

BOARD OF COUNTY COMMISSIONER'S MEETING

Wednesday, October 3, 1979

Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator  
Judith A. Mullins, Recording Secretary

(Commissioner Millison was not present)

The meeting was called to order at 9:15 a.m.

ENCUMBRANCE VOUCHERS

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted by the Director of Finance. All Commissioners present voted in favor.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold to approve the minutes of the Commissioners' meeting of September 19, 1979. All Commissioners present voted in favor.

EMPLOYEES' ASSOCIATION

Present: Gene Pellillo, Vice-President

Mr. Pellillo advised the Commissioners that the Employees' Association would like to use some of the funds in the Association treasury to place flowers and shrubbery around the sign and flagpole on the Governmental Center grounds at a cost of approximately \$250. The Commissioners gave their concurrence.

PROCLAMATION NO. 79-62  
"TRICK OR TREAT DAY"

The Commissioners signed and approved the referenced Proclamation designating Wednesday, October 31, 1979 as the County's official "Trick or Treat Day".

UPDATE ON CETA POSITION

The County Administrator presented a memorandum from the Personnel Officer bringing the Commissioners up-to-date regarding the CETA phasedown as of September 28, 1979.

OFFICE OF CIVIL DEFENSE  
COMMUNICATIONS OPERATOR I

The County Administrator presented a memorandum from the Personnel Officer requesting authorization to begin the established selection process for the Communications Operator I position, Grade 8, vacated by Shirley Pederson.

Commissioner Arnold moved, seconded by Commissioner Dean to begin the procedure for the filling of this vacancy.

NOTIFICATION OF GRANT AWARD - COMMISSION ON AGING

The County Administrator advised the Commissioners that the State Office on Aging by correspondence dated September 28, 1979 submitted the revised Notification of Grant Award which changes the grant period for FY 1980 for the Title III-C Grant so that it will coincide with the federal fiscal year.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commission President Aud to sign said NGA. All Commissioners present voted in favor.

FORFEITURE OF FUNDS

The County Administrator presented correspondence from Joseph Densford, Assistant County Attorney, dated September 21, 1979 regarding settlement of forfeiture of funds as contraband in a drug-related case (Daniel Eugene Love) and requested authority from the Commissioners to proceed with this settlement. The Commissioners gave their concurrence.

SPRING VALLEY SUBDIVISION (CORONADO VILLAGE)  
PUBLIC WORKS ADDENDUM NO. III

The County Administrator presented correspondence from Maryland National Bank dated September 28, 1979 with Addendum No. III requesting an extension of time from October 14, 1979 to December 1, 1979 for the completion of streets in Section 3 of Spring Valley Subdivision (Coronado Village). It was the recommendation of the County Engineer that this extension be granted. The Commissioners gave their concurrence.

LEXINGTON PARK VOLUNTEER RESCUE SQUAD  
ONE-TIME LOAN PAYBACK

The County Administrator reviewed correspondence from the Lexington Park Volunteer Rescue Squad with the Commissioners requesting an installment method of payment over five years of \$2,400 per year. The Commissioners agreed with this proposal stating that the first yearly repayment begin immediately.

SOUTHAMPTON SUBDIVISION

By way of correspondence dated September 24, 1979, Mr. Joseph Weiner informed the Commissioners that negotiations are proceeding relative to the purchase by the federal government of the Southampton property owned by Mr. Weiner. Since the federal government is exempt from payment of local property taxes, Mr. Weiner requested that he be responsible for only that portion of the FY 79-80 property taxes up to the time of settlement.

The Commissioners gave their concurrence.

LEONARDTOWN POST - MARYLAND STATE POLICE BARRACKS

The County Administrator reviewed with the Commissioners the plans for the new Maryland State Police barracks to be located on the Leonard Hall property. The Commissioners gave their concurrence to the plans and requested the County Administrator to prepare correspondence to the State Police reiterating the Commissioners' opinion that there be only one central communications center and it should continue to be located at the Emergency Operations Center.

ACCOUNT TRANSFER  
MEMORY TYPEWRITER  
OFFICE OF PLANNING AND ZONING

The County Administrator presented a request from the Office of Planning and Zoning for the purchase of the IBM Memory Typewriter with account transfers as follows:

Increase Account No. 1083-3101- (Equipment) by \$3,922;

Decrease Account No. 2610-26912 (Reserve for Contingency) by like amount

The Commissioners gave their concurrence to approve this account transfer.

RESIDENT MAINTENANCE ENGINEER REPORT

President: William Lacey, Highway Maintenance Engineer, SHA

On behalf of Mr. John D. Raley, Resident Maintenance Engineer, Mr. Lacey appeared before the Commissioners to give the progress report on road and drainage problems as presented at previous Commissioners' meetings and further to obtain additional concerns from the Commissioners.

ZONING VIOLATIONS

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred advised the Commissioners of several zoning violations and requested the Commissioners' direction as follows:

Zoning Violation #1 - An individual who requested a Conditional Use from the Board of Appeals for a home occupancy. He has not complied with the parking requirements and has been ordered by the Board of Appeals to discontinue until he does comply. The Commissioners directed that legal action be taken if the individual does not come into compliance.

Zoning Violation #2 - An individual has built a storage shed without a building permit and is also in violation of the side yard setback requirement. The property owner has not accepted Certified Letters that have been sent to him requesting that he come in to work out a solution. The Commissioners directed that Mr. Gerred continue to try to arrive at a solution with this individual and if not proceed with legal action.

Zoning Violations #3(a) and (b) - Mr. Gerred stated that there are two mobile home parks that have gotten behind in paying their fees. The Commissioners directed that Mr. Gerred proceed with legal action.

Zoning Violation #4 - Mr. Gerred advised that a mobile home never got a building permit. The Commissioners requested Mr. Gerred to try to work out a solution to this violation.

VICTORY BAPTIST CHURCH SCHOOL

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred advised the Commissioners that water samples taken from the Victory Baptist Church School show contamination. The water is being chlorinated and will be tested again. Mr. Gerred recommended that if the water samples come back unsatisfactory that action be taken to remove the school from the site. The Commissioners gave their concurrence.

LORD CALVERT TRAILER PARK

FHA 207 PROGRAM

Present: Tom Waring  
Jerry McCabe  
Frank Gerred, Director, Planning and Zoning

Mr. Waring advised the Commissioners that he has made application in conjunction with the development of an additional section of Lord Calvert Trailer Park to the FHA 207 Program. Mr. Waring stated that because of insurance problems based on the fact that the only employer in the areas was the Naval Air Station and this decision has been appealed in that the wrong rules and regulations were applied in this case.

Mr. Waring advised that there are almost no trailer pads available in the County today and there is a tremendous demand for it for low to moderate income families.

Mr. Waring stated that as part of his application for the 207 Program he would need a letter from the Board of County Commissioners endorsing the concept of this project as being necessary and viable for St. Mary's County and that the County would like to see FHA participate in this guarantee.

The Commissioners gave their concurrence and requested the County Administrator to draft a letter for their review.

LORD CALVERT TRAILER PARK  
REQUEST FOR EXEMPTION OF FEES

Present: Tom Waring, Developer  
Frank Gerred, Director, Planning and Zoning

Mr. Waring requested consideration by the Board for exemption to the Economic Impact Fee and the Money in Lieu of Land for Park Dedication for Lord Calvert Trailer Park. Mr. Gerred submitted a memorandum setting forth this request and making certain recommendations. The Commissioners agreed to take this matter under advisement and make a decision at a later date.

PROCLAMATION NO. 79-59  
EMPLOY THE HANDICAPPED MONTH

Present: Elvare Gaskin  
Renda James  
Robert Hill

The Commissioners presented the referenced proclamation proclaiming October 1979 as Employ the Handicapped Month in St. Mary's County.

PROCLAMATION NO. 79-60

KNIGHTS OF COLUMBUS DAYS FOR THE MENTALLY RETARDED

Present: James Mora

The Commissioners presented the referenced Proclamation proclaiming that October 12 through 31, 1979 are Knights of Columbus Days for Mentally Retarded Citizens in St. Mary's County.

PROCLAMATION NO. 79-61

NATIONAL CATHOLIC DAUGHTERS OF AMERICA DAY

Present: Phyliss Brown

The Commissioners presented the referenced proclamation proclaiming Sunday, October 21, 1979 as Catholic Daughters of America Day in St. Mary's County.

PRESS CONFERENCE

Present: Rick Boyd, Enterprise  
Florence Ballanagee, Beacon  
Ingrid Buehler, Beacon  
Joe Norris, WKIK

The regular monthly Press Conference was held at this time. A tape of the conference is on file in the County Commissioners' Office.

REZONING HEARING

CASE NO. ZA 79-117

JAMES DOBRY & DOBRY CONSTRUCTION CO., INC.

Present: James Kenney, Attorney for applicant  
Frank Gerred, Director, Planning and Zoning  
Anita Meredith, Recording Secretary

Application was made by James Dobry and Dobry Construction Company to have approximately 2.637 acres located on Tax Map 43, Parcels 30 and 321 on Chancellors Run Road and Military Lane in the Eighth Election District rezoned from R-2 to R-15, Residential and C-1, Commercial.

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

MARYLAND VETERANS HOME

As a follow up to the request by Senator McNulty of the Maryland Veterans Home Commission on September 19, Commissioner Dean presented a letter addressed to Senator McNulty setting forth the County's position with regard to the State purchasing additional land for the Veterans Home to be located at the Charlotte Hall School site. The Commissioners agreed to sign and forward said letter.

PUBLIC HEARING

AGRICULTURAL LAND PRESERVATION

Present: Frank Gerred, Director, Planning and Zoning  
Robert Jarboe, Agricultural Land Preservation Board  
Mr. and Mrs. Charles Young, interested citizens

The Commissioners conducted a public hearing in order to consider a proposed Ordinance concerning Agricultural Land Preservation Districts to provide for the protection of normal agricultural activities through certain provisions; to provide for the annual update of official maps to reflect Agricultural Land Preservation Districts; and to provide for the process for establishment of Agricultural Land Preservation Districts.

The Commissioners will make a decision on this Ordinance in no less than ten days from date of hearing.

The tape of the public hearing proceedings is on file in the County Commissioners' Office.



ZONING RESOLUTION NO. Z-79-10  
JIMMY N. AYSCUE - CASE NO. ZA 79-19

Upon review of the Zoning Resolution prepared by the County Attorney, Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign Zoning Resolution No. Z-79-10 to approve the rezoning application of Jimmy N. Ayscue, Case No. ZA 79-19, to have approximately one acre of land located on Rte. 5, Mechanicsville, Fifth Election District, rezoned from AR-2, Agricultural-Residential, to Commercial, C-2, said acre being a part of Parcel 41, Tax Map 4. All Commissioners present voted in favor.

ZONING DECISION RESOLUTION NO. Z 79-09  
MARY MARTHA BROOKS - CASE NO. ZA79-75

After review of Zoning Resolution No. Z 79-09 prepared by the County Attorney, Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign said Zoning Resolution to approve the rezoning application of Mary Martha Brooks, Case No. ZA 79-75, to have approximately 3.23 acre parcel of land located on Md. Rte. 247, in the Sixth Election District known as Parcel 20 on Tax Map 19, rezoned from AR-2, Agricultural-Residential, to R-2, Low Density Urban Residential. All Commissioners present voted in favor.

ZONING DECISION RESOLUTION NO. Z-79-11  
JAMES MANNING GOLDSBOROUGH - CASE NO. ZA 79-74

After review of Zoning Decision Resolution No. Z 79-11 prepared by the County Attorney, Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign said Zoning Resolution to approve the application of James Manning Goldsborough to have approximately 27.5 acres located in the Sixth Election District, Clover Hill Road adjacent to Gillen's Grove Subdivision, being a part of Parcel 113, Tax Map 20, rezoned from AR-2, Agricultural Residential, to R-2, Low Density Urban Residential. All Commissioners present voted in favor.

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ZONING DECISION RESOLUTION NO. Z 79-12  
PATUXENT DEVELOPMENT CO., INC. AND  
MARTHA MILLISON - CASE NO. ZA 79-82

After review of Zoning Resolution No. Z 79-12 prepared by the County Attorney, Commissioner Dean moved, seconded by Commissioner Sayre, to adopt and sign said Zoning Resolution, to approve the application of Patuxent Development Company, Inc. and Martha Millison, to have approximately 8.5 acres cited as Parcel 5 on Tax Map 4, located on Md. Rt. 5 in the Fifth Election District, rezoned from C-1, Commercial, to C-2, Commercial; and further to approve the rezoning of that portion of Parcel 85, Tax Map 4, which is zoned C-1, Commercial and Parcel 4 and 46, Tax Map 4, from C-1, Commercial, to C-2, Commercial. Three Commissioners present voted in favor, with Commissioner Arnold abstaining because of possible conflict of interest.

PUBLIC HEARING  
AIRPORT COMMISSION

Present: George Sullivan, Chairman, Airport Committee  
Austin White, Member, Airport Committee  
Thomas A. McGuyre, Member, Airport Committee  
Joseph Waldschmidt, property owner

The Commissioners conducted a Public Hearing in order to consider a proposed Ordinance to establish an Airport Commission for the purpose of exercising the authority of Maryland State Law in the operation and maintenance of the St. Mary's County Airport.

The record on the referenced Public Hearing will remain open for at least ten days prior to a decision being made.

A tape of the proceedings is on file in the County Commissioners' Office.

AIRPORT COMMISSION

Present: George Sullivan  
Austin White  
Thomas McGuyre

The referenced members of the Airport Commission appeared before the Commissioners to present a letter addressed to Southern Maryland Aviation as a follow up to the letter sent by the Commissioners on September 26, citing additional violations of the terms of the lease with regard to the County Airport.

In addition, the Airport Committee members stated that there is an operator at the Airport during the interim until a Fixed Based Operator is hired and authority is needed from the Commissioners to allow the interim operator to purchase gas.

The Commissioners agreed to sign and forward the letter and further to grant authority for the interim operator to purchase gasoline in order to keep the Airport functioning.

AQUA FOOD INTERNATIONAL INC. - MIDFA APPLICATION

Present: Gordon Yamada, President  
John Edmonston, Attorney  
Joseph E. Bell, County Attorney

Mr. Yamada and his attorney appeared before the Commissioners to present a letter of intent to the County regarding the completion of the eel processing facility in order to qualify for financing approved by the Maryland Industrial Development Financing Authority (MIDFA).

After discussion and review, Commissioner Dean moved, seconded by Commissioner Sayre, to accept the Letter of Intent and to authorize Commissioner President Aud to sign Resolution No. 79-63 - "MIDFA Agreement (Aqua Foods International, Inc.), subject to the acceptance and signature of the County Attorney. All Commissioners present voted in favor.

RIGHT-OF-WAY EASEMENT

On behalf of the County Engineer, the County Administrator presented a request from the Trustee of the property to effect an Easement over the County railroad right in Fifth Election District, near the Charles County line off of Rt. 5.

Commissioner Dean moved, seconded by Commissioner Sayre to authorize Commissioner President Aud to sign said Easement Agreement dated October 3, 1979 by and between St. Mary's County Commissioners, Southern Maryland Electric, Cooperative, Inc. and Paul J. Bailey, Trustee. Three Commissioners present voted in favor, with Commissioner Arnold abstaining because of possible conflict of interest since he may be auctioneer for the petition sale of this property.

The meeting adjourned at 4:30 p.m.

Approved,

  
George R. Aud, President