

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 13, 1982

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

(Commissioner Sayre was not present due to illness.)

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

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Aud to approve payment of the bills as submitted by the Director of Finance. Motion unanimously carried.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the County Commissioners' meeting of June 29, 1982. Motion unanimously carried.

PRESENTATION OF COMMENDATION

Present: Michael Humphries, Director, St. Clements Island Museum
 Ronnie Phetteplace

The Commissioners presented a Commendation to Ronnie Phetteplace for his display of courage in saving a child's life off the pier at the Museum.

APPOINTMENTSBOARDS, COMMITTEES AND COMMISSIONS

Commissioner Millison moved, seconded by Commissioner Aud, and unanimously approved, to make the following appointments to Boards, Committees and Commissions with terms as indicated:

<u>AIRPORT COMMISSION</u>		<u>TERM TO EXPIRE</u>
Austin White	(reappt.)	June 30, 1985
Thomas A. McGuyre	"	June 30, 1985
<u>COMMISSION FOR WOMEN</u>		
Ann Marum	"	June 30, 1985
Judith McCue	"	June 30, 1985
Idlolia Shubrooks	"	June 30, 1985
Bertie Bowman	"	June 30, 1985
<u>COMMUNITY COLLEGE ADVISORY BOARD</u>		
H. Edwin Cole	"	June 30, 1987
Gerald Pannick	"	June 30, 1987
Edward Forsman	"	June 30, 1985
<u>ENVIRONMENTAL COMMITTEE</u>		
Walter Raum	"	June 30, 1984
James Golden Thompson	"	June 30, 1984
Tucker Brown	"	June 30, 1984
Oran Wilkerson	"	June 30, 1984
Jerome Swann	"	June 30, 1984

<u>HISTORIC DISTRICT COMMISSION</u>		<u>TERM TO EXPIRE</u>
Elmer Olson	(reappt.)	June 30, 1985
Guffrie Smith	"	June 30, 1985
<u>HOUSING AUTHORITY</u>		
Virginia Sullivan	"	June 30, 1987
<u>HUMAN RELATIONS COMMISSION</u>		
Richard Portee		June 30, 1985
Margaret (Molly) Dyson	(new appt.)	June 30, 1985
<u>METROPOLITAN COMMISSION</u>		
Paul Ludwig	"	June 30, 1985
<u>JOHNSONGRASS COMMITTEE</u>		
Aloysius Raley	"	June 30, 1984
Franklin Hewitt	"	June 30, 1984
Tommy Bradburn	"	June 30, 1984
Douglas Bowles	"	June 30, 1984
Vernon Saunders	"	June 30, 1984
R. Johns Dixon	"	June 30, 1984
James R. Owens	"	June 30, 1984
<u>MENTAL HEALTH/ALCOHOLISM ADVISORY COUNCIL</u>		
Joseph D. Carter	"	June 30, 1985
Rev. Rudy Brooks	"	June 30, 1985
Kathy Lacer	"	June 30, 1985
Phebe Barth	"	June 30, 1985
<u>NURSING HOME BOARD</u>		
Daniel Capper	(new appt.)	June 30, 1985
Garner Morgan	(new appt.)	June 30, 1985
<u>PLUMBING BOARD</u>		
Walter Raum	(reappt.)	June 30, 1985
<u>SOCIAL SERVICES BOARD</u>		
James Neal	"	June 30, 1985
Suzanne Camp	"	June 30, 1985

RESOLUTION NO. 82-16

RECORDATION TAX FROM "PROCEEDS OF BONDS" DOCUMENTS

In conjunction with recently passed legislation (H.B. 1301) by the 1982 Maryland General Assembly, Commissioner Millison moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 82-16 requiring the payment of recordation tax for all bonds, mortgages, deeds of trusts or other conveyances that secure repayment of any indebtedness funded in any part directly or indirectly from the proceeds of the bonds issued under Article 41, Annotated Code of Maryland. Motion unanimously carried.

COMMUNICATIONS MAINTENANCE AND EQUIPMENT CONTRACT

The County Administrator presented a Contract by and between Southern Maryland Communications, Inc. and the Board of County Commissioners of St. Mary's County for the maintenance and service, including parts and labor, for the St. Mary's County Sheriff's Department's radio network.

Commissioner Millison moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Contract. Motion unanimously carried.

CORRESPONDENCE TO ST. MARY'S COLLEGE
REQUEST FOR STUDY OF ROADSIDE HERBICIDE SPRAYING

As a follow up to previous discussions regarding the possible hazards of State Highway Administration's roadside herbicide spraying program, Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign correspondence addressed to St. Mary's College requesting assistance for a study to be conducted to determine the effects of the roadside spraying with the herbicide spray 2-4D. Motion unanimously carried. The Commissioners further directed that SHA be requested to suspend all further roadside spraying until notified otherwise.

CORRESPONDENCE TO SECRETARY BUCK
STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE
DRUG ABUSE SERVICES

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to Secretary Buck of the State Department of Health and Mental Hygiene advising that the St. Mary's County Commissioners had no part in the dissolution of the tri-county cooperative arrangement for drug abuse services, expressing their dismay over the situation, and listing the advantages of this action.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign said letter. Motion unanimously carried.

CLERK-STENOGRAPHER POSITION
SHERIFF'S DEPARTMENT

By memorandum dated July 6, 1982 from the Personnel Officer, it was recommended that Deborah Parsons be hired for the Clerk-Stenographer position, Grade 6, Step 2, in the Sheriff's Department.

Commissioner Millison moved, seconded by Commissioner Arnold, to accept this recommendation. Motion unanimously carried.

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 not inconsistent with this agency's plans, programs or objectives:

1. Project No. 82-6-616
So. Md. Tri-County Community Action, Inc.
Rural Home Repair
2. Project No. 82-6-651
Proposed Water Line Easement Access
Point Lookout State Park
3. Project No. 82-7-717
State Office on Aging
St. Mary's Nutrition and Community Services
4. Project No. 82-7-703
Department of Natural Resources
Fisheries Technology and Advisory Services
5. Project No. 82-7-704
Maryland Historical Trust
Survey, Planning, Acquisition and Development - FY '83
6. Project No. 82-6-622
SHA - 1982 Federal Aid Program Update #2

The Commissioners concurred with the County Administrator's recommendation.

LEONARDTOWN VOLUNTEER FIRE DEPARTMENT
AGREEMENT - PRIMARY FIRE FIGHTING SERVICE

The County Administrator advised that the Leonardtown Volunteer Fire Department is in the process of arranging for a loan through a commercial means which requires them to enter into an agreement with St. Mary's County stating that they are the primary provider of fire fighting services in the district they cover.

Commissioner Millison moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign an Agreement by and between Leonardtown Volunteer Fire Department, Inc. and the Board of County Commissioners of St. Mary's County. Motion unanimously carried.

TUBMAN-DOUGLAS ESTATES
SINGLE HOME OWNERSHIP

The County Administrator advised that in line with the Commissioners' anticipation of eventual private ownership for the residents of Tubman Douglas, a proposal has been received by the firm of Lane and Edson, P.C. to do a legal comprehensive study of all related documents, responsibilities and current liabilities. He stated that the provision of the Scope of Services by this firm at a cost not to exceed \$3500 would bring the County one phase closer to single homeownership.

After discussion, Commissioner Millison moved, seconded by Commissioner Aud, to accept said proposal from Lane and Edson and authorize Commissioner President Aud to sign same.

WATER RESOURCES ADMINISTRATION
STORM WATER MANAGEMENT PROGRAM

The County Administrator advised that correspondence was received from Water Resources Administration requesting a representative from the County to work with the State to develop the Storm Water Management Program. Mr. Cox suggested that the County Engineer, John Norris, be so designated since this is within the purview of that office.

The Commissioners gave their concurrence.

USE OF STATE HIGHWAY ADMINISTRATION VEHICLES
SUPERVISORY PERSONNEL

Commissioner Arnold reported to the Commissioners that he had been advised that five supervisory personnel in the Leonardtown SHA Office have been requested to park their State vehicle at the SHA lot each evening. He stated that these men reside in various areas of the county and if this policy is enforced, because of the rural nature of the County, it will mean less surveillance and additional response time to emergency situations. Commissioner Arnold suggested that correspondence be forwarded to the Administrator of the State Highway Administration requesting reconsideration of this decision.

The Commissioners gave their concurrence and requested that a copy be forwarded to Mr. John D. Raley of the Leonardtown Office.

CLOVERHILL McINTOSH ROAD RECONSTRUCTION
DEED AND RIGHT OF ENTRY AGREEMENTS
AND CONDITIONS OF PROPERTY TRANSFERS

Present: John Norris, County Engineer

Mr. Norris presented the following Deed and Right of Entry Agreements with Conditions of Property Transfers relative to the referenced project:

1. Deed dated June 9, 1982 by and between Catherine Hayden and the Board of County Commissioners;
2. Deed dated June 11, 1982 by and between Wendy Patra, Joan Bruce and the Board of County Commissioners;
3. Deed dated July 13, 1982 by and between Robert T. Mack, Jr. and Ruth Ann Mack and the Board of County Commissioners.

Commissioner Dean moved, seconded by Commissioner Millison, to approve and accept said Deeds. Motion unanimously carried.

ADDENDUM TO PUBLIC WORKS AGREEMENT
ESPERANZA FARMS, SECTION 2F, 3B, 5B

Present: John Norris, County Engineer

Mr. Norris presented Addendum to the Public Works Agreement by and Between Robert F., Margaret C., Franklin W., and Mary G. Dean, extending the deadline for the completion of roads in the referenced subdivision to June 30, 1983.

Commissioner Millison moved, seconded by Commissioner Aud, to approve and authorize Commissioner President Aud to sign said Addendum, with Commissioner Dean abstaining. Motion carried.

COUNTRY LAKES SUBDIVISION
BONDING STATUS

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that he is in the process of preparing an addendum to the public works agreement for the completion of the roads in the referenced subdivision. Asphalt work is scheduled to commence by September 1, 1982 and be completed by November 1, 1982. He stated that there are some roads that are complete; however, the guardrails have not been installed. Mr. Norris inquired whether the County should accept the road in the meantime. The Commissioners requested Mr. Norris to prepare the appropriate documents accepting the road; however, that it be put in writing that the guardrails will be installed by November 1 and that the County would not be held liable.

PROJECT NO. SM 83-5-1
BID TALLY SHEET
TRACTOR-MOWER

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Guy Brothers Implement in the amount of \$14,000. Commissioner Aud moved, seconded by Commissioner Arnold, to accept this recommendation. Motion unanimously carried.

AUTHORIZATION FOR EXTRA WORK #2
SLURRY SEAL PROJECT

Present: John Norris, County Engineer

Mr. Norris presented the referenced Extra Work Authorization in the amount of \$630 payable to Slurry Pavers, Inc.

The Commissioners gave their concurrence for approval of said payment.

WILLOW RUN SUBDIVISION - CURBING PROJECT

Present: John Norris, County Engineer

Mr. Norris advised that inasmuch as Mr. James Butler contractor for the referenced project, is unable to complete the project satisfactory to the County's needs, he is requesting release from the contract. Mr. Norris stated in order to do that concurrence is needed by the Commissioners, approval by the County Attorney of the appropriate documents and concurrence by the Public Housing Coordinator, Joseph Mitchell.

The Commissioners gave their concurrence pending the above approvals.

ELMS PROPERTY ENVIRONMENTAL EDUCATION CENTER

Present: Marianne Chapman, Director

Mrs. Chapman appeared before the Commissioners to present a progress report on the activities at the Elms Property Environmental Education Center and to advise what new programs have been developed at the site. A copy of the report is on file in the Commissioners' Office. Mrs. Chapman went on to explain the improvements made at the site, funding that has been made available to the center and what plans are being made for the future.

The Commissioners expressed their satisfaction with the Elms property programs and requested Mrs. Chapman to continue with her fine work.

PUBLIC HEARING -

Present: Frank Gerred, Director
Anita Meridith, Recording Secretary
Commissioner George Aud
Commissioner Richard Arnold
Commissioner Ford Dean
Commissioner Larry Millison
Robin Guyther

ZPUD #81-1149: PATUXENT PARK WEST, S.M.P.I., INC.

Request for rezoning of property located north of Maryland Route 246 and West of Saratoga Drive on Tax Map 43, Block 21, Parcel 377 in the 8th Election District from R-2, Low Density Residential, to PDR 5.0, Planned Residential Developmental (five dwelling units per acre density). The subject parcel contains 29.257 acres.

Commissioner Millison excused himself from participating, noting that he owned adjoining property which might pose a possible conflict of interest.

Mr. Gerred advised that the last remaining issue was that relative to the time frame involved when the County would get the property designated for park and also the issue of some improvements to the area to become park. Parks and Recreation Director, John Baggett, had indicated his desire to acquire the property as soon as possible and that clearing and rough grading be accomplished by the developer. Those issues were agreed to with one minor change. After considering the usability of the area and suggested use, a portion of the property, containing 11 lots, was recommended to remain as out lots and would not be included in the open space area. Parks and Recreation does not want the maintenance responsibility for the storm water management.

Ms. Karen Abrams, attorney for the applicant, advised that the lake would be owned by the Citizens' Association.

The Commissioners reviewed the plat and the three areas of pedestrian access were outlined (sidewalks and trails).

Commissioner Dean emphasized that in view of the fact that over 500 families would be residing near this area, he felt that the proposed access should be developed to offer complete safety for children accessing the park facilities.

The staff was directed to prepare the appropriate resolution, with channelling of same to both the County Engineer and Parks and Recreation Director for their review and comment, prior to final review by the Board of Commissioners. Commissioner Dean felt that those designees should "sign-off" to assure that "all points have been covered."

Mr. Gerred suggested that the resolution should embody language which would indicate that the parkland would be deeded between 30 to 40 days after the resolution and that the grading would commence within 4 months of the start of Section 1.

Commissioner Dean reflected that upon adoption of the resolution, the PUD and development plan would be approved.

The members concurred that the appropriate resolution be prepared by staff. The development plan will not change, however, there will be references to changes included in the resolution.

MSUB #82-0104: USHER'S SUBDIVISION

Appeal of Planning Commission's decision which denied approval of a minor subdivision located off an unimproved right-of-way, in the 2nd Election District, Tax Map 57, Block 3, Parcel 132.

Mr. Gerred rebriefed the Board as to the policy issues relative to this consideration, i.e. how to handle at Planning Commission level, an existing, previously used, but not now constructed on, right-of-way for minor subdivisions.

Commissioner Dean offered a visual illustration of the problem and noted that the Subdivision Regulations, in effect, limited the number of lots which could be served by private road to eight (8). He felt that both the Watson and Usher appeals were similar, i.e. they dealt with previously existing houses on an unimproved right-of-way. The question then arose as to whether or not the applicants should be granted the remaining number of lots on the road or the full eight, and should it be granted on a first come, first serve basis or some other unadopted policy. Commissioner Dean proposed that any property that fronts a public road should not count toward the eight lots, due to the fact that they did have access off of the public road. He also felt that it would be unfair and inappropriate to grant approval on a first come, first serve basis. Thus, the question remained, how to determine "how many lots go to each parcel." He felt that the only fair way to appropriate, would be to "add up the total acreage in the several parcels and determine how many of the eight lots there are remaining, unused, and then allot on a prorated basis a number of lots to each parcel and in cases where it comes out fractionally, which it usually will, you round off."

Commissioner Millison stated that the strength of St. Mary's County traditionally, had been individual ownership of land and the ability of it's citizenry to build their own homes. He felt that it was the responsibility of the Commissioners to insure this right and "protect the American dream." Commissioner Millison offered the background and intent with respect to development of the minor subdivision regulations, which in effect, afforded a land owner the right to sell a lot to his child, without having to go through major subdivision regulations. Mr. Millison felt that if the County "cut back the 8 lot potential subdivision, in this particular case, you will be doing harm to the concept which we have fostered, that is, to allow all these individual land owners to give land to their children, provide employment and ensure stability of the neighborhood."

In reviewing the plat of the subject property, Commissioner Dean stressed that there was the possibility that 37 additional lots could be developed "back this private road, built to no standards." He stressed that should the County allow this to occur, it would create horrendous problems in the future. He explained, "When you get 40 families back a dirt road, constructed to no standards, you're going to have at some point in time, as sure as I'm sitting here, 40 families in here complaining to their government that they have an inadequate road, that school buses can't come down, etc. etc. etc." He continued that the County's special taxing district regulations, as written, would prohibit future residents of this development to create a special taxing district to bring the road to County standards, as it prohibited the employment of that practice for any subdivision created after 1978. He felt that the Subdivision Regulations, as written, were expressedly clear both in definition of the minor subdivision, which specifies one resulting in 8 lots, not involving the construction of new public roads and further specifies that no additional subdivision may be approved which would connect to and be served by private lanes unless such shall be improved to the appropriate County standard at no expense to the County.

Commissioner Dean reflected that should Mr. Usher's request be approved, then by the very language in the Subdivision Regulations, no one else would be permitted to create a minor subdivision and connect to this same private lane, thus negating all minor subdivision rights to those other contiguous property owners.

Commissioner Millison felt very strongly that the Subdivision Regulations should not be changed. He stated, "I don't think we want to change our Subdivision Regulations and interpret that now eight have to be divided among five or that it's first come, first serve and the rest of them have forfeited their right, because someone beat them to it." He acknowledged that while this was a very difficult situation, the County must exercise fairness and not deny anyone the right to develop their land.

Commissioner Dean concurred that a first come, first serve policy basis was unfair to all of the property owners served by this right-of-way.

Mr. Gerred pointed out that the regulations stated very explicitly that no more than 8 lots were permitted on the lane created, i.e. no more could attach to that private lane without bringing said lane up to County standards. He stressed that in this instance, the issue was not the lane that was created, but was a previously existing right-of-way. He noted that in both instances before the Board, there was a pre-existing road which the County had never taken, which was relatively unused. Mr. Gerred advised that with respect to the Usher consideration, the road had historical significance in that it had been a major road down to the St. Mary's River at one time. The road obviously has fallen into disuse, however, the right-of-way still exists in deeds.

Commissioner Dean reflected that the fundamental question before the Board was whether or not it was in the best interest of the residents of the subdivision and the County to allow large scale residential development on private roads, built to no standard. He remarked that he personally felt that such as approval was in neither's interest.

Commissioner Millison felt that the question of the rights of adjoining property owners should be deliberated upon very carefully when considering Commissioner Dean's suggestion relative to prorating the eight lots or whether in fact, the Board found that all of those property owners had the right to develop 8 lots.

Discussion of the Board ensued and the members agreed to defer decision and take the matter under further advisement.

MSUB #82-0321: AL WATSON

Appeal of Planning Commission's decision which denied subdivision approval for a minor subdivision to be located on a substandard right-of-way in the 2nd Election District, Tax Map 58, Block 20, Parcel 180.

Mr. Al Watson and his engineer, Mr. Robert Taylor, came forward and the application was explained as a request for an eight lot subdivision on an existing right-of-way which serves several other houses. The applicant is also seeking a waiver of the required 50 ft. right-of-way.

Discussion of the Board ensued and Commissioner Dean questioned whether each of the contiguous owners should be allowed the privilege of an eight lot subdivision or should his former proposal be instituted, i.e. limit to eight lots on a

private road, with proportioning those eight lots on a prorata basis. Commissioner Dean stated that this question "went beyond Mr. Watson" as it related to policy of the County. He reflected that a five lot subdivision could be approved in this instance, however, to allow unlimited housing on private roads constructed to no standards was a serious mistake. Should the Board grant Mr. Watson the five remaining development rights, such action would preclude the contiguous property owners (Bean and Hampton) from "getting any additional lots from their property, unless the Road was constructed to County standards..." Commissioner Dean stressed, "I don't believe Mr. Watson should get those five remaining lots and these people be denied. I think it needs to be proportioned out on some equitable basis."

The suggestion was made that perhaps a home owners association might be considered in this case. Commissioner Millison reflected that perhaps more of the special taxing district provisions should be written into the law.

The members discussed the requested waiver for the right-of-way and they collectively felt that the existing 30 ft. was adequate.

Commissioner Dean stated that the Board needed to "think long and hard before we go beyond this case; you've got to look at the policy throughout the County."

Commissioner Millison offered that in view of the critical housing shortage in the County, the Commissioners should do everything possible to encourage private home ownership.

Commissioner Millison questioned if there was a covenant in those transactions which made mention that this was a private road. Mr. Gerred responded that there was a requirement to include said information on the plat, which in effect, would provide constructive notice to all potential buyers. Commissioner Millison offered that in this instance, an approval of 8 lots would not cause harm to the applicant nor any of the contiguous owners and if he were to vote on the matter at this point, he would grant an approval for 8 lots to the applicant and in fairness to all other property owners, should they wish to develop their properties, he would grant 8 lot subdivision privilege to them as well.

Discussion continued regarding the need for housing in the County. The members concurred that they would defer action on this matter in order to thoroughly review the case with respect to its many legal aspects.

ZONE #81-1441: HELEN RURAL SERVICE CENTER

Requesting rezoning, based on a comprehensive study of property located on Tax Map 18 in the community of Helen, Maryland, 4th Election District from AR, Agricultural-Residential, to RSC, Rural Service Center.

Present: Frank Gerred, Director
Robin Guyther
Betty Ann Cusic
Laura Clarke
Anita Meridith, Recording Secretary

Mr. Gerred reflected that the staff was concerned with access on Rt. 5 at the intersection of Rt. 5 and Rt. 238 and thus made the recommendation at the entrance be moved onto Rt. 238.

Mr. Gerred advised of the existing commercial (nonconforming uses) which had requested to be included in the proposal.

Commissioner Dean reflected that an RSC designation did not have to find change or mistake, as it was a comprehensive rezoning, i.e. a matter of policy. He felt that the Helen area incorporated the rudiments of a small RSC. He agreed with the staff's concerns regarding entrance onto Rt. 5 and concurred with the staff's recommendation.

Commissioner Arnold advised that he had spoken with the owner of Lot 2, Mr. David N. Gatton and the applicant, and Mr. Gatton had requested that there be a 50 foot buffer from his property line and any proposed development. Commissioner Arnold related that Mr. Cusic had agreed to plant shrubbery or a fence, whatever was necessary and had also agreed to put the entrance on Rt. 238.

Commissioner Dean voiced his concern with bringing the side boundary up to 50 feet from an established residence. He felt that other boundaries would be more appropriate if increased from the proposed 200 ft. depth to 400 ft. depth.

The Board concurred that the next step in this process would be preparation of the appropriate resolution which would incorporate and specifically address the denial of access from Rt. 5 and the determination of the boundaries.

Accordingly, the staff will prepare the appropriate resolution for the Board's further review and action; said resolution, in effect, would approve the RSC designation for the Helen area, and would incorporate the Board's previously discussed concerns.

ZPUD #82-0002: ACADEMY HILLS, Pete Breck

Application requesting rezoning from R-1, Rural-Residential, to PDR 5.0, Planned Development Residential, 5 dwelling units per acre, for 80.2 acres in order to construct 394 dwelling units and 10,000 sq. ft. of commercial space. The property adjoins Maryland Rt. 5 and the southern most boundary of Leonardtown and is located on Tax Map 32, Block 24. Part of one parcel is in Leonardtown Corporate Limits and part in the County, only, also all of Parcel 71.

Present: Frank Gerred, Director
Robin Guyther
Karen Abrams
Anita Meridith, Recording Secretary

Mr. Gerred advised that the staff had discussed former concerns with the applicant and subsequently, the developer had written a letter clarifying their position on the Leonardtown By-Pass, which was the only remaining issue. Mr. Gerred noted that the proposed agreement appeared to be "very workable and direct."

Commissioner Dean referenced a letter, included in the case record from the Manager of the Minitec Corporation which offered their support of the project, however, they expressed concern with the site distance, entrance onto State Rt. 5, south of town, i.e. if designed and placed without regard to the Minitec entrance, said entrance could possibly create a confusing and potentially dangerous intersection.

Mr. Gerred advised that the problem was a design problem and solution might require installation of a controlled traffic signal.

Mr. Gerred suggested that the Board respond to said concern and advise that while appropriate design could be made coming into Leonardtown, there was a difficulty in this subject area and at this point, there was no design solution available within the constraints of the property to remedy the situation. The problem thus becomes the responsibility of the State Highway Administration. Should the Leonardtown By-Pass become a reality, coupled with other possible property acquisition (for wider area), the problem could be eradicated.

Commissioner Dean reflected that should the Commissioners approve this development plan, said approval would in effect, give the applicant the go-ahead to develop the entrance. Mr. Gerred advised that while this was true, such granting would not, however, be an approval of the design. Mr. Dean stressed that before the Board approved this development plan - PUD, it must consider all aspects of that approval.

Following brief discussion, the Board agreed that it would be appropriate, in this instance, to channel said concern through the County Engineer's Office for review and address.

Matter deferred.

PUBLIC HEARING

The hearing was opened by Commissioner President George Aud. Other Commissioner members present included: Ford L. Dean, Larry Millison and Richard Arnold. While Commissioner Sayre was not in attendance, he retains the option of availing himself of the taped recording of the proceedings and minutes of this hearing and could actively participate in the discussion and decision of the subject request.

Mr. Frank Gerred, Director of the Office of Planning and Zoning, read the advertised hearing notice aloud, as it appeared in the published issue of the Wednesday, June 23, 1982 Enterprise newspaper, providing due legal notification of the following hearing:

ZONE #82-0746: CEDAR COVE, Sec. 1.

Proposal to apply this December 9, 1982 AICUZ footprint to Section 1 of Cedar Cove, thus amending an earlier agreement made by the County and Westinghouse Electric Corporation on September 19, 1979.

Present: Frank Gerred, Director
Robin Guyther
Karen Abrams
Anita Meridith, Recording Secretary

Mr. Gerred recalled that the Westinghouse suit with the County had been settled by agreeing that the AICUZ lines would not change within Cedar Cove, which had been accomplished by elimination of the AOA on the Cedar Cove map.

In this instance, staff advised that the Navy had gone through with the purchase of certain properties in Cedar Cove, in fee simple and in covenant restriction, on a certain portion and now had no interest in the property in the corner.

Under the existing AICUZ - 1976 footprint, the County was restrained from issuing permits in the APZ 3 for residential purposes. Under the AOA 3, the County will now be able to issue the permits for those lots. Staff provided a sketch of the area and give a visual presentation of the affected areas for the Board's review. Mr. Gerred pointed to the Cedar Cove boundary and the AOA 3 line, off the APZ 3 line. He advised that the change would affect from 8 to 18 lots in that area. The change would "take that distinction out" and would allow the County to issue permits for those lots. There will be some restrictions in terms of sound attenuation for those lots, otherwise, everything remains the same. Mr. Gerred advised that a letter from the Navy was received which noted very simply, "We have no objection."

Staff advised that a mechanism would be to amend the agreement executed between the County and the Westinghouse Corporation. Said amendment would not be a change in zoning, but would change the agreement which allows the map previously adopted, to affect that corner (land area).

Commissioner Dean felt that since this was a two party agreement entered into between the County and the Westinghouse Corporation, that the latter should sign the resolution, as evidence of their concurrence with the proposed amendment.

Staff advised that in addition to preparation of the resolution, a new official map would be prepared for signature.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the resolution, subject to concurrence and signing of the resolution by the Westinghouse Electric Corporation.

The Chair inquired whether anyone present wished to speak either in favor or opposition to the proposed change. There was no response.

The motion and second remaining on the floor, vote was called. The motion passed unanimously, thus approving the requested amendment to the 1979 approved AICUZ lines.

HOOD'S MOBILE HOME PARK

Present: Frank Gerred, Director, Planning & Zoning

Staff advised that Mr. Thomas Watson, owner of the Hood's Mobile Home Park, had agreed to a payment schedule which would catch up arrearages for his mobile home park fees. Copies of said agreement were distributed to the members. Mr. Gerred felt that said agreement should be approved by the Commissioners.

The Board concurred with said payment schedule, which would deplete the arrearages within one year.

PLUMBING INSPECTION FOR ST. CLEMENT SHORES

Present: Frank Gerred, Director, Planning & Zoning

Mr. Gerred advised that staff had discovered in making ready for MetCom's service to St. Clement Shores, that there would be need for additional inspections, if some arrangement was not made with MetCom to perform the plumbing inspections. It was also pointed out that there was an existing \$50.00 bond required of individuals, which staff felt was unnecessary in this instance, due to the fact that Middle Department and MetCom jointly inspect all installations and electricity could not be hooked up to the facility until all requirements were met. The Planning Office has requested MetCom, through correspondence, to commence the inspections and that the

requirement for a bond would be waived for individual installation in this instance.

The Commissioners concurred.

RESOLUTION ADOPTION - ZONE #82-0282: MINOR SUBDIVISION

Present: Frank Gerred, Director, Planning & Zoning
Anita Meridith, Recording Secretary

The prepared resolution was presented for the members' signatures. A typographical error was noted on the second page of the proposed resolution, fourth line, wherein the sentence should read: "A subdivision of land resulting in eight (8) lots or less, not involving construction of new public roads, and limited to one such subdivision of eight (8) lots, per..."

Commissioner Dean moved, seconded by Commissioner Millison, to approve the resolution, number to be designated, with correction of the aforementioned text.

The motion passed unanimously.

ADOPTION OF BOCA CODE

Present: Frank Gerred, Director of Planning & Zoning

Following review of the prepared resolution, Commissioner Dean moved, seconded by Commissioner Arnold, to adopt the BOCA Code and sign the resolution.

The motion passed unanimously.

PUBLIC HEARING
BRETON BAY ESTATES
SHORE EROSION CONTROL DISTRICT

Present: John Norris, County Engineer
Harris Sterling, Director of Finance
Lawrence Stutz, Breton Bay Estates Resident
Frank Blood, " " " "

The Commissioners conducted a public hearing to update the method of assessment for the final project cost for the referenced project and the setting of the tax rate.

Mr. Sterling read the Notice of Public Hearing and explained that the proposed assessments are divided into two groups:

Group A - Lots 1 through 14 and Parcel 1 fronting Breton Bay and adjoining Lot 1.

Group B - Lots 15 through 25

The proposed assessments for a twenty-five year period are as follows:

Group A - \$413.97 per year
Group B - \$137.99 per year

Total cost of the project is \$189,737.24

After discussion the Commissioners requested that the appropriate Resolution be drafted for their consideration in two weeks.

ROADSIDE HERBICIDE SPRAYING

Present: Robert T. Brown, President Watermen's Assoc.
Harry Huseman, Watermen's Assoc.
Buddy Maupin, Watermen's Assoc.
Jean Trossbach, March of Dimes
John Horton, Audobon Society

Mr. Brown advised that the purpose of this meeting is to express opposition to the State Highway Administration's Roadside Herbicide Spraying along the ditches and guardrail areas of the County's roads. Mr. Brown went on to advise the Commissioners of information regarding the harmful effects of the chemicals used in the spraying. Others present also spoke in opposition to the spraying and requested that it be discontinued.

The Commissioners advised that action was taken earlier today to request the St. Mary's College to assist in a study to determine the effects of 2-4D on aquatic grasses and further to request the State Highway Administration to suspend all further spraying until further notice.

PROCLAMATION NO. P82-37
"DOLLARS FOR SCHOLARS" FUND DRIVE

Present: Elmer Brown

The Commissioners presented the referenced Proclamation designating Saturday, July 17, 1982 as the beginning of "Dollars for Scholars" fund drive.

EXECUTIVE SESSION

Present: Sheriff Somerville
Gerda Manson, Personnel Officer

The Commissioners agreed to meet in Executive Session with Sheriff Somerville to discuss a matter of Personnel. The Session was held from 2:00 p.m. to 2:45 p.m.

EXECUTIVE SESSION

Present: John Baggett, Director, Recreation and Parks
Gerda Manson, Personnel Officer

The Commissioners agreed to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 3:00 p.m. to 4:30 p.m.

BOCA BASIC ENERGY CONSERVATION CODE

Present: Frank Gerred, Director, Office of Planning & Zoning

With regard to the adoption earlier today of the BOCA Basic Energy Conservation Code, Mr. Gerred inquired of the Commissioners the qualifications with regard to specifications for hiring a consultant to do the inspections.

The Commissioners advised that the Inspector should be certifiable and certified prior to any inspection or plans review.

ST. MARY'S PRESS (McGREGOR & WERNER)
SETTLEMENT DOCUMENTS

Present: Dave Morgan, Economic Development Coordinator

The County Administrator presented the various settlement documents relative to the Maryland Industrial Land Act Loan for St. Mary's Press.

1. Lease by and between Board of County Commissioners of St. Mary's County and McGregor & Werner, Inc.
2. Promissory Note in the amount of \$150,000.
3. Construction-Loan Agreement by and between McGregor & Werner, Inc. and the Board of County Commissioners.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the referenced documents. Motion unanimously carried.

AUTOMATED FLIGHT SERVICE STATION PROPOSAL

Present: Dave Morgan, Economic Development Coordinator

Mr. Morgan presented correspondence for the Commissioners' review addressed to Mr. A.P. Bona, AFSS Project Officer of the Federal Aviation Administration advising that not enough time was allowed for St. Mary's County to put together a lease proposal at this time. The letter indicated that if satisfactory proposals are not received, St. Mary's County be given an opportunity to submit a proposal.

The Commissioners agreed to authorize Commissioner President Aud to sign said letter.

MUSEUM EMPLOYEES
CONSIDERATION TO BECOME COUNTY EMPLOYEES

Commissioner Dean advised that a request was received from the St. Clements Island-Potomac Museum Board of Directors that two Museum employees, Michael Humphries, and Christine Clarke, be given consideration to become county employees in that they presently do not have a retirement plan or health insurance. The Personnel Officer has reviewed this request and to develop job descriptions. Two decisions need to be made: (1) whether to accept them as county employees and, if so (2) at what grades and steps.

The Commissioners agreed that Michael Humphries and Christine Clarke should be taken in as county employees and that they would give consideration to the Grades and Steps in Executive Session at next week's meeting.

SECRETARY I POSITION - OFFICE OF COUNTY ENGINEER

The County Administrator presented a memorandum dated July 9, 1982 from the Personnel Officer advising that it is recommended that Carolyn M. Farrell be selected to fill the Secretary I position, Grade 7, vacated by Cindy Pilkerton when she was promoted to Office Secretary II.

The Commissioners gave their concurrence accepting this recommendation, effective July 26, 1982.

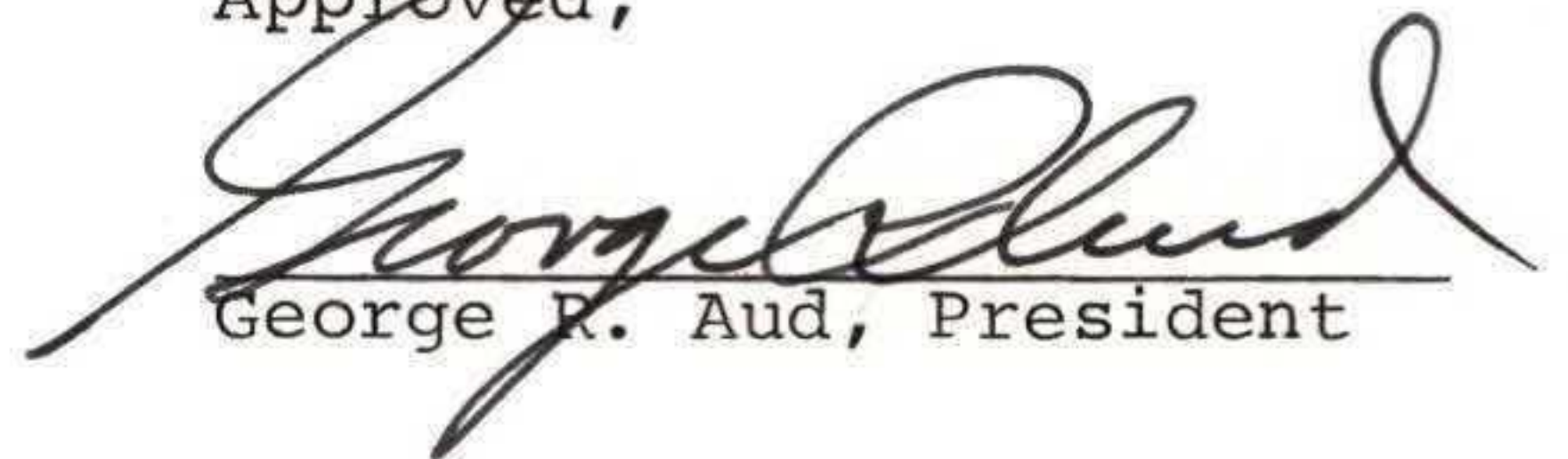
PROJECT DIRECTOR POSITION (RSVP) - OFFICE ON AGING

The County Administrator presented a memorandum from the Personnel Officer dated July 9, 1982 requesting authority to hire a Project Director (RSVP). Grade 8, to replace Johanna Marusic who has resigned.

The Commissioners gave their concurrence.

The meeting adjourned at 4:35 p.m.

Approved,



George R. Aud, President