reasonable expense.

Mr. Kenney called several witnesses, the first being former Commissioner Ford Dean. Mr. Dean said he has been asked by Mr. Wettengel to testify as to his recall regarding the PVC pipe and the 1985 Resolution. He said there was a time in St. Mary's County when only cast iron pipe could be used to connect to a septic system, and, upon review, in 1985 the County Commissioners authorized the use of PVC pipe for that purpose per the State Code.

In preparing for this hearing today, Mr. Dean said, he had obtained a copy of Resolution 85-06 for purposes of discussion, and he has also reviewed the minutes of the Plumbing Board of June 13, 1989, and the minutes do state that it was the intent of the Plumbing Board that Schedule 40 PVC was to have been specified in the Resolution as the proper material to be used for building sewer connections. Mr. Dean quoted the Resolution which states, "The use of PVC pipe is hereby permitted in St. Mary's County in accordance with the Plumbing Code of the State of Maryland." This provision specifically did not mandate Schedule 40, he said, and it was intention with the Board of Commissioners not to mandate any classification of PVC pipe, because the State Plumbing Code approves various classifications of PVC pipe for varying conditions.

Mr. Dean continued the Board of Commissioners recognized the fact that St. Mary's County does not develop codes, rather we adopt them, and the County had adopted the State Plumbing Code for all other aspects of plumbing and felt it was appropriate that the State Code also define the approved use of PVC pipe. Regarding the issue before the Commissioners today, he said, it seems to him that any determination to disallow SDR 35 should be based only on a factual determination that it is an inferior product which does not perform satisfactorily, and that determination would require research from appropriate authorities to assemble a factual basis for allowing or disallowing SDR 35, and he suggests three sources:

- (1) State of Maryland Board of Commissioners of Practical Plumbing
- (2) American Society for Testing and Materials; in particular the 17.25 Subcommittee on Vinyl Plastic Pipe and the F17.62 Sewer Pipe Subcommittee
- (3) UNIBEL Handbook for PVC Pipe Design and Construction.

Mr. Dean stated he has names and phone numbers of contact people at each of these organizations, if there is any interest. He said he has two final comments:



(1) He has no personal interest in recommending either, but his plumber routinely uses Schedule 40; and (2) Heretofore, SDR 35 has been approved for use in the County, and it should be recognized that local suppliers, installers and developers probably have stocks of it on hand, and the continued use of the material should be allowed until research is completed and a decision made. The two pipes are entirely different systems, he said, one is rigid wall pipe, the other is a flexible type system designed to flex and become egg-shaped.

Mr. Kenney asked Mr. Dean if his connections are to a public system or septic system. He responded all of his have been to septic systems just a few feet from the house to the septic tank.

Mr. Larry Petty, Director of the Metropolitan Commission, testified that MetComm has used SDR 35 almost extensively for as long as he can remember and they have been perfectly satisfied. He added that not all of their installations are similar to plumbing installations, but wherever they use SDR 35 they are perfectly satisfied. All of their installations are in the public right-of-way, Mr. Petty said, 5-foot underground, used for gravity flow, and to the best of his knowledge the pipe has not collapsed to the extent that it has caused a blockage. That is not to say it couldn't deform a little bit, but Mr. Petty said generally they use larger sizes.

Mr. Ron Jenkins, of Charlotte Pipe and Foundry, testified that not all PVC pipes were developed to be used under the same scope. Schedule 40 pipe is a dual rated pipe, he said, manufactured by his company to be used in a couple of different market places - for light pressure applications and small diameters, similar to water feeding systems in chicken farms. Usually when you get into a larger diameter you are usually talking about an industrial application Schedule 80 pipe, a heavy duty pipe. They dual rate the pipe so it makes it easier for inventory considerations - it is used for drain, waste and vent systems inside buildings, and for just about every application of residential housing construction because of its cost-saving nature, except in buildings over 3 stories because of fire code problems with the air vent systems.

SDR 35 is not designed to be used inside of a building, but was designed to be used in an underground drainage-only situation, Mr. Jenkins said, it's probably the most predominantly used material on the east coast for utility construction out in the road where the ditch has been properly prepared. He said he is not an engineer but he doesn't see a problem with it being run up to a house, so everybody is kind of right here today, but to try to come up with one pipe for all types of applications probably is not practical.

Mr. Jenkins said SDR 35 is a non-pressure pipe but is a gasketed installation, that's why it requires proper ditch preparation; their largest seller is an 8" pipe used for street utilities, 12 ft. in the ground or even deeper, but as long as it is installed properly there are no problems with it whatsoever, but it is not Schedule 40 pipe. He said the ASTM test done for underground installation impact resistance is the same test done for Schedule 40 - ASTM comes into their lab and takes samples for testing, that's how they maintain their ASTM rating.

Mr. Garner asked Mr. Jenkins the wall difference between 4" SDR 35 pipe and 6", 8" or 12". Mr. Jenkins said as the pipe goes up in size the wall thickness is greater to meet ASTM standards, and that is what SDR stands for: Standard Dimension Ratio. Mr. Garner asked what is necessary to guarantee the pipe; Mr. Jenkins replied a certain amount of gravel on top of the pipe, and that is spelled out in the ASTM requirements. Mr. Garner commented that the installation with the gravel would double and triple the expense.



Mr. Weiland stated the Code specifies requirements for installation so the slip does not open up, as the SDR has a slip joint, whereas the Schedule 40 has a solvent well joint that won't come apart. He said it is not true that the plumbers want one pipe to do everything - it is already spelled out in the State Code that when you do certain things you use certain material and SDR 35 is the bare minimum the State says you can use.

Mr. Kenney asked Mr. Jenkins if the installation of Schedule 40 is more labor-intensive. He replied he would think so because you are using cement and waiting for a joint to set up, whereas the SDR 35 has a gasketed valve on one end of the pipe and the plain end of the pipe is bevelled and just goes into the gasket, so it is a quicker installation. Mr. Weiland said that was not necessarily so, because one is 10 ft. lengths, the other is 20 ft. lengths, and you have to clean and soak the joint that goes into the gasket, put glue around it, and if it's not right within 5 seconds you have to take it apart again. Mr. Garner added any difference in labor minimal.

Commissioner Loffler asked the difference in price. Mr. Jenkins said Schedule 40 is twice as expensive, but Mr. Weiland said it depends on the quantity you buy. Mr. Jenkins reiterated there is no easy answer, but to say one pipe meets all the applications is not the way he thinks we want to go.

Mr. C. W. Thompson of C. W. Thompson Plumbing in Mechanicsville, said SDR 35 is usually used in 4 ft. ditches and is approved by the State Code. He said he hasn't had any failures and they use it all the time; the majority of units in Wildewood have SDR 35, he said, and he does not agree that the amendment to Schedule 40 is needed nor in the best interest of the public.

Mr. Eddie Wettengel, of Paragon Builders, said they started putting in SDR 35 in Wildewood in 1978 at MetComm's direction, putting in a two-mile SDR 26 pressure system from Wildewood to the road and then starting using SDR 35 in the County system for the mains and hookups to the units, and started hooking their townhouses up with SDR 35 because that met the State Code and at that time there was no Plumbing Code in the County. That has continued, he said, they have been putting SDR 35 in since the beginning of time and have not had a single failure.

Mr. Wettengel said the Health Department comes under Dept. of the Environment regulations and not the Plumbing Code, and if you put a septic system and put Schedule 40 from the house to the tank that's Environmental Health and not the Plumbing Inspector, but when you come out of that tank and go to the distribution box you use a pipe that's less than that and when you come out of the box and go to the drainfield you can use a smaller pipe, and you can do just about anything you want in the yard. If the smaller pipe is all right to use from the septic tank to the yard, he said, you certainly ought to be able to use it from the house to the street because when you get to the County system it is SDR 35. He said if Mr. Garner can tell him of a bona fide based on collapse of the pipe, he needs to know that. Mr. Garner said he has replaced pipe going into septic tanks, but not into the yard because he has not installed any.

Mr. Wettengel said we have not had any failures and why change the requirement when we can't afford, in the middle of a recession, to add costs to the product we are putting on the market. He said we are still under the State Code, which does not require Schedule 40. Mr. Garner reiterated that the intent of Resolution 85-06 was to replace cast iron pipe with Schedule 40. Mr. Kenney stated to the Commissioners that he doesn't think a public need has been demonstrated to amend the Resolution to require Schedule 40.



Clarence Fox, Assistant Director of Environmental Health, stated they require Schedule 40 for pipes from the house to the septic tanks and have recently extended the use to the distribution box. They found they had problems with older pipes that were not cast iron where they would become egg-shaped and retard the passage of solids to the septic tank. The reason why they don't object to thinner wall pipes beyond the distribution box is because they carry mostly gray water, but they don't want to have clogs between the house and the tanks.

There being no further comments, Commissioner Loffler closed the public portion of the hearing and announced that additional comments may be submitted in writing to the Commissioners for an additional ten days and the decision will be scheduled for two weeks from today.

3) DECISION/DISCUSSION  
ZONE #90-1216 - SMCo OFFICE OF PLANNING & ZONING

Requesting zoning amendments to correct two mapping errors in the County's official Aircraft Installation Compatible Use Zone (AICUZ) Overlay Zoning Maps to accurately reflect the 1979 AICUZ Manual Boundaries. The properties involved are: 1) Patuxent River NAS and properties at the northwest corner of Routes 712/235 (Parcels 9, 97, 112, 118 & 119 on Tax Map 52), zoned R-1/AOA3; and (2) Part of Cedar Cove PUD (Parcel 87 on Tax Map 52), zoned PDR 3.5.

Applicant: OPZ

Also Present: Joseph R. Densford, County Attorney  
Bud Lamb, NAS  
Gene Kopp, Millison Development Company

Mr. Grimm reminded this public hearing was held on October 23, 1990 and was initiated by OPZ to correct what staff perceives as errors in the zoning map regarding the AICUZ boundary lines. The request is to exclude the properties identified as (1) above from the AICUZ line and to extend the AICUZ line across the Cedar Cove PUD to include that property within the AICUZ boundary. During the 10 day period, Mr. Grimm said, a letter was received from Ms. Nancy Paige, Attorney for Millison Development Company, which produced no new evidence but summarized her client's position as stated at the public hearing. Her letter has been entered into the record. Subsequent to the public hearing Mr. Grimm said he had forwarded the documents entered by Ms. Paige to the County Attorney for his review.

Mr. Densford said he has been over the material with Mr. Grimm and they are in agreement that they would like to divide the request, one segment dealing with NAS and properties at the corner of 712/235, and the second segment dealing with the Cedar Cove property, as Ms. Paige's letter indicates the prospect of some legal action and he would like to discuss the Cedar Cove segment with the Commissioners in executive session.

**NAS and Properties at Routes 712/235**

Commissioner Thompson moved to approve the change in the AICUZ boundary which will parallel the Navy's AICUZ Manual Maps and exclude NAS and Parcels 9, 97, 112, 118 and 119 on Tax Map 52, located at the northwest corner of Routes 712 and 235 from the AICUZ boundary. The motion was seconded by Commissioner Jarboe and passed by unanimous vote.

**Cedar Cove PUD Property**

Commissioner Loffler said in discussing this there are two terms used - the AICUZ Zone and the AICUZ Line. Obviously the AICUZ Zone



is determined by the Navy as a measured distance from a runway, and, by those rules, the AICUZ Zone crosses the Cedar Cove property, but regarding the AICUZ Line, there was a separate agreement with the property owner that, at the time of the settlement agreement, took the actual drawing of the line around the Cedar Cove property. Mr. Densford said that is what he would like to discuss with the Commissioners, as it is very complicated.

Mr. Grimm responded to Commissioner Thompson that the purpose of staff's request is to give some clarity to the maps, to give some public information about the effect of AICUZ on the property, and to resolve any questions that might arise relating to the discontinuation of the line. Commissioner Loffler stated the County could do other things and could even create another zone because it is our zoning - the Navy created the hazardous range but the County created the zoning.

The Commissioners deferred decision on the Cedar Cove PUD property and went into executive session to discuss this issue and a separate litigation item. Mr. Densford requested that Mr. Lamb be included in the executive session; the Commissioners concurred.

After the executive session the Commissioners reconvened at 11:40 a.m. to discuss the cases which follow.

4. SPEC #89-1293 - SOUTHGATE CENTER W/S AMENDMENT

Requesting water/sewer category change from S-6 to W-6 to S-3D and W-3D for this property, including the commercial space and 62 townhouse lots, containing 8.735 acres, zoned C-Commercial, located in the 8th Election District at the southwest corner of Route 235 and Hermanville Road; Tax Map 52, Block 8, Parcel 114.

Owner/Applicant: Ray Runco

Mr. Meinert reminded this public hearing was held on October 30, 1990 and no additional comments have been received. Both the Planning Commission and staff have recommend approval.

Commissioner Bailey moved to approve the category change from S-6/W-6 to S-3D/W-3D. Commissioner Lancaster seconded; motion carried.

5. ZONE #85-1181 - BOWLING TRUSS COMPANY

Requesting rezoning of 6 acres, located in the 3rd Election District on the east side of Big Chestnut Road, south of Route 234, from AR/RPD to I-1, Industrial. The property is identified as Tax Map 31, Block 12, Parcel 167.

Owner/Applicant: Bowling Truss Company

Mr. Meinert stated this public hearing was also held on October 16, 1990, but a discussion meeting was also held on October 30, 1990, at which time the Commissioners requested additional information; specifically a comparison by OPZ of what was available to the applicant under Zoning Ordinance #78-43 and what is available under the conditional use status of the new Zoning Ordinance.

The pertinent sections of the Ordinances were provided to the Commissioners, but Mr. Meinert summarized that staff's conclusion is that the applicant is better off under the current conditional use because if the property were a nonconforming use today the limitations would be such



that the property could only expand up to 25% of its existing use, whereas under the conditional use expansion is unlimited with Board of Appeals' approval. Additionally, he said, by making it a conditional use under the new Ordinance it removed any negative stigma that may be associated with a nonconforming classification.

Also requested at the October 30th meeting was additional information from DECD. Mr. Mitchell has submitted his memorandum dated November 9, 1990 which was provided to the Commissioners, and was also present, and stated based on discussion with the applicant and in order to proceed along the lines outlined in his letter (financing through Maryland Industrial Land Act or Maryland Industrial and Commercial Redevelopment Fund (M-Programs)) some additional time will be required, and requested that no decision be made for 4-6 weeks to allow them to investigate viable alternatives.

Mr. Mitchell said it appears there may be some middle ground whereby the County could assist in a way similar to that afforded to St. Mary's Press, whereby the County purchased the site and made the necessary improvements, leasing the site to the business at a rate that covers debt service, ultimately selling the site back to the firm for a token fee when the debt is satisfied. Another alternative is perhaps a modification to the Zoning Ordinance creating a category to meet the Bowlings' needs. He said he is not prepared to recommend either alternative at this time but would like the opportunity to discuss it with the State, and suggested the Commissioners defer decision until after the first of the year when they might be in a better position to make a recommendation.

Jim Kenney, Attorney for Bowling Truss, stated he has spoken with his client and they would be interested in having more detail as they have not seen the information submitted to the Commissioners today, but his clients would agree to some further delay.

The issues involved in this request are three:

- (1) Obtaining a building permit, which is contingent upon applicant meeting conditions of the approved site plan.
- (2) Treatment of sewage (possibly a mound system or other alternative system) and the cost involved.
- (3) Obtaining long-term financing.

Commissioner Loffler summarized for those present that the Commissioners are not looking to change the application or move the plant to another facility and have some other business come in there, they are looking to make the best use of the property for Bowling Truss.

The decision was deferred by the Commissioners until they hear back from Mr. Mitchell after the first of the year.

#### PROCLAMATIONS

The Commissioners issued the following Proclamations:  
**Home Health Care Week**

Present: Karen Walton  
Carol Pinckney

Designating November 25 - December 1 as Home Health Care Week in St. Mary's County.



**Great American Smokeout Day**

Present: Mike Dugan

Designating Thursday, November 15 as the Great American Smokeout Day in St. Mary's County.

**Youth Appreciation Week**

Present: Optimist Clubs Representatives

Designating November 4 - 9, 1990 as Youth Appreciation Week in St. Mary's County.

**WATER RESOURCE ADMINISTRATION**  
**AQUIFERS IN NORTHERN END OF COUNTY**

Present: Robert Miller, Deputy Director, WRA  
Representatives from WRA

As previously requested by the Board, Representatives of the Water Resources Administration appeared before the Commissioners to discuss the water availability in the northern end of the County. Mr. Miller reviewed the history of the water management program and the requirement for water use permits. By way of overhead slides, Mr. Miller showed the depth of the aquifers in the Golden Beach and Charlotte Hall areas and pointed out that from a resource availability standpoint, there is a tremendous amount of water available in St. Mary's County in all aquifers.

During his presentation Mr. Miller advised there are three things that WRA looks at when application for water withdrawals are made:

1. Actual quantity of water being requested.
2. Potential impact of the proposed withdrawal on the resource.
3. Reasonableness of the withdrawal on other users of that aquifer.

Mr. Miller further advised that WRA recommends the following:

1. That WRA work with the Metropolitan Commission and local Health Department to look more carefully at where some of the failing wells are occurring and why they are occurring.
2. That WRA planning/engineer staff would welcome the opportunity to work with the County's Planning Commission regarding development concerns in the northern end of the County.
3. That WRA would provide a drill rig and drillers at a site deemed appropriate for a test well in a deeper aquifer in the northern end of the County at a cost of \$8,000.

In closing Mr. Miller advised that WRA would submit a proposal for the test well after which the Commissioners will make a decision regarding the offer.



KINDER-CABINET

Present: Cynthia Brown, Director, Office of Community Services  
Brian Vetter, Kinder-Cabinet Participant  
Kathy Vetter (Brian's mother)

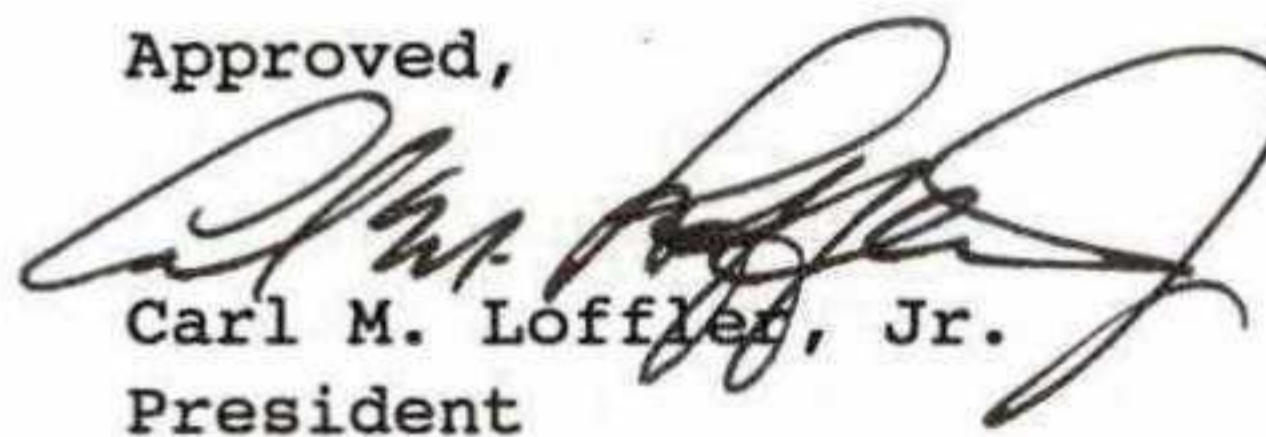
Cynthia Brown advised that Brian Vetter, a 10-year old Piney Point student was chosen as St. Mary's County's representative to Governor Schaefer's Kinder-Cabinet. The Kinder-Cabinet, comprised of 5-10 year olds, met in October to discuss topics of interest and to introduce these youngsters to the inner workings of state government.

Brian stated that issues discussed included overcrowding of busses, shortage of books and computers, shortness of rockfish season, and the Just Say No program.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.

Approved,



Carl M. Loffler, Jr.  
President