

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 29, 1984

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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, May 22, 1984. Motion unanimously carried.

APPROVAL OF BILLS

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

WORKMEN'S COMPENSATION INSURANCE

Present: Edward V. Cox, County Administrator
B. Harris Sterling, Director of Finance
Gordon Smith, Board of Education

The Maryland Association of Counties has formed a Workmen's Compensation Fund by which counties may participate at a cost savings on insurance premiums for workmen's compensation. Mr. Sterling has served as the County's representative on the MACo study committee which formed the Fund. A previous stumbling block to St. Mary's County's participation was an up-front payment of \$500,000 which has now been eliminated by the action of the recent General Assembly to permit payment of \$250,000 in installments, thereby making our county's participation feasible.

Given the benefits of participation in the Workmen's Compensation Fund, it is the staff's recommendation that the County Commissioners sign a Letter of Intent to MACo's Workmen's Compensation Group Self-Insurance Fund indicating the County's willingness to participate subject to the following three conditions:

- a. Since our current coverage is under separate contract the term of which does not end until November 1984, our participation will not begin until then.
- b. Since we currently participate jointly with the Board of Education, the Board of Education must be able to join the separate fund available to it.
- c. Since we currently participate jointly with the St. Mary's Nursing Home and the St. Mary's County Metropolitan Commission, those agencies must be admitted with county government into the MACo fund.

After some discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to sign and forward said Letter of Intent. Motion unanimously carried.

TECHNICAL CENTER HOUSE
BID TALLY SHEET

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid tally sheet for the sale of House #3 built by the St. Mary's Technical Center Students and advised that the house was advertised for three weeks and requested a minimum bid of \$160,000. One bid was received, which was in the amount of \$85,000.

Commissioner Dean moved, seconded by Commissioner Sayre, to reject the bid and at an appropriate time discuss the rebidding in an Executive Session. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) AGRICULTURAL LAND PRESERVATION DISTRICT INSPECTIONS

The County Administrator advised that correspondence dated March 29 was received from the Maryland Agricultural Land Preservation Foundation requesting each county's assistance to perform routine inspections on an annual basis of 10% of all easement properties within its jurisdictions inasmuch as the State did not have the resources to perform this function. In response to this request, Mr. Cox presented a letter for the Commissioners' review and signatures advising that the responsibility of coordinating the Foundation's program has been assigned to the Director of Planning and Zoning and setting forth the procedures already in place in the County. The Commissioners agreed to sign and forward said letter.

2) RESOLUTION NO. 84-01A
REPEAL AND REAUTHORIZATION OF TRAILER PARK FEES/TAXES

The County Administrator advised that subsequent to a successful meeting with trailer park owners and operators wherein recommendations were offered amending the County's Resolution relative to Trailer Park Fees, the following constructive revisions have been incorporated into a revised Resolution:

- a) That the 7% fee is made on gross rent and not net rent;
- b) That the County have a minimum per lot rental of \$100 per space rental.

Therefore, Mr. Cox presented Resolution No. 84-01A which repeals Resolution Nos. 69-4, 75-38 and 84-01 and provides reauthorization of taxes and penalty charges.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 84-01A. The Commissioners voted four to one in favor of the motion, with Commissioner Millison voting against stating for the record that he will not vote in favor of any tax increase.

3) BUDGET AMENDMENT NO. 84-48
COUNTY ENGINEER

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Budget and Data Services with the following justifications: (1) To acquire backhoe bucket; (2) Required funds to install lighting fixtures in Jail.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner Aud to sign said Budget Amendment. Motion unanimously carried.

4) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

a) Bushwood Wharf Property To Dr. and Mrs. Boyd advising that D.H. Steffens Co. has completed the survey of the metes and bounds of the county-owned property at Bushwood Wharf which was contrary to what the Boyds had presented. The Commissioners agreed to sign and forward said letter.

b) Transportation, Operations and Maintenance Contracts, NAS
To Adm. James Watkins, Department of the Navy formally requesting a thorough review and analysis of the action of the Naval Contract and Review Board relative to the contract for Transportation, Operations and Maintenance at the Patuxent River Naval Air Test Center. The letter states that there are serious questions as to why two other review groups recommended rejection of the contract award to a California firm and the Review Board has reversed that recommendation. This action would jeopardize the status of many employees. Commissioner Dean moved, seconded by Commissioner Arnold, to sign and forward said letter. Motion unanimously carried.

5) RESOLUTION NO. 84-16
INVESTMENTS

Inasmuch as the County has approved on May 15, 1984 an Agreement to implement a Cash Consolidation Account and related banking/investment services with Maryland National Bank, the County Administrator indicated that it is now necessary to amend Resolution No. 77-70 which established an Investment Policy.

Therefore, Mr. Cox presented Resolution No. 84-16 amending Resolution No. 77-70 to include the scope of investment services of Maryland National Bank to be effective July 1, 1984.

Commissioner Dean moved, seconded by Commissioner Aud, to approve and sign Resolution No. 84-16. Motion unanimously carried.

6) WAIVER OF BUILDING PERMIT FEE
CHARLOTTE HALL TEMPORARY LIBRARY

The County Administrator presented a request from the County Engineer's Office dated May 15, 1984 requesting a waiver of the Building Permit Fee for the Temporary Library at Charlotte Hall. The County will be using the donated mobile unit from the First National Bank for the temporary library.

Inasmuch as the request is in compliance with the County's Resolution No. 73-53, Commissioner Dean moved, seconded by Commissioner Arnold, to approve the request. Motion unanimously carried.

7) RESCISSION OF BUDGET AMENDMENT NO. 84-45

The County Administrator advised that the Commissioners approved the referenced Budget Amendment on May 8 for \$50,000 to be taken from Highway Maintenance for surfacing program. According to the Director of Budget & Data Services, these funds are no longer necessary and the Board should rescind their previous action.

Commissioner Dean moved, seconded by Commissioner Sayre, to rescind Budget Amendment No. 84-45 as recommended. Motion unanimously carried.

8) PERSONNEL

The County Administrator presented the following items for Personnel for the Commissioners' review and approval:

a) Sheriff's Department
Patrolman Position

Memorandum dated May 24 from the Personnel Officer advising that the Sheriff has tentatively selected Michael R. Merican for one of the vacant Patrolman positions, Grade 12, in the Sheriff's Department.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept this recommendation, effective June 11, 1984. Motion unanimously carried.

b) County Engineer's Office
Motor Equipment Operators (2)

Memorandum dated May 29, 1984 from the Personnel Officer requesting authority to fill the Motor Equipment Operator II positions, Grade 8, which were vacated by the promotion of Robert Cooper and George Yates to the Road Maintenance Supervisor positions.

Commissioner Aud moved, seconded by Commissioner Sayre, to grant this authority. Motion unanimously carried.

c) County Engineer's Office
Highway Engineer

Memorandum dated May 29, 1984 from the Personnel Officer requesting authority to fill the Highway Engineer position, Grade 15, in the County Engineer's Office, which will be vacated by Glenn Gass effective July 18, 1984.

Commissioner Aud moved, seconded by Commissioner Sayre, to grant this authority. Motion unanimously carried.

d) County Engineer's Office
Inspector Position

Memorandum dated May 29, 1984 from Personnel Officer advising that it is the recommendation of the County Engineer that John Dwyer be selected to fill the Inspection position, Grade 10, vacated by the transfer of Phil Shire to the Office of Planning and Zoning.

Commissioner Aud moved, seconded by Commissioner Millison, to accept this recommendation and hire John Dwyer to the Inspector position, Grade 10, Step 3, effective June 18, 1984. Motion unanimously carried.

9) ORGANIZATIONAL MEETINGS
AGRICULTURAL TASK FORCE
DOMESTIC VIOLENCE/SEXUAL ASSAULT BOARD

The County Administrator referred to the Commissioners' recent appointment of the two referenced Committees and requested direction as how to proceed with the first organizational meetings.

After some discussion, the Commissioners agreed that the staff arrange the meetings of the Agricultural Task Force and the Domestic Violence/Sexual Assault Board and meet with them.

10) ZONING AMENDMENT RESOLUTION NO. Z84-
TEXT CHANGE TO ZONING ORDINANCE
UNSAFE STRUCTURES

Having conducted a public hearing on February 28, 1984 and held subsequent discussions on the referenced Text Amendment to the County's Zoning Ordinance relative to Unsafe Structures, the County Administrator presented a proposed Resolution for the Commissioners' review and approval.

After discussion, Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign Zoning Amendment Resolution No. Z84- . Motion unanimously carried.

11) TRAFFIC PERMITS CONTROL SUPERVISOR

The County Administrator recommended to the Board of County Commissioners that the referenced position not be filled at this time on a permanent basis but rather that a temporary employee be appointed for a term not to exceed six months. Commissioner Arnold moved, seconded by Commissioner Dean, to accept this recommendation. Motion unanimously carried.

AGREEMENT

FRIENDS OF ST. CLEMENT'S ISLAND MUSEUM, INC.

Present: John V. Baggett, Director, Recreation and Parks
Joseph Mitchell, Director, Economic & Community Development
David Morgan, Economic Development Coordinator
Joseph Densford, Asst. County Attorney
Mrs. Elizabeth Butler, Friends of St. Clement's Island Museum,
Inc.
" Charles A. and Charlotte Young, " " " " " "

Mr. Baggett advised that the "Friends of St. Clement's Island Museum, Inc.," has become incorporated and is chartered under the State of Maryland as a non-profit corporation for the purpose of supporting the activities associated with the St. Clement's Island Museum at Colton's Point. Relative to these activities, a proposed Agreement dated this date by and between the Board of County Commissioners of St. Mary's County and the Friends of the St. Clement's Island Museum, Inc. for:

- a) the operation of a gift and souvenir shop at the Museum;
- b) the provision of regular boat tour services from the Museum to the Island;
- c) the provision of such other services and other activities relative to the Museum.

After discussion, Commissioner Dean moved, seconded by Commissioner Millison that the Commissioners approve and sign the Agreement as presented. Motion unanimously carried.

Further, Commissioner Arnold moved, seconded by Commissioner Dean, that the Commissioners donate to the "Friends" the boat "Tolerance" for their use as they see fit, and if the "Friends" decide to sell the boat, that because it was acquired by the County through surplus property of the federal government, the disposition of it be consistent with their requirements. Motion unanimously carried. After the Commissioners' motion to donate the "Tolerance" to the "Friends", the "Friends" had a brief discussion among themselves to determine whether to accept the offer. Mrs. Butler, President of "Friends", advised that they would accept the offer of the "Tolerance".

INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS UPDATE

Present: Dr. William Marek, Deputy Health Officer
Walter Raum, Director, Environmental Hygiene
Jack Holthaus, State Dept. of Health & Mental Hygiene
Jane Gottfredson, " " " " " " "
Ching-Tzone Tien, " " " " " " "
Interested citizens

(Commissioner Aud moved, seconded by Commissioner Arnold, that the Board recess as the County Commissioners and convene as the Board of Health.)

Representatives of the Health Department appeared before the Commissioners to present a updated report on the Innovative and Alternative Sewage Disposal Study and the selection of qualified properties for the installation of these systems. (A copy of the report is on file in the Commissioners' Office.) Dr. Marek stated that the purpose of the study as directed by the Commissioners was to evaluate the I & A sewage disposal methods in a coastal plain setting with slowly permeable or impermeable soils or high groundwater conditions. The Team (consisting of County and State Health Department members) developed preliminary evaluation and monitoring criteria and uniform procedure was carried out on each site visited and then reported the findings and formed a consensus for each site. As part of the referenced report is a preliminary evaluation of each of the properties and recommendations as to which properties are to be included for each of the test systems.

Dr. Marek advised that the I&A Program will follow the criteria as set forth in H.B. 369, which was passed by the 1984 General Assembly and sets forth the parameters by which such projects are eligible for State grant funds. Dr. Marek went on to explain the eligibility requirements and described the procedures that the Team used in contacting the property owners, conducting the tests and determining eligibility. Testing had to be done during the wet season, which terminated April 30. The requests that were received after that time were given preliminary evaluations and, where appropriate, owners were advised that detailed evaluations would be deferred to the next wet season in 1985.

Included in the Study were the list of property owners, contact, preliminary evaluation, in-depth evaluation and recommendations. Numbers of eligible properties are as follows:

Solar System	-	22 (including unimproved sites)
Valve System	-	2
Pressure Dosing System	-	2
Typar Filter	-	0

Dr. Marek pointed out that six properties for each system are needed in order to insure scientific validity. It is hoped that the number of test sites will increase to meet this requirement during the Health Department's normal performance of duties. With regard to the Solar System, Dr. Marek indicated that the County Commissioners will have to select six.

Discussion ensued as to whether to begin the testing with the two properties each in the Valve System and Pressure Dosing System. Dr. Marek stated that since the study is going to be performed in other parts of the State that additional properties may be found in other areas which could make up the needed six for each category.

With regard to the Solar System, it was agreed that there are 11 eligible improved properties, six of which need to be selected for the program. The Commissioners directed the Health Department to meet with the 11 potential candidates for the Solar System to explain all of the ramifications, after which, of those 11 who still wish to participate, the Commissioners will make a selection of six through a lottery system. This selection should take place June 26 at a Commissioner meeting. There are two improved properties that require in-depth study and a determination will need to be made as to whether they would qualify for one of the above systems. The Health Department indicated that this would take approximately ten days. Commissioner Millison stated that he would like to see all 24 (or as many as possible) systems on board in one year's time.

(Commissioner Aud moved, seconded by Commissioner Dean, to adjourn as the Board of Health and reconvene as the Board of County Commissioners.)

SOUTHERN MARYLAND INNER HARBOR DAYS

Present: Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
John Baggett, Director, Recreation and Parks
George Havens, Director, Chamber of Commerce
Vi Englund, Traveltours

Mr. Mitchell stated that the purpose of this meeting is to update the Commissioners on the activities and festivities scheduled for June 9-10 at the "Southern Maryland Days" at the Baltimore Inner Harbor. St. Mary's County's planned program has been a combined effort of Recreation and Parks, Chamber of Commerce, Economic Development and the St. Clement's Island Museum and includes folk music, bands, choruses, artisans, photographic exhibits and many other items of Southern Maryland culture. Vi Englund of Traveltours is making transportation arrangements with busses leaving designated areas of the County on the mornings June 9-10.

After discussion of the events, the Commissioners expressed their appreciation for all the effort that has gone into the Southern Maryland Days at the Inner Harbor in Baltimore.

DIRECTOR OF BUDGET & DATA SERVICES

Present: Joseph P. O'Dell, Director, B & D

1) GENERAL OBLIGATION BOND ANTICIPATION NOTES
RESOLUTION NO. 84-15

Mr. O'Dell presented the referenced Resolution, which supplements and amends Resolution No. 81-94 by providing that St. Mary's County may redeem its General Obligation Bond Anticipation Notes held by Union Trust Bank dated January 1, 1982, or any portion thereof, prior to maturity without the necessity of publishing notice of redemption. The principal amount to be redeemed on July 1, 1984 is \$1,355,000.

Commissioner Aud moved, seconded by Commissioner Arnold, to authorize the dispensing of the advertisement of a published notice of redemption. Motion unanimously carried.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 84-15 as set forth above. Motion unanimously carried.

2) TRANSPORTATION BOND PARTICIPATION

Mr. O'Dell presented a Request for Participation in County Transportation Bonds - First Issue, Seventh Series, beginning July 1, 1984 in the amount of \$1,600,000 for the following projects:

Beachville Road (Reconstruction and Resurfacing	\$ 600,000
Asphalt Overlay (Various County Roadways)	\$1,000,000

Commissioner Dean moved, seconded by Commissioner Arnold to authorize Commissioner President Aud to sign the Request for Participation as set forth above and to be submitted to the Maryland Department of Transportation. Motion unanimously carried.

3) RESOLUTION NO. 84-14
1984-1985 BUDGET

Mr. O'Dell presented the referenced proposed Resolution for the 1984-85 Operating and Capital Budgets, Enterprise and Special Assessments Funds and Property Tax Rate as follows:

Operating Budget	\$31,014,914
Capital Budget	\$ 4,333,750
Enterprise Fund	437,034
Special Assessment Fund	177,896

Property Tax Rate is assessed at \$1.99 per \$100 of assessed valuation.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 84-14; motion unanimously carried.

4) SIGNING OF FY '84-'85 APPROVED BUDGET

Mr. O'Dell presented the FY '84-'85 Budget for the Commissioners' approval and signatures stating that the Commissioners' actions of the past few weeks which affected the Recommended Budget are set forth in the Budget Message. He further stated that the amount of funds retained in the uncommitted budget account is \$41,512.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign the FY '84-'85 Approved Budget.

5) GENERAL OBLIGATION BOND ISSUE

Mr. O'Dell advised the Commissioners of the upcoming 1.7 Million Dollar General Obligation Bond which will require preliminary legal and fiscal work and requested that he be authorized to begin preliminary work with the firms of Piper & Marbury and Alex Brown & Son concerning the above matter. The Commissioners gave their concurrence.

ZONING DECISION DISCUSSION
ZONE #82-0884 - BUDDY WINSLOW MARINA

Commissioners Present: George R. Aud, President
Richard D. Arnold
Ford L. Dean
David F. Sayre

(Commissioner Millison did not participate.)

Planning Staff Present: Robin Guyther, Planner

Also Present: Buddy Winslow, Applicant; Karen Abrams, Attorney for Applicant; Joseph Densford, Asst. County Attorney; Robert E. Herndon, Floyd A. Rabin, Betty Rabil, Mrs. Dirk Watson, James R. Smith, J. L. Wilber, A. E. Dyer, Frank Gorley, Charlotte Gorley, Mosby Sandidge, D. L. Buckner, M.L. Anderson, Helen Fieldman, Estelle Bean, Ruth Clevenstine, C. W. Clevenstine, George Payne, Naomi Herndon, Pat Powers, Betty Williams, Marguerite L. Teilbar, Frances Anderson, Dolores Huguley, Frank Huguley, Laura B. Wynn, Beryl Withers, Arthur Withers.

(Request to rezone 1.0 acres from R-1, Rural-Residential, to CM, Commercial Marine. The property is now a nonconforming use marina in Town Creek, off of Bill Dixon Road, Eighth Election District, on Tax Map 35, Block 2, Parcel 2, Levering Subdivision, Lot 122.)

Commissioner Aud opened the discussion and stated that according to the minutes of the hearing held on April 17, 1984 the cutoff date for acceptance of written commentary would be May 21 with the Commissioners subsequent consideration to be held on May 22. However, since the Commissioners did not meet on May 22, the date for acceptance of written commentary was extended to May 28.

Relative to the issue raised at the April 17 meeting concerning the placement of the septic system on the adjacent lot, Mr. Guyther advised that John Pliesse, Planning Commission Attorney, who has indicated that based on the plat prepared by a surveyor there is no issue because Mr. Winslow owns the property, does not cross any other property and is therefore one contiguous piece of property.

Commissioner Dean reviewed the history of the zoning case stating that a public hearing had been held on November 29, 1983, subsequent discussions held and the County Attorney was authorized to prepare the Rezoning Resolution approving the rezoning with certain limitations and conditions. Immediately thereafter, the applicant requested to present additional information and a new hearing was scheduled and it is this additional information that the Board is now discussing and considering.

Commissioner Dean stated that he is of the opinion that the Commissioners made the correct decision initially and that that is the decision that the Board should carry forth with which is to approve the rezoning with the conditions as originally imposed. The restrictions were as follows:

1. No boat and marine motor service and repair, except for those of an emergency nature;
2. No fish or shellfish sales establishment, wholesale or retail;
3. No restaurant, cocktail lounge or refreshment stand selling alcoholic beverages;

4. No commercial pier or dock for the loading, unloading, buying or selling of seafood;
5. That the mooring facilities shall be limited to a maximum of 36 boats;
6. That expansion above the current 18 boat slips to the maximum of 36 shall require the installation of a dumping station septic tank and drainfield.

Mr. Winslow is requesting a change to two of the restrictions and limitations -- that the maximum number of slips be changed from 36 to 60 with an additional three slips for Mr. Winslow's personal use and that the boat and motor repair restrictions be changed to no railway or travel lift operation.

Commissioner Dean stated that as determined previously the basis for the earlier decision was mistake in the original zoning given the fact that there are within Town Creek three other parcels zoned CM and four other non-conforming CM parcels in addition to the subject parcel, and because of the historic commercial marine use of the property there was justification for changes from R-1 to CM, but with conditions and limitations. The reasons for imposing those conditions were: (1) Access to the property is through a residential community; (2) Its rather small size and configuration imposes limitations on potential development. Therefore, Commissioner Dean noted that he did not see anything presented that would support changing the original decision.

Commissioner Aud stated that the property has been operating as a non-conforming use with 16-18 slips and that it should continue to operate as a non-conforming use in that he did feel that it warranted a change by the County in that the road was so narrow and everything around the property is so small with a great deal of congestion. Therefore, Commissioner Aud stated that he did not feel that it was in the best interest of the County to rezone this parcel.

Commissioner Arnold pointed out that he went along with the original request for 36 boat slips and with the restrictions placed on it; however, he has always had concern about running the sewage line around the head of the creek to the other lots and had ask at the first hearing for a legal opinion as to whether that could be done. This still has not been received to date. In looking at the map presented today, it appears that it is just a small sliver of land at the head of the creek and therefore Commissioner Arnold stated he was not satisfied and would not vote for it and would recommend that it stay non-conforming.

Commissioner Dean moved that the original motion of the Board to instruction the County Attorney to prepare the appropriate Resolution approving the rezoning from R-1 to CM with the restrictions and limitations be reaffirmed. The motion failed for lack of a second.

Commissioner Aud moved, seconded by Commissioner Arnold to direct the County Attorney to prepare the appropriate Resolution DENYING the rezoning request. The motion carried with the vote three to one, with Commissioner Dean voting against.

Mr. Winslow requested that the Board not make a decision until the legal opinion regarding the placement of the septic system. Ms. Abrams stated that it was her understanding that it was the County's responsibility to obtain that information and that the Commissioners were "shutting out the applicant" because of an opinion that was to be made by the County.

Joe Densford, Assistant County Attorney, stated that he received correspondence from the Office of Planning and Zoning requesting a legal opinion on using residentially zoned lots for sewage purposes for a commercial marina. Mr. Densford stated he had spoken to the Director of Planning and Zoning about that question and Mr. Gerred had advised that he would obtain an opinion from the Planning Commission Attorney, which he has apparently done. Therefore, based on that conversation, the County Attorney's Office did not prepare an independent opinion on the subject.

Commissioner Aud stated that on June 26 the Commisisoners would be voting on the signing of Resolution and would take into consideration whatever information is received relative to the sewage system.

The County attorney will prepare the Resolution to deny and secondly to submit a written opinion as to whether it is legal to put the sewage line on those adjacent lots.

(Commissioner Millison returned to the meeting.)

REQUEST FOR ROAD NAME CHANGE
LISTON ROAD

Commissioner Aud stated he has received a request to change Liston Road, in Half Pone Point, Hollywood, to Briscoe Road in honor of the late Judge Briscoe who had lived on that road. After discussion the Commissioners agreed to schedule a public hearing on the change of the name of the road.

LOT SIZE REQUIREMENT - AGRICULTURAL RESIDENTIAL

Commissioner Arnold inquired as to the possibilty of change the lot size requirement in the Zoning Ordinance for Agricultural Residential from 1 1/2 acres to 1 acre. He stated that mortgage money is available from certain financial institutions for land up to one acre. He stated that when the 1 1/2 acres was imposed in 1974, it was for the purpose of conserving farmland. He stated that he felt that one care was still plenty of land and would allow more families to own their own homes.

In that this is a change to the Zoning Ordinance, this proposal would have to go through the regular public hearing process with the Planning Commission and County Commissioners.

SITE PLAN APPROVAL
STSP 84-0008 - MINITEC CORPORATION

Present: Larry Day

(Requesting Site Plan approval for an industrial building in the Sixth Election District. The property contains 89 acres and is located on the west side of Md. Rt. 235, approximately 400 feet south of Airport Drive; Tax Map 34, Block 7, Part of Parcel 299; zoned I-1, Industrial.)

Mr. Day, on behalf of the Minitec Corporation, appeared before the Commissioners to obtain approval of the referenced Site Plan and stated that the Planning Commissioner approved it on May 28.

After discussion, Commissioner Aud moved, seconded by Commissioner Dean, to approve the site plan, subject to signatures being obtained from the other approving agencies. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) PROJECT NO. SM 85-1-8
BITUMINOUS CONCRETE OVERLAY

The County Engineer presented the bid tally sheet for the referenced project and recommended awarding the contract to the lowest bidder, Arundel Asphalt Products, Inc., in the amount of \$694,066.20.

Commissioner Millison moved, seconded by Commissioner Aud, to accept the County Engineer's recommendation. Motion unanimously carried.

2) ROAD RESOLUTION NO. R84-9
HOLLYGAFF SUBDIVISION

The County Engineer presented the referenced Road Resolution designating the following street in Hollygaff as a Stop Street: Morgan Road as it intersects with Morgan Road.

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

3) ADDENDUM TO PUBLIC WORKS AGREEMENT
WILDEWOOD SUBDIVISION, NEIGHBORHOOD 3, CLUSTER 2, PLAT 1

The County Engineer requested authorization for the President of the Board to sign the referenced Addendum to the Public Works Agreement and Irrevocable Letter of Credit that will come due on Friday, June 1.

Commissioner Sayre moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Public Works Agreement Addendum. Four Commissioners voted in favor with Commissioner Dean abstaining. Motion carried.

4) EXTRA WORK AUTHORIZATIONS
ST. CLEMENT'S ISLAND MUSEUM

Mr. Norris presented the following Extra Work Authorizations relative to the St. Clement's Island Museum project for the Commissioners' approval:

Project No. SM 84-4-6 - EWA #2 in the amount of \$406.25 payable to John L. Mattingly for the addition of a flow meter.

Project No. SM 84-4-1 - EWA #5 in the amount of \$863 payable to John Mattingly Construction Co. for painting installation of poly ground cover.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the referenced Extra Work Authorizations. Motion unanimously carried.

5) GREAT MILLS HIGH SCHOOL LETTERING PROJECT

As a followup to previous discussion regarding the Great Mills High School fundraising street address stenciling project, Mr. Norris advised that the only standards would be height and color which is four inches high in black. Mr. Norris recommended that the Commissioners respond to the school in the affirmative to allow them to proceed with this project on county roads. The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
John Norris, County Engineer
Joseph Densford, Asst. County Attorney

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of Litigation with the County Attorney and the County Engineer and to continue in Executive Session for matters of Personnel with the County Engineer. Motion unanimously carried.

CONTINUATION TO DISCUSSION
ZONE #83-1210 - J. WALTER NORRIS

Present: Frank Gerred, Director, Office of Planning and Zoning
Robin Guyther, Planner, " " " " "

The Commissioners continued discussion on the presentation by Charles Norris on behalf of J. Walter Norris on May 1 wherein reconsideration was requested regarding the restrictions placed on the rezoning application during the Board's discussion on April 10.

Commissioner Dean stated that there were two areas to be addressed prior to the Commissioners making a decision:

- 1) Whether or nor conditional or contractual zoning is legal?
- 2) How was this case similar or different to the Goldsborough zoning case?

Responses to these question were received from the Office of Planning and Zoning and the Assistant County Attorney. Mr. Guyther indicated in his May 18 memorandum that Section 70.03.4 of the Zoning Ordinance specifically allows Conditional Zoning; however, Mr. Densford noted in his May 15 memorandum that although conditional or contractual zoning is legitimate that there may be a requirement of public notice of the conditions sought to be imposed. Copies of the two referenced memoranda are on in the Commissioners' Office.

Discussion ensued as to the specific conditions placed on this application at the May 1 meeting:

- 1) That access to the property shall be limited to old Md. Rt. 235; and
- 2) That no bars or taverns be permitted on the subject property.

After some discussion, Commissioner Aud took a vote of the Board to determine who is in favor of rezoning the property but adding the restriction that there be no tavern. Three Commissioners vote in favor with two opposing.

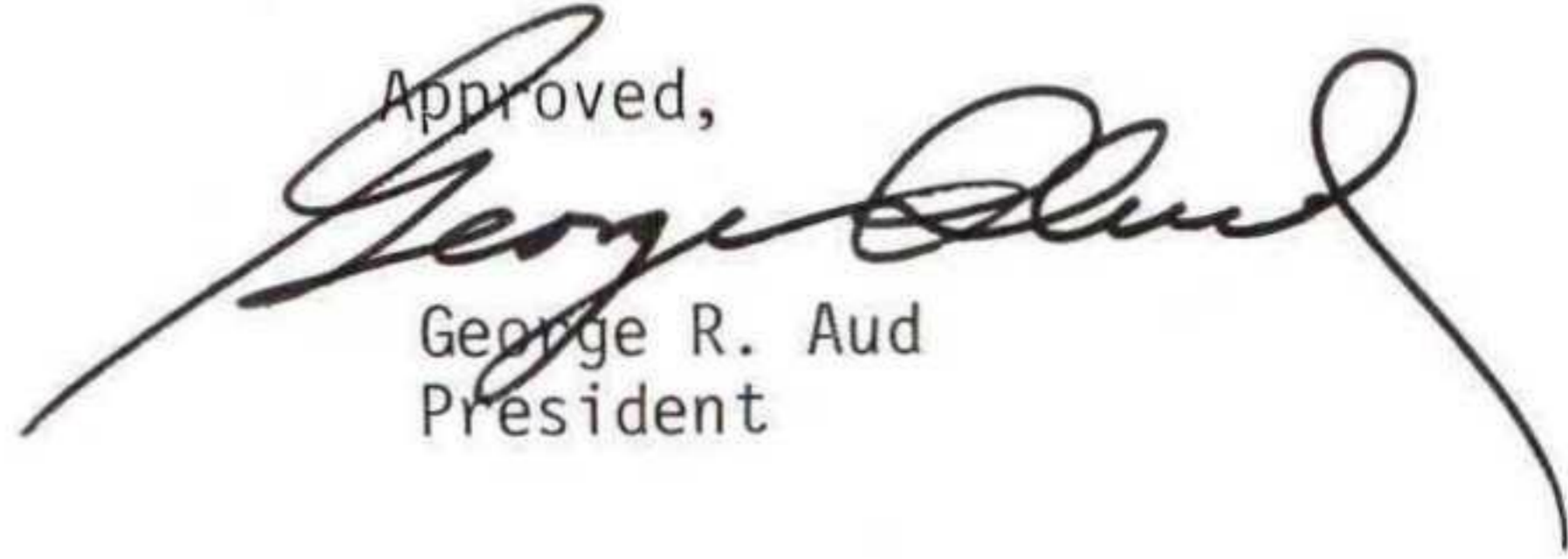
Commissioner Aud then polled the Commissioners as to whether the applicant would be allowed access from the new Rt. 235. Four Commissioners voted in favor with one Commissioner voting in opposition.

After further discussion, Commissioner Aud moved, seconded by Commissioner Sayre, to request the County Attorney to redraft the appropriate Resolution approving the requested rezoning, but placing the restriction that there be no tavern; however, there could be access from the new Rt. 235. Four Commissioners voted in favor, with Commissioner Dean voting against. Motion carried.

ADJOURNMENT

The meeting adjourned at 3:55 p.m.

Approved,

A handwritten signature in black ink, appearing to read "George R. Aud". The signature is written in a cursive style with a large, sweeping flourish at the end.

George R. Aud
President