

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 15, 1983

Present: Commissioner Ford L. Dean, Chairman pro tem
Commissioner Richard D. Arnold
Commissioner David F. Sayre
Joseph P. O'Dell, Director, Budget & Data Services
Judith A. Spalding, Recording Secretary

(Commissioners George R. Aud and Larry Millison were not present.)

The meeting was called to order at 9:55 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting Tuesday, November 8, 1983 as presented. Motion unanimously carried.

APPROVAL OF BILLS

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted. Motion unanimously carried.

DEPARTMENT OF STATE PLANNING STUDY
REGIONAL CENTERS FOR DISTURBED CHILDREN AND ADOLESCENTS

Present: Dr. Patricia Hawkins, Director, So. MD. Counseling Center
Sue Gelrud, President, Walden-Sierra Corp.
Phebe Barth, Youth Services Coordinator

The referenced individuals appeared before the Commissioners to advise of a meeting to be held Thursday in Hughesville regarding the referenced study. Senator Fowler, Chairman of a Tri-County Council subcommittee to review the Study as it pertains to Southern Maryland, has called the meeting. Ms. Barth stated that the County Administrator had requested her attendance at the meeting on behalf of St. Mary's County. The Commissioners were requested to indicate the position that the Study does not address the needs of St. Mary's County and to voice their continued support of the Tri-County Center for Disturbed Children and Adolescents.

The Commissioners advised that they would make every effort to attend this meeting to express their opinions as suggested.

COUNTY ADMINISTRATOR'S ITEMS

Present: Joseph P. O'Dell, Director (Budget & Data Services on behalf of the County Administrator)

1) REQUEST FOR FUNDS
SO. MD. RESOURCE CONSERVATION AND DEVELOPMENT BOARD

Mr. O'Dell presented a request from Tri-County Council dated November 7, 1983 for Operating Funds for the Southern Maryland RC&D Board for FY '84 in the amount of \$250.

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

2) CORRESPONDENCE TO NAACP

Mr. O'Dell presented correspondence for the Commissioners' review and signatures addressed to the President of the NAACP responding to their inquiry regarding minority employment at the Lord Baltimore project. The Commissioners agreed to sign and forward said letter.

PATUXENT RIVER FARMS DISCUSSION
(POSTPONEMENT)

Commissioner Dean stated that the Attorney representing the Applicant for Patuxent River Farms has advised that the revised master plan for the project is not here today, but is in the process of being submitted. He recommended that the Commissioners postpone adopting the Zoning Amendment Resolution until the next Commissioners' meeting on November 29, 1983. Commissioner Arnold and Sayre gave their concurrence.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

- 1) APPLICATION FOR AN INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEM AND AGREEMENT OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH AND THE APPLICANT. ST. CLEMENT'S MUSEUM

Mr. Norris presented the referenced document pertaining to the installation of an alternative sewage disposal system for the St. Clement's Island-Potomac Museum.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner Dean to sign the Application/Agreement as set forth above. Motion unanimously carried.

- 2) CONSTRUCTION EASEMENT STONEY BROOK COURT

Mr. Norris presented a Construction Easement by and between Eldon L. Bekkum and the Board of County Commissioners for construction/drainage improvements at Stoney Brook Court, Eighth Election District. Commissioner Arnold moved, seconded by Commissioner Dean, to approve and sign said Easement. Motion unanimously carried.

- 3) EASEMENT AGREEMENT

Mr. Norris presented an Easement Agreement dated November 15, 1983 by and between Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc. and Mayjack, Inc. granting perpendicular access across the railroad right-of-way. Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign said Agreement. Motion unanimously carried.

- 4) CONSTRUCTION EASEMENT

Mr. Norris presented a Construction Easement dated November 10, 1983 by and between Lexington Park Baptist Church and St. Mary's County Commissioners for construction/drainage improvements to Shangri-La Drive in Lexington Park, Commissioner Arnold moved, seconded by Commissioner Dean, to approve and sign said Agreement. Motion unanimously carried.

- 5) AUTHORIZATION FOR EXTRA WORK ST. GEORGES CREEK SPOIL SITE (PROJECT NO. SM 82-3-1A)

Mr. Norris presented an Authorization for Extra Work in the amount of \$3500 payable to Lester Mattingly & Sons for the referenced project for the purpose of installing a fence around the sediment basin. Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign said Extra Work Order. Motion unanimously carried.

- 6) TALL TIMBERS SHORE EROSION DISTRICT

Mr. Norris advised that the citizens of the Tall Timbers Shore Erosion District had requested some additional work to be done. The Army Corps of Engineers has completed a study which needs to be reviewed by the citizens and recommended that a meeting be set up next week. Commissioner Sayre agreed to meet with the citizens regarding this matter. A meeting with the Corps of Engineers will be scheduled with the Board on November 29 at 4:00 p.m. to discuss the study and the comments by the citizens.

OFFICE OF COUNTY ENGINEER ITEMS (Continued)

7) McINTOSH ROAD

Mr. Norris brought the Commissioners up to date with regard to the McIntosh Road and Bridge reconstruction project and advised that the contractor is behind schedule. Mr. Norris outlined the work that needed to be done by the contractor prior to the County going in and doing the box culvert work on the bridge. This will probably not take place until the middle of December.

Commissioner Arnold pointed out that he had received several telephone calls inquiring as to the length of time the road will continue to be closed. Mr. Norris went on to explain the problems that have been encountered with the contractor, Bates & Associates, and stated that however, there has been no violation of the contract. Mr. Norris stated that the Detour will probably continue until the Spring.

In concluding the discussion, the Commissioners requested Mr. Norris to make every effort to make the road passable this Winter, even without an asphalt surface, and further to get information to the public apprising them of the problems and the estimated time of completion.

8) SEDIMENTATION CONTROL PLAN

Mr. Norris advised the Commissioners that the Department of Natural Resources is in the process of preparing input as to the status of the County's Sedimentation Control Plan. This input should be received in approximately three to four weeks.

ANNUAL FINANCIAL REPORT

Present: Ronald Fudge, Wooden & Benson
Joseph P. O'Dell, Director, Budget & Data Services
B. Harris Sterling, Director of Finance

Mr. Fudge of the auditing firm of Wooden & Benson appeared before the Commissioners to present and review the Accountant's Report, Financial Statements and Supplemental Information for fiscal year ending June 30, 1983. A copy of the Report is on file in the Commissioners' Office.

PROCLAMATION NO. 83-85
ADOPTION WEEK

Present: Debbie Goldbach
Catharine Swales

The Commissioners presented the referenced Proclamation designating the week of November 20-26, 1983 as Adoption Week in St. Mary's County.

PUBLIC HEARING
ZONE # 83-1271: William Ritter

Requesting a rezoning designation to be changed from R-2, Residential to C-2, Commercial. The change in zoning is to correct an error on the zoning maps. The property was rezoned to C-2 on January 20, 1977 (Ref: ZA 76-4) but due to an error on the tax maps, the wrong parcel was designated. The proposed action will correct that error. The property is located on the north side of Great Mills Road, in the Eighth Election District, on Tax Map 51, Block 2, Parcel 334.

Commissioners present: Ford Dean (Chairman), David Sayre, and Richard Arnold. Staff present included: Frank J. Gerred, Robin Guyther and Anita Meridith of the Office of Planning & Zoning.

REZONING HEARING (Continued)
WILLIAM RITTER

Mr. Guyther read the public hearing advertisement aloud, as it was consecutively published in the October 26th and November 2, 1983 issue of the Enterprise Newspaper relative to the rezoning request for William Ritter.

Staff advised that the property had been duly posted and notification to all contiguous property owners had been given.

Mr. Guyther explained that the applicant felt that this error was not his mistake. In offering the history of the application, Mr. Guyther noted that the applicant had originally gone through the process of having this property rezoned in 1977. At that time, the parcel numbers were inadvertently switched; the tax maps later adopted officially by the County, again adopting the wrong parcel and only then discovered that the tax maps had the parcel numbers in the wrong place. Consequently, the applicant felt that this was not his mistake and that he should not be burdened with having to reinstitute the process.

Mr. Guyther commented simply, "it's obvious, there was a mistake due to the tax maps having the wrong parcel number in the wrong place." Staff noted that the other parcel would retain its C-2 zoning designation. Staff also pointed out that the Planning Commission felt that this was a clear mistake of designation of the wrong parcel and has issued a positive recommendation to the Commissioners to correctly designate the subject parcel to C-2, Commercial.

Commissioner Dean stated that in this instance he did not see any point in further deliberation and at this time stated that he would entertain a motion to authorize the County Attorney to prepare the appropriate adopting resolution. Commissioner Arnold so moved, seconded by Commissioner Sayre and unanimously passed.

STSP #83-0517: ED GUNDE

Requesting site plan approval for an office/storage building for wrecking and auto yard on Loct 4, Section 1, St. Mary's Industrial Park. The property contains 5.14 acres and is located in the sixth Election District on Tax Map 34, Block 1, Part of Parcel 548, Zoned I-1, Industrial.

Mr. Guyther advised that this industrial site plan had been reviewed by the Planning Commission the previous day and had been recommended for approval with the proviso that the County Commissioners during their review of the application, consider the County Engineer's comments with respect to some flooding difficulties currently experienced on the Lawrence-Haydent Road. The County Engineer suggested that a major contribution to this problem was that of the St. Mary's Industrial Park and recommended that pending approval of this subject site plan, a down stream analysis should be conducted to determine the impact of the project on the current problem area.

Staff advised that discussion among the Planning Commission had resulted in the consensus of the Commission that this problem was not necessarily the applicant's fault or responsibility.

Commissioner Dean agreed with the Planning Commission's stance on this problem and suggested that the County Commissioners review the problem in depth with the County Engineer prior to any resolution approval of this application.

Matter deferred, pending discussion with the County Engineer.

EXECUTIVE SESSION

Commissioner Arnold moved, seconded by Commissioner Sayre to meet in Executive Session in order to discuss a matter of property acquisition. The Session was held from 1:35 to 2:15 p.m.

ADJOURNMENT

The meeting adjourned at 2:15 p.m.

Approved:

