

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, July 18, 1979

Present: Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

(Commissioner President George R. Aud was not present.)

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

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Dean moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted. All Commissioners present voted in favor.

JUVENILE COURT SITUATION

Present: Mr. Al Bussler

Having previously submitted his comments in writing regarding the above, Mr. Bussler appeared before the Commissioners to appeal to the Board to support the much-needed improvement of the County's juvenile court. The Commissioners advised that they would take his suggestion under consideration.

REQUEST FOR MATERNITY LEAVE

The County Administrator presented a memorandum from John Baggett, Director, Recreation and Parks, requesting Maternity Leave Without Pay for Kathy Laigle starting August 2, 1979 until November 5. The Commissioners gave their concurrence.

TRAFFIC RESOLUTION NO. 79-30
QUIET ACRES SUBDIVISION

On behalf of the County Engineer, the County Administrator presented Traffic Resolution No. 79-30 designating the following streets in Quiet Acres Subdivision as Stop Streets:

1. Wanda Lane as it intersects with All Faith Church Road;
2. Carol Lane as it intersects with Wanda Lane.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner Vice President Millison to sign said Traffic Resolution. All Commissioners present voted in favor.

INVENTORY OF ABANDONED SURFACE MINES

The County Administrator presented correspondence from Water Resources Administration stating that Department of Natural Resources is making preparations to begin the reclamation of abandoned surface mines and that it will be necessary to conduct an inventory of all abandoned mine sites. Mr. Cox requested the Commissioners' endorsement that Soil Conservation District act as the County's agent in this matter.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Soil Conservation District to act as the County's agent in the inventory of abandoned surface mines.

CONSULTANT SERVICE CONTRACT
ASPHALT PLANT INSPECTION AT THE SCALES

Inasmuch as authorization was given by the County Commissioners at their meeting of July 11 to hire Mr. John Bernard Love as the asphalt plant inspector at the scales, the Commissioners authorized Commissioner Vice President Millison to sign the Consultant Service Contract with Mr. Love.

CLEARINGHOUSE PROJECT NO. 80-7-8
VA HOUSING FEASIBILITY - HELEN FARMETTES

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State that it is not inconsistent with this agency's plans, programs or objectives.

IDENTIFICATION OF SITE PLAN APPROVAL AUTHORITY

The County Administrator advised that in 1974 the Zoning Administrator had been identified by the County Commissioners to have site plan approval authority for construction of a building on one acre or less of land. Since that time, the Planning Commission has taken action by Planning Commission Resolution No. 79-1 to appoint the Zoning Administrator to be the site plan approving authority for buildings containing 5,000 square feet or less. Therefore, the Commissioners' concurrence is requested for a County Commissioner Resolution to be prepared in order to be consistent with the Planning Commission's action.

Later in the meeting, the County Administrator presented Resolution No. 79-42 Site Plan Approving Authority, rescinding County's Resolution No. 74-44, and giving site plan approving authority to the Zoning Administrator for the construction of one building containing 5,000 square feet or less.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 79-42. All Commissioners present voted in favor.

BUILDING CODE

The County Administrator advised that in the last General Assembly, legislation was introduced for a state-wide building code and a committee was established to develop new legislation. The Department of Economic and Community Development is asking local jurisdictions for comments and suggestions to be considered by the Committee. Mr. Cox suggested alternative comments and it was the concurrence of the Board to defer a decision for a response until next week's meeting.

REQUEST FOR EXEMPTION TO RECREATION FEE
INDIAN CREEK ESTATES

The County Administrator presented correspondence from Oliver Guyther dated July 12 requesting an exemption from the \$300 recreation fee for a subdivided lot in Indian Creek Estates. It was the recommendation of the Office of Planning and Zoning that the exemption not be allowed since the lot subdivision was not in process prior to the adoption of the County's Resolution No. 79-18 entitled Subdivision of Land: Money in Lieu of Land Dedication for Park Sites.

Commissioner Dean moved, seconded by Commissioner Arnold, to respond to Mr. Guyther that the County is unable to waive the \$300 recreation fee because the subdivision was not in process prior to the County adopting Resolution No. 79-18. All Commissioners voted in favor.

NORTH INDIAN CREEK ESTATES - ROADS

The Commissioners discussed the fact that residents of North Indian Creek Estates have called to say that the roads in the subdivision are still in poor condition.

After discussion, the Commissioners agreed to advise Mr. Guyther that the roads be improved to the point he had promised they would be and if the County does not receive the Public Works Addendum and surety by July 25, 1979 then the County would have no other alternative but to call the bond.

APPOINTMENTS

ECONOMIC DEVELOPMENT COMMISSION

Commissioner Arnold moved, seconded by Commissioner Sayre, to appoint Kenneth S. MacRae and Edward Long to the Economic Development Commission for terms to expire June 30, 1981. All Commissioners present voted in favor.

COMPLETION OF SIX-MONTH PROBATIONARY PERIOD

MARY FENDER - OFFICE OF PERMITS AND INSPECTION

The Personnel Officer submitted a memorandum stating that as of July 15, Mary Fender in the Office of Permits and Inspection has satisfactorily completed her six-month probationary period, and therefore, it was the recommendation of her supervisor that she be placed on permanent status.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve that Mary Fender be given permanent status. All Commissioners present voted in favor.

FILLING OF ASSISTANT DIRECTOR, OFFICE OF CIVIL DEFENSE POSITION

The County Administrator presented a memorandum from the Personnel Officer stating that the referenced position was advertised, appropriate tests given, and interviews conducted and that it was the recommendation of the Interview Committee that Mr. Tom Oliver, top-ranked candidate, be promoted to Assistant Director, Civil Defense, Grade 12-3, effective August 6, 1979.

Commissioner Dean moved, seconded by Commissioner Arnold, to promote Tom Oliver as stated above. All Commissioners present voted in favor

MEETING WITH ADMIRAL WISSELER

The County Administrator advised the Commissioners that there will be a meeting with Admiral Wissler in his office on July 31, 1979 at 11:00 a.m.

ROAD CONDITIONS - SOTTERLY MANOR, SECTION II

Present: Roger Burton
Joan Burton
Jack and Mary Howland
John Norris, County Engineer

The referenced individuals appeared before the Commissioners to apprise the Commissioners of the condition of the road in Sotterly Manor Subdivision, Section II in Hollywood. He stated that there is no access road going into the subdivision and a dirt roads is being used that becomes unuseable in bad weather. He further stated that Kenneth Summer is the developer and he has been promising a road since 1977, giving a differencnt date to each purchaser, and the homeowners no longer have any confidence in his intentions to build the road.

Each of the homeowners spoke of their particular problems and Mr. Burton stated that one of the biggest problems caused by the road condition is the inability of fire trucks or other emergency vehicles to reach their homes if necessary.

After discussion, the Commissioners agreed that any further issuance of building permits would be referred to the Board and further that the County Engineer contact the County Attorney as to whether the bond can be called; whether the subdivision can be de-platted, and to advise the Commissioners as to what specifically can be done.

MATTAPANY ROAD

Present: John Norris, County Engineer
Mike Marlay, Director, Metropolitan Commission

Pursuant to the meeting held with the property owners on Mattapany Road, Mr. Norris and Mr. Marlay brought the Commissioners up to date with regard to the road improvements. Mr. Marlay stated that his agency walked the road and there appeared to be quite a bit of deterioration. He stated that the contractor has started clearing the road and defining ditches and there will be an inspection tomorrow with contractor, Beavin Company, Metropolitan Commission and County Engineer's Office. He further stated that the contractor will only do the patching of the road and is not willing to go forward with the scarifying or tearing up of pavement and reconstructing the road. He stated that he is in the process of negotiating with the contractor to see if he will add those items to his contract, or whether he would put road back into a condition better or same as before the installation of the sewer line.

The Commissioners agreed to arrange a meeting for August 16 at 7:30 p.m. at St. Cecelia's Church with the property owners to present the costs to construct the road as they had been promised and further to show the alternative methods of improving the road that would be acceptable to the property owners.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, "
Ingrid Buehler, Beacon
Dave Fox, Beacon

The regular monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' office.

REZONING HEARING

CASE NO. ZA NO. 79-74
JAMES M. GOLDSBOROUGH

Present: James M. Goldsborough, applicant
Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

The Commissioners conducted a public hearing on the application of James M. Goldsborough to have property located on Tax Map 20, part of Parcel 113, Clover Hill Road, Sixth Election District, containing

approximately 27.5 acres, rezoned from AR-2, Agricultural-Residential, to R-2, Low Density Urban Residential.

The complete file, tape and minutes are on record in the Office of Planning and Zoning.

REZONING HEARING
CASE NO. 79-75
MARY MARTHA BROOKS

Present: Martha Brooks, Applicant
Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

The Commissioners conducted a public hearing on the application of Mary Martha Brooks requesting rezoning of approximately 3.23 acres, located on Tax Map 19, Parcel 20, on Md. Rt. 247 approximately 800 feet south of its intersection with Independence Road, Sixth Election District, from AR-2, Agricultural-Residential, to R-2, Low Density Urban Residential.

The complete file, tape and minutes are on record in the Office of Planning and Zoning.

SOUTHAMPTON - AICUZ

Present: Frank Gerred, Director Planning and Zoning

Commissioner Dean stated that the Navy negotiators for the property in Southampton are interested in obtaining from the Board of County Commissioners an indication in writing that if the Navy purchasers the lots in Southampton that the County could impose no property tax on those lots. He stated that if the Federal Government owns property, it would pay taxes anyway. The Commissioners concurred to put this assurance in writing.

CEDAR COVE

Commissioner Dean stated that the developers of Cedar Cove are interested in meeting with the Board of County Commissioners next Wednesday. The Commissioners agreed that such a meeting be arranged at 1:30 p.m., Wednesday, July 25.

MONEY IN LIEU OF LAND DEDICATION FOR PARK SITES
EXEMPTION - MINOR SUBDIVISIONS

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred stated that when the County adopted their Resolution No. 79-18 - Money in Lieu of Land Dedication for Park Sites, subdivisions that had obtained preliminary approval prior to the adoption of said Resolution were exempted. However, this did not include minor subdivisions because they do not receive preliminary approval. These subdivisions receive concept approval then final approval and do not go through preliminary approval. Therefore, it was the recommendation of the Office of Planning and Zoning that if minor subdivisions had received concept approval prior to the adoption of Resolution No. 79-18 that they be exempt from this fee.

The Commissioners gave their concurrence.

ZONING ORDINANCE REQUIREMENT - UTILITY COMPANIES

Present: Frank Gerred, Director Planning and Zoning

With reference to the request on April 25, 1979 by Mr. Oliver Guyther, Attorney representing Southern Maryland Electric Cooperative, for the Commissioners' consideration for a change in the Zoning Ordinance relative to the Conditional Use approval for installation of transmission lines.

Commissioner Dean stated that currently utility companies have to obtain Public Service Commission approvals after which time it would go through the conditional use hearing process by the county which requires the notification of all adjacent property owners by certified mail, which is quite a large undertaking.

After discussion the Commissioners requested Mr. Gerred to develop an alternative that would relieve the burden of the utility companies but would allow the adjacent property owners to be notified in some manner because of the impact it would have. Mr. Gerred suggested either changing the conditional use to a special exception or siting review and would by next week bring a suggestion to the Commissioners for consideration.

SPECIAL CASE FILE #79-128
AQUA FOODS INTERNATIONAL INC.

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred presented a memorandum from his Office dated July 11 requesting the Commissioners' concurrence for the process proposed to Aqua Food International, Inc. (Mr. Yamada's eel processing plant) regarding the simplified site plan approval and required pier approvals.

The Commissioners concurred that this project not be treated any differently than any other site plan, but that TEC should be added to the list of agency approvals for the site plan.

CHARLOTTE HALL PROPERTY

Present: Frank Gerred, Director, Planning and Zoning

For the Commissioners' information, Mr. Gerred informed them that it has come to his attention that there has been subdivision of property at the Charlotte Hall School property and therefore in accordance with law should go through the regular subdivision process.

The Commissioners gave their concurrence.

LETTER FROM DEPARTMENT OF AGRICULTURE (FHA) - GRANT MONEY

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred stated he received correspondence from Department of Agricultural, Rural Development Section, requesting a list of projects that might be on the County's planning agenda that funds might be applied for. The Commissioners concurred that the various departments be contacted to see if they have planning projects, but he should work with this through the Budget Officer.

MENTAL HEALTH TASK FORCE

Present: Dr. Richard Martin, Chairman
Brent Sharf
Rev. Richard Simpson
Gloria Sue Kahle
Bill Combs

The referenced members of the Mental Health Task Force appeared before the Commissioners to present the Task Force's final report regarding mental health needs in the County and setting forth certain recommendations. Dr. Martin, speaking on behalf of the Task Force, stated that many of the recommendations regarding mental health, should appropriately be handled through the Deputy Health Officer's Office.

After discussion with the Commissioners concerning review and implementation of the recommendations, Commissioner Dean suggested, and concurred with by the Board and Task Force members, that the Mental Health Task Force should meet with the Deputy Health Officer, and return to the Commissioners with specific recommendations.

EXECUTIVE SESSION

The Commissioners agreed to meet in executive session in order to discuss a matter of litigation (Cedar Cove.) The Session was held from 2:50 p.m. to 3:00 p.m.

EXPERIMENTAL FUEL PROJECT

Present: John Norris, County Engineer
Dan Dawson, experimental fuel plant operator
Bill Lindsley, " " " "
Henry Leskenin, " " " "

The referenced experimental fuel plant operators hired by the County to work with Mr. Swecker, County Extension Office, brought the Commissioners up to date on the project.

The Commissioners offered their assistance and cooperation in anyway possible.

EEL PROCESSING PLANT PROJECT

Present: Gordon Yamada
Terry Ohnuma
Kihei Okubo
Masakaki Tsuchiya
Buck Briscoe, Director, EDC

Mr. Yamada appeared before the Commissioners to introduce his associates in his eel processing plant project to be located at Piney Point and to bring the Commissioners up to date as to how the project was progressing. Mr. Yamada stated that the discharge permit has been obtained and that work on the plant will begin next week.

The Commissioners thanked them for the progress report and offered their assistance in whatever way possible.

APPRAISALS - AIRPORT PROJECT

Present: John Norris, County Engineer

Mr. Norris stated that the project at the St. Mary's County Airport required appraisals and requested authorization from the Board to proceed with the proposal of J. Spence Howard at the rate of a maximum of \$3,000 for four parcels.

The Commissioners gave their concurrence.

DEED AND SOIL EASEMENT
COOPERS CREEK DREDGING PROJECT

Present: John Norris, County Engineer

Mr. Norris presented the Deed and Easement Agreement for the Coopers Creek dredging project and requested authorization for Commissioner President Aud to sign same, pending approval by the County Attorney.

The Commissioners gave their concurrence.

PROJECT NO. SM 80-5-1
DIESEL ENGINE POWERED
RUBBER-TIRE FRONT END LOADER

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended that the Commissioners accept the bid from Alban Tractor Company in the amount of \$46,354 with the five-year buy back in the amount of \$14,646.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept the County Engineer's recommendation. All Commissioners present voted in favor.

GUENTHER CONSTRUCTION COMPANY
MAPLE RUN SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris advised that the contract for the construction of the roads in Maple Run Subdivision off of Flat Iron Road has made an error in the construction of a section of the roads in that six foot shoulders were constructed instead of the required eight foot shoulders. The

Guenther Construction Company is therefore requesting a variance to the original plans from an R-3 to an R-2 category. The Commissioners requested Mr. Norris to develop a recommendation for this project and return to the Commissioners for approval.

RAILROAD RIGHT OF WAY

Present: John Norris, County Engineer

The County Engineer reviewed correspondence with the Commissioners from an attorney representing a property owner residing adjacent to the railroad right-of-way in Charles County. The attorney requested the Commissioners to transfer sufficient land to the property owner as some of the buildings including the dwelling is located on county property. The property owner has a series of medical problems and requires the additional land from the county to act as security for a loan for the medical expenses.

The Commissioners requested the County Administrator to review the information presented by Mr. Norris and to request the County Attorney to recommend an appropriate course of action.

CLEARINGHOUSE PROJECT NO. 80-7-40
VA AND HUD HOUSING FEASIBILITY FOR COUNTRY LAKES
SECTIONS I AND I-A

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.

VIOLATION OF BUILDING PERMIT, SUBDIVISION REGULATIONS
AND ZONING ORDINANCE

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred advised the Commissioners that in early 1977 a building permit was issued for Lot 12 in a certain subdivision. Lot 12 and part of Lot 11 were sold to another party and the house was built on the lot line of 11 and 12 without a building permit and an additional 20 feet was added to what was requested in the original permit. Therefore, Mr. Gerred requested authority to pursue the apparent violations of the building permit requirements, subdivision regulations and Zoning Ordinance. The Commissioners gave their concurrence.

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APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of July 11, 1979 as presented. All Commissioners present voted in favor.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to discuss matters of personnel (consideration of appointments to Boards, Committees and Commissions.) The Session was held from 4:35 p.m. to 5:10 p.m.

The meeting adjourned at 5:10 p.m.

Approved,


George R. Ad, President

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