

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, April 26, 1978

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe, M.D.
Commissioner Larry Millison
Commissioner John K. Parlett
Judith A. Mullins, Recording Secretary
Joseph O'Dell, Budget Officer (on behalf of County Administrator)

The meeting was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners meeting of April 19, 1978 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Dean made a motion to approve payment of the bills as submitted, seconded by Commissioner Parlett. All Commissioners voted in favor.

CONFERENCE ON LIBRARIES

Mr. O'Dell submitted a memorandum from Katherine Hurrey requesting the Commissioners concurrence in calling for a Regional Conference on Library and Information Services, in light of the White House Conference on Libraries and the State Conference on Libraries. If the Commissioners are agreeable to this, the County Administrator will work with the County Administrators of Calvert and Charles Counties to obtain signatures on the Resolution. The Commissioners gave their concurrence.

LARREDORE ROAD DEED

On behalf of the County Engineer, Mr. O'Dell presented a Deed dated April 12, 1978 by and between Billy E. Nale and Shelby T. Nale, conveying certain right-of-way property necessary for the reconstruction of Larredore Road. Commissioner Dean made a motion to accept said Deed, seconded by Commissioner Jarboe. All Commissioners voted in favor.

ROAD RESOLUTION NO. 78-17
HICKORY DRIVE

On behalf of the County Engineer, Mr. O'Dell presented Road Resolution No. 78-17 posting the speed limit on Hickory Drive at 25 miles per hour from its intersection with Golden Beach Road for a distance of approximately 0.33 miles.

Commissioner Parlett made a motion to approve said Road Resolution, seconded by Commissioner Dean. All Commissioners voted in favor.

ROAD RESOLUTION NO. 78-18

On behalf of the County Engineer, Mr. O'Dell presented Road Resolution No. 78-18 placing a Stop Sign on Hickory Drive in the Rolling Acre Subdivision at its intersection with Golden Beach Road making Hickory Drive the Stop Street.

Commissioner Parlett made a motion to approve said Road Resolution, seconded by Commissioner Dean. All Commissioners voted in favor.

AGREEMENT FOR ENGINEERING SERVICES - MILLSTONE LANDING ROAD

On behalf of the County Engineer, Mr. O'Dell presented an Agreement for Engineering Services by and between St. Mary's County, Maryland and Larry Day Associates for engineering services for the reconstruction of Millstone Landing Road.

Commissioner Jarboe made a motion to approve and sign said Agreement, seconded by Commissioner Parlett. All Commissioners voted in favor.

ACCOUNT TRANSFER
OFFICE OF LAND USE AND DEVELOPMENT

Mr. O'Dell presented a memorandum dated April 24, 1978 from the Office of Land Use and Development requesting a transfer of funds in the amount of \$650 from Account No. 1083-2131 (Contract Services) to Account No. 1083-21210 (Advertisements and Legal Notices) in order to cover the cost of placing large public notices regarding the Zoning Ordinance and Zoning Map updates and to meet expenses incurred between now and June 30, 1978.

Commissioner Jarboe made a motion to approve said transfer, seconded by Commissioner Parlett. All Commissioners voted in favor.

ACCOUNT TRANSFER
OFFICE OF PURCHASING AND LOGISTICS

Mr. O'Dell presented a memorandum dated April 20, 1978 from the Office of Purchasing and Logistics requesting a transfer in the amount of \$715

from Account No. 1092-2701 (Building Maintenance and Repairs) to Account No. 1092-27210 (Water and Sewage Account) to cover charges for water and sewage and garbage pickup.

Commissioner Parlett made a motion to approve said transfer of funds, seconded by Commissioner Dean. All Commissioners voted in favor.

MEMORANDUM OF UNDERSTANDING

(NAVAL HOSPITAL AND ST. MARY'S RESCUE SQUAD AND FIRE DEPARTMENT)

Present: Commander E. R. Christian, Naval Hospital
Linda Schucker (on behalf of John Erly)

The above individuals appeared before the Commissioners to present a proposed Memorandum of Understanding between the Naval Hospital, Patuxent River, Maryland and the St. Mary's Volunteer Rescue Squad and Fire Department.

After review and discussion, Commissioner Jarboe made a motion to enter into said Agreement for emergency medical services, seconded by Commissioner Parlett. All Commissioners voted in favor.

ROADS IN CORONADO VILLAGE (SPRING VALLEY)

Present: Mr. and Mrs. Morley (Coronado Village)
Mrs. Julio " "
Other residents of Coronado Village
John Norris, County Engineer
Dan Ichniowski, Highway Engineer

The above residents for Coronado Village in the Spring Valley Sub-division appeared before the Commissioners to express various concerns relative to their subdivision, specifically, the developer's (Washington Development Corporation) non-adherence to the Sedimentation Control Plan and the County's House Bill concerning special taxing districts.

Mrs. Morley explained the serious erosion problem in the community and the poor condition of the roads and driveways and stated that the developer has been extremely uncooperative in trying to rectify these problems.

The residents discussed the proposed Special Taxing District for subdivisions needing road improvements and Mr. Norris indicated that no decision has been made relative to this in that there has been no determination of costs and tax rate and no vote from the residents as to whether they desired to establish such a District.

Mr. Norris indicated that the only possible solution to this problem may be to seek a court injunction against the developer to require compliance with the Sediment Control Ordinance. The Commissioners recommended that the residents either obtain legal counsel or contact

the Attorney General's Office relative to matters not in the area of the County's responsibility (construction defects) and the County will pursue the areas of responsibility it has with the County Attorney for possible court action.

SITE FOR SPECIAL EDUCATION CENTER

Present: Dr. Robert King, Superintendent of Schools
Dave Morgan, St. Mary's Public Schools
Jim Raley, " " " "
Josh Potter, " " " "
Eleanor Ritchie, Board of Education

Dr. King stated that the purpose of this meeting was to express the Board of Education's and Public School's concern over the Commissioners' decision to delete the purchase of the Special Education Center site from the FY '79 Budget. He further stated that the State Board of Education was of the opinion, after reviewing the numbers of potential students and areas in which they reside, that a separate facility is needed rather than adding on to an existing building. The State will support a separate Center for 80 students and Mr. Morgan explained that the Loveville/Morganza area is being considered for a possible location of the Center.

After discussion, Commissioner Parlett recommended that the Committee review the update of the School Facilities Master Plan, which he and the Budget Officer, Joseph O'Dell, are members of, should discuss this matter in detail so that all aspects can be explored at their meeting of May 2 and return to the Commissioners with a recommendation prior to June 1, when the proposed budget is to be finalized.

EPISCOPAL CHURCH PROPERTY
(FIFTH DISTRICT ELEMENTARY SCHOOL SITE)

Present: Dr. Robert King, Superintendent of Schools
Jim Raley, St. Mary's Public Schools
Dave Morgan, " " " "

Mr. Morgan displayed the plat of the Episcopal Church property, site of the proposed 15 acres for the Fifth District Elementary School and requested the Commissioners' authorization for the Public School staff to proceed to have the property staked and properly defined for submission to the State.

After discussion, Commissioner Millison made a motion to authorize the Board of Education to proceed expeditiously to have the 15-acre proposed Fifth District Elementary School site staked out and properly defined and further that they proceed with final settlement with the owner of this property in order for the property to be acquired, seconded by Commissioner Parlett. All Commissioners voted in favor.

COMMENDATION FOR THOMAS L. CRYER

Present: Thomas L. Cryer, County Inspector
(Family and co-workers of Mr. Cryer's)

The Commissioners presented Mr. Cryer with a commendation for his years of service to the County and wished him well in his retirement.

PROPERTY FOR WATERSHED SITE

Present: John Baggett, Director, Recreation and Parks
John Hall, Soil Conservation Service

Mr. Baggett explained to the Commissioners that two appraisals have been made on the two additional properties that are needed for the watershed site. The present owner of the Hewitt property, Mr. Winters, has agreed to sell the property (1.337 acres) at the appraised price; however, not all the Jones's heirs were willing to sell the other parcel (17.64 acres), with the others willing to sell at \$2200 an acre. In view of the fact that the title to the Jones's heirs property is so complicated because of the number of people involved and because the \$2200 figure is approximately twice as much as the appraised price for the Jones's heirs property, Mr. Baggett recommended proceeding with condemnation of this property.

After discussion, the Commissioners directed Mr. Baggett to contact the County Attorney to determine whether to proceed with condemnation and advise the Commissioners what action will be taken.

ACCESS ROAD TO COUNTY-OWNED LAND AT WATERSHED SITE

Present: John Baggett, Director, Land Use and Development
John Hall, Soil Conservation Service

Mr. Baggett discussed with the Commissioners two alternatives for an access road to the County's property at the watershed site; one being an extension of Camp Casoma Road in cooperation with State Department of Natural Resources and the other being the possibility of coming through the Winters' property.

After discussion, the Commissioners requested Mr. Baggett to contact representatives from the Department of Natural Resources to invite them to a Commissioner meeting in order to determine the State's interest in this matter.

DISCUSSION OF AICUZ

Present: Nick Smith, Executive Director, Chamber of Commerce
Mary Salisbury, Chamber of Commerce

The above representatives of the Chamber of Commerce presented a letter to the Commissioners expressing their support in the county's

efforts to control development in the AICUZ area around the Naval Air Test Center. The Commissioners thanked the Chamber for their support in this matter.

RECOMMENDED ESTIMATE OF REVENUES AND APPROPRIATIONS FOR FY '78-'79

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell presented the Recommended Budget for FY '78-'79 for the Commissioners' approval.

Commissioner Parlett made a motion to accept the Recommended Estimate of Revenues and Appropriations for Fiscal Year 1978-1979 as presented by the Budget Officer for presentation at the public hearings, seconded by Commissioner Dean. All Commissioners voted in favor.

APPOINTMENT TO YOUTH COMMISSION

Commissioner Jarboe made motion to accept the recommendation of the Youth Services Coordinator and Chairman of the Youth Commission and appoint Ken Sola to the Youth Commission to fill the unexpired term of Leroy Thompson, Jr. to July 1, 1978 and for an additional three year term to expire June 30, 1981, seconded by Commissioner Parlett. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: John Norris, County Engineer
Ernie Bell, County Attorney

The Commissioners agreed to meet in Executive Session in order to discuss matters of possible litigation. The Session was held from 2:45 p.m. to 3:45 p.m.

WITHHOLDING OF ISSUING BUILDING PERMITS

Commissioner Jarboe made a motion to notify the Permits Section of the Office of Land Use and Development not to issue building permits for Coronado Village (Spring Valley), Knolland Subdivision Section II, and St. Mary's Industrial Park until further notice from the Board; this decision being based on apparent violations of the Sediment Control Ordinance and other criteria, seconded by Commissioner Parlett. All Commissioners voted in favor.

REVIEW OF UPDATE OF ZONING ORDINANCE

Present: Frank Gerred, Director, Land Use and Development

At this time the Commissioners reviewed the update of the Zoning Ordinance with Mr. Gerred and after discussion requested that he return next week with a revised list of lot dimensions, yard requirements and density for the Commissioners' review and comments which will be distributed at the public hearing on the update.

REZONING DECISION
CASE NO. 77-132
WILLIAM R. EDWARDS

The Commissioners conducted a public hearing on March 29, 1978 on the application of William R. Edwards to have approximately one acre of land located at the intersection of Patuxent Bridge Access Road and Patuxent Beach Road rezoned from R-1 (Rural-Residential) to C-2 (Commercial).

WHEREAS, Rezoning Application No. 77-132, an application to amend the zoning classification for Parcel 127 on Tax Map 35, Patuxent Beach Road, located in the Eighth Election District of St. Mary's County, Maryland from R-1, Residential, to C-2, Commercial, has been filed by William R. Edwards, the owner of the subject property with the Zoning Administrator for St. Mary's County, Maryland, and,

WHEREAS, the Zoning Administrator submitted said application to the Technical Evaluation Committee for review and comment, and subsequently to the Planning Commission of St. Mary's County, which held a public hearing on the application on November 3, 1977 after due notice, and,

WHEREAS, the Planning Commission, on January 30, 1978, recommended disapproval of the application and transmitted the application to the Board of County Commissioners of St. Mary's County, Maryland, and,

WHEREAS, after due notice, a hearing was held by the County Commissioners of St. Mary's County on March 29, 1978 to consider the subject application, and,

WHEREAS, at said hearing all those who desired to be heard were heard and their testimony recorded, and,

WHEREAS, all testimony has been carefully considered and the following facts found:

1. The residential neighborhood within which the subject property is located is the area defined by Little Kingston Creek, the Patuxent River and Town Creek on Tax Map 35.

2. No evidence has been presented that there has been a change in population in the neighborhood.

3. There are no current plans for the provision of common water and sewer facilities in the neighborhood and on-site private water and sewer facilities would be required for the proposed use.

4. A commercial use on the subject property would generate more traffic than would a residential use but such increase in traffic would apparently not have a significantly adverse impact on Patuxent Beach Road.

5. The proposed commercial use is incompatible with existing and proposed residential development in the subject property's neighborhood, which is predominantly residential in character.

6. The Planning Commission of St. Mary's County recommended disapproval of the application to rezone the subject property.

7. The Comprehensive Plan for St. Mary's County, Maryland, which identifies the subject property's neighborhood as an "Existing Urban and Residential Area" contemplated and anticipated the construction of the Patuxent River Bridge and the access road from the bridge to Maryland Route 235, but did not anticipate and contemplate the construction of additional commercial uses in the said neighborhood.

8. No evidence was presented as to the fiscal impact of the proposed amendment upon the St. Mary's County government.

9. No evidence of need for the proposed commercial facility has been demonstrated.

10. The subject property's one acre land area is not suitable for construction of a small neighborhood convenience center within the proposed commercial zoning classification.

11. The subject property is suitable for residential development under the existing residential classification.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, by a vote of four to one that application No. 77-132 requesting a zoning reclassification under Article 17, as amended, of the Zoning Ordinance of St. Mary's County, from R-1, Residential, to C-1, Commercial, is denied on the following grounds:

1. No evidence has been demonstrated that there has been a mistake in the original zoning of the subject property.

2. The only evidence of change in the character of the neighborhood demonstrated by applicants was the construction of the Patuxent River Bridge and access road, a change which was contemplated by the St. Mary's County Comprehensive Plan.

3. Since contemplated improvements do not change the character of the neighborhood, the evidence of change presented by applicant does not compel or justify reclassification of the subject property from residential to commercial.

Based on the above findings of fact, Commissioner Jarboe made a motion to deny the above-mentioned rezoning request, seconded by Commissioner Parlett. Four Commissioners voted in favor of the motion, with Commissioner Millison voting against.

ROAD MAINTENANCE AND REPAIRS

Present: John Norris, County Engineer

Relative to last week's discussion concerning funding for road maintenance and repairs, Mr. Norris advised the Commissioners that approximately \$11,000 to \$12,000 remains in the budget for base preparatory road work and recommended that the State Highway Administration be restricted to base preparatory work and that there be no resurfacing work until July 1.

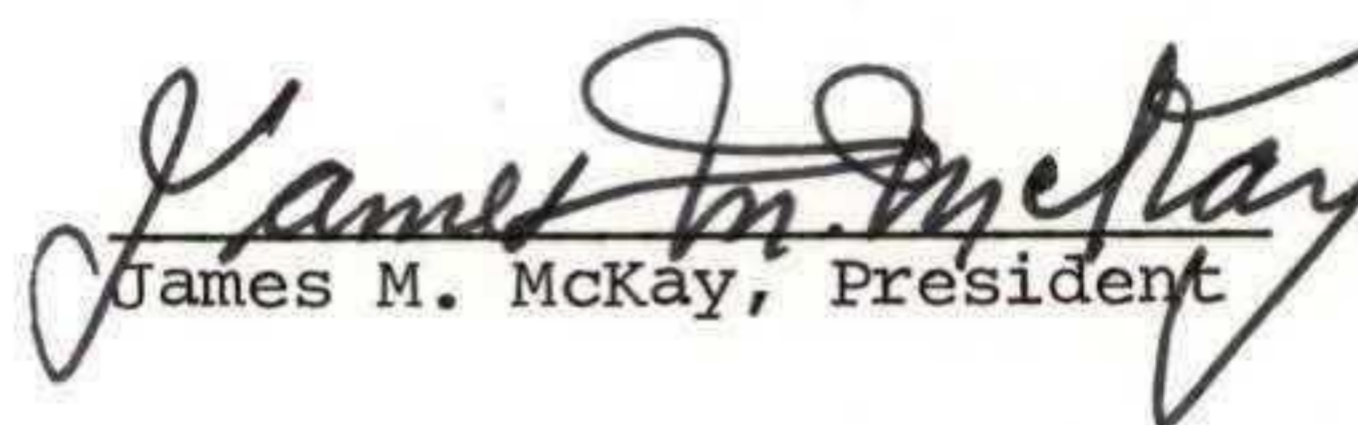
After considerable discussion, Commissioner Dean made a motion to accept County Engineer's recommendation and transfer \$100,000 from Surface Treatment Account to Roadside Drainage Crew Account, seconded by Commissioner Jarboe. All Commissioners voted in favor.

The Commissioners directed the County Engineer to prepare an update list of the Asphalt Overlay Program and Surface Treatment Program for the Commissioners' review.

The Commissioners agreed to meet with Mr. Norris on May 9, 1978 at 7:30 p.m. to discuss road repairs, asphalt overlay and surface treatment within current budgetary restraints and what additional repairs could be effected by participating in the SHA construction bond, which will be reviewed prior to budget hearing's on May 10 & 11.

The meeting adjourned at 5:40 p.m.

Approved,


James M. McKay, President