

Board of County Commissioners' Minutes

Tuesday, August 15, 1972

Present: Commissioner George R. Aud, President  
 Commissioner J. Wilmer Bowles  
 Commissioner J. S. Guy, Jr.  
 Mr. Robert E. Wigginton, County Attorney  
 Cecelia B. Adams (Mrs.), Recording Secretary

The meeting came to order at 10:20 A.M.

VOUCHERS SIGNED

Commissioner President, George R. Aud, signed vouchers number 2765 through 2852.

AIRPORT ZONING

The request to have approximately 1,000 acres of land surrounding the St. Mary's County Airport zoned to "I-1 or light industrial" as approved and recommended by the Planning and Zoning Commission was approved by the Board of County Commissioners this date. Also approved within the 1,000 acres was a 300 foot strip of land along the Mrs. Abell and Lawrence Hayden Road, to be zoned "Commercial" category as recommended and approved by the Planning and Zoning Commission. Both tracts of land appear in the notice of public hearing as advertised in the local newspapers.

AIRPORT-SURFACE TREATMENT

The Commissioners agreed to surface treat the small section of road leading from the existing airport road to the trailer. Mr. John Norris, Asst. County Engineer, will be notified of this decision.

ROADS MEETING

Present: Mr. Paul R. Raley, Administrative Officer  
 Mr. Pat Breslin, Mr. John Norris, Asst. County Engineer, Mr. Benson, Mr. Timco, Mr. Jack Kershaw, Miss Christy Selph and Mr. J. Douglas Bond, SHA

Mr. Benson and Mr. Timco of the Golden Beach Improvement Association presented a problem they are experiencing in their subdivision. There is a drainage problem on Waterview Drive caused because the land there is lower than the mean high tide.

Mr. Benson explained that there had been an open drainage ditch running to the river, which constituted quite a danger and has since been covered. Mr. Benson stated that the County had every right to insist that this old ditch be reopened. He was proposing that approximately 228 feet of pipe be installed with a valve to keep water from coming back into the pipe. The valve would be opened by Golden Beach residents and fresh water could run out. Recently during the storm "Agnes" various residents were severely flooded.

Mr. Timco stated that they would like the County to do whatever they could to alleviate this potential flooding problem again. He stated that the residents would go from there and do whatever they were able. They thought perhaps the County would furnish them the pipe.

Mr. Wigginton inquired as to whether there were any other drainage problems within their Subdivision. Mr. Benson answered that there were others but not of this nature.

Mr. Douglas Bond stated that he and Mr. August Wagener had previously inspected this site on Waterview Drive. They found a drive-way had been built over the old drainage ditch. They inspected this site and found that it would be possible to go up further, obtain some easements and put another pipe in.

Mr. John Norris stated that they would not provide a 100% solution to the problem. Mr. Norris stated that he has seen the property. What they are asking can be done, the question is whether the County wants to go along with their proposal and accept same.

Mr. Benson stated that the drainage on some of these lots is sketched out on their plat. They usually drain into swampy areas. A certain amount of natural drainage must be maintained.

Mr. Bond stated that there could be a problem should the pipe become clogged.

Mr. Norris stated that it would involve removing several trees and a fence, to install this pipe. He inquired as to how long it would take the State Highway crew to complete such a task. Mr. Bond was not certain. Mr. Norris estimated that it would take \$3,000 to \$3,500 allowing for a five man team for a period of two weeks.

Mr. Benson stated that the residents of Golden Beach would maintain the pipe and keep it clean themselves. Mr. Aud stated that they will review the cost analysis of the project and Mr. Norris and Mr. Bond will again inspect it and see what could be done.

Mr. Benson also stated that the Golden Beach developers were in the process of liquidating their final interests in Golden Beach properties.

There are four sections which they proposed would be sold as units. There are some lots on which homes are now being constructed. These lots are on roads that at one time were graded, given a treatment and were acceptable. They are not acceptable at the present time. He inquired as to what could be done to obligate the developer to bring these roads up to County standards.

Mr. Bowles stated that if the plat is on record and there is no bond to insure the proper construction of the streets, he doubted if anything could be done.

Mr. Wigginton was requested to investigate the possibility of enforcing the developer to upgrade these roads.

#### REQUEST FOR ZONING-TOOTH ACRE PARTNERS

Present: Mr. Red Focer

A public hearing was conducted for the request to have certain lands rezoned from "Agricultural" to "R-3 Multiple Family Residential District" category as recommended by the Planning and Zoning Commission.

Mr. Marlay from the St. Mary's Metropolitan Commission had stated that their sewer lines were quite adequate to take care of this area. Mr. Aud inquired as to whether there were any protests to the rezoning of Tooth Acre Partners. There being no protests, Commissioner Aud made a motion that the Commissioners approve the rezoning of Tooth Acre Partners to R-3 Multiple Family Residential District. Commissioner Guy seconded the motion. Commissioner Bowles disqualified himself.

#### WICOMICO SHORES-BUILDING PERMITS

Present: Dr. Marek, Mr. Oliver Guyther, Mr. Walter Raum, Mr. John Norris and Mrs. Patty Muchow

Mr. Guyther began by stating that in June of 1972, the Commissioners had written to Dr. Neil Solomon at the State Dept. of Health requesting that they void all sewer and water permits issued that are over three years old which have expired and not extended and to suspend until further review the two outstanding permits which were issued by the Division of Water and Sewage.

Mr. Guyther felt that this request had been misinterpreted by the Planning and Zoning Commission. Mrs. Rogers of Planning and Zoning informed Mr. Guyther that the Health Department was not allowing her to issue any more building permits for this subdivision.

Mr. Guyther's client, a Mrs. Jones, was refused a building permit for lot 192 of section 1 of plat 1 of the Wicomico Shores Subdivision.

Mr. Guyther stated that he was aware of the category of S-2 that this subdivision was within according to the Comprehensive Water and Sewer Plan. Therefore, no individual on-site sewage or water systems could be installed. Mr. Guyther stated that in 1969 a percolation test was performed on this lot and was found to be satisfactory. He did not see how they could make a regulation and make it retroactive. This particular lot is part of the original plat that was approved by the Planning and Zoning Commission and the Health Department several years ago. He did not see how the County Commissioners or the Planning and Zoning Commission or the Health Department could undo what has been done when if what was done was done legally and properly under the rules and regulations of subdivisions at that time.

Mr. Guyther continued stating that 750 lots had been approved for this development as of April 1, 1971 and that 78 lots had been approved for individual sewage and water systems. The remaining lots are to be hooked up to a lagoon with aero flow system.

Mr. Aud asked Mr. Raum if the original approval of the 78 lots was still in approval with the Health Department. Mr. Raum stated that there were many lots within this development. He wanted to make one point perfectly clear, that this subdivision falls into the S-2 category which is to exclude individual systems. Mr. Raum stated that the letter from the Commissioners to Dr. Solomon asked along with other things that two outstanding permits be suspended as a result of the letter which certainly asked the State Health Department to withdraw approvals.

Mr. Guy stated that possibly the entire area has been categorized S-2 much sooner than needed.

Mr. Guyther stated that there were several different plats showing the same locations, since this subdivision has also been known as Aviation, Yacht and Country Club. The various section and plat numbers were confusing. For that reason, it was difficult to discuss any particular area unless the plats were reviewed.

Commissioner Aud stated that they want a chance to review on a local level what is being done and the only way they could do this was to request that nothing new be done until they could resolve this for any future problems.

Mr. Raum stated that he was not that familiar with the particular lot owned by Mr. Guyther's client, Mrs. Jones. He would be glad to check into this and let them know his findings.

Mr. Guyther stated that he would hope that he would receive an early reply so that he would not have to take another course of action.

#### HERMANVILLE-SURPLUS LAND

The Commissioners reviewed the letters received from Recreation and Parks and other agencies that are interested in utilizing the surplus property at Hermanville being offered by the General Services Administration. The Commissioners were in agreement that G.S.A. be notified of their desire to acquire this portion of land. Mr. Paul Raley, Administrative Officer, was requested to write to G.S.A. informing them of same.

#### DISTRICT COURT-SPACE FOR COURT COMMISSIONERS

Mr. Paul Raley, Administrative Officer, informed the Commissioners that he had been contacted by Judge Sterling of the District Court, concerning space needed for the District Court Commissioners. Mr. Raley explained that since the Gatton family has moved from the house adjacent to the jail, there are not any Court Commissioners readily available when prisoners are brought to the jail during the night. The judge was concerned with the safety of the Commissioners during the late hours when suspects are brought before them. He inquired as to whether possibly one of the rooms in the jail house could be utilized by the Court Commissioners.

Commissioner Guy suggested that Judge Sterling contact Sheriff Williams to see if it would be possible to utilize the office space within the jail. The other Commissioners were in agreement.

#### SCHOLARSHIP-JAMES RICHARD BEAN (PRE-MED)

Mr. Paul Raley, Administrative Officer, reported that he had received some additional estimates from Mr. James Richard Bean, concerning the pre-med scholarship to be granted to him by the County Commissioners.

Mr. Raley informed the Commissioners that the cost is \$1,899.00 per year and will increase \$20.00 each year for his housing. The total scholarship cost for four years would be \$7,716.00. Mr. Aud made a motion that the Commissioners grant Mr. Bean the full amount of \$7,716.00 for this scholarship (subject to the necessary bond). Commissioner Guy seconded the motion.

#### EMERGENCY OPERATION CENTER-LEAKS IN ROOF

The Commissioners reviewed a letter from Mr. Otis F. Wood, Acting Director of the Civil Defense and Emergency Planning Agency, concerning the repair to the leaks in the EOC roof. Mr. Wood stated that he had contacted Mr. Carl Loffler, who stated that he could not do the work due to the large amount of hand work involved. His suggestion was to build another building over the EOC. Mr. Wood stated that unless the County Commissioners plan to do this in the very near future, he recommended that they authorize either Mr. Jones, the maintenance man or Mr. Wood to try to find some laborers that would use picks and shovels to attempt to find some of the leaks and stop them, particularly the ones in the communication room.

Mr. Wood stated that he felt that many of the leaks could be stopped for under \$200.00 and could prevent losing emergency communications for the County should the electrical floor ducts become flooded.

The Commissioners were in agreement that laborers should be secured to undertake this job. It was requested that Mr. Wood take care of this matter.

#### COUNTY OWNED PROPERTY

Mr. Paul Raley, Administrative Officer, presented xerox copies of property purchased and acquired by tax sale in the second election district. It was brought out that we have lots 20 and 21 in Section 1 of Piney Point Shores and lots 17 and 18 in Block 8 of Piney Point Shores both acquired through tax sale in 1938 and 1939. Commissioner Guy stated that he would like to view these sites prior to deciding whether to put same up for auction.

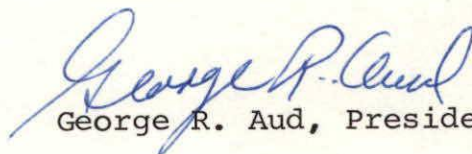
#### PAROCHIAL SCHOOL BUS-CHARLES J. HERBERT

Mr. Paul Raley, Administrative Officer, informed the Commissioners that Mr. Charles J. Herbert was desirous of relinquishing his school bus and route. He had requested that both bus and the bus route be given to Mr. Spencer Whalen since Mr. Whalen has offered

Mr. Herbert the best price. Mr. Raley recommended approval of same.

The Commissioners were in agreement that this be done. Mr. Paul Raley was requested to finalize this transaction with Mr. Herbert at the earliest possible date. Mr. Guy disqualified himself.

There being no further business, the meeting adjourned at 4:20 P.M.

  
George R. Aud, President

Mr. Herbert ...  
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 The Committee ...  
 Paul Kelly ...  
 Mr. Herbert ...  
 The ...  
 There being no further business, the meeting adjourned at  
 4:20 P.M.

*[Faint signature]*  
 Secretary