

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, February 9, 1982

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

(Commissioner Larry Millison was not present because of illness.)

The meeting was called to order at 9:05 a.m.

APPROVAL OF VOUCHERS

Commissioner Aud moved, seconded by Commissioner Sayre, 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 meetings of January 26, 1982 and February 2, 1982. Motion unanimously carried.

PROCLAMATION P82-07

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

Present: Anne Loker, Director BB/BS
Bill Mitchell
John Raley
Elvare Gaskin
Bernice Morgan

The Commissioners presented the referenced Proclamation designating the week of February 14-20, 1982 as Big Brothers/Big Sisters Week in St. Mary's County.

On behalf of the Big Brothers/Big Sisters Program, Mr. Mitchell presented a plaque in appreciation of the Commissioners' support.

COMMISSIONERS' ANNOUNCEMENTS

Commissioner Aud advised that the Board of County Commissioners had two announcements to make:

1. That Commissioner Larry Millison will be coming home from George Washington University Medical Center on Wednesday or Thursday having successfully undergone by-pass surgery.

2. That the five members of the Board have expressed their intent to run for re-election.

Following these announcements the Board opened the meeting to questions from the Press.

RESTORATION OF ST. FRANCIS XAVIER CHURCH
AND NEWTOWNE MANOR

Present: Father O'Neill
Al Dillow, Chairman, Historic District Commission

RESTORATION (Cont'd.)

As requested by the Commissioners, Father O'Neill appeared before the Board to present an overview of the restoration project for the St. Francis Xavier Church and Newtowne Manor. (A copy of Father O'Neill's prepared statement is on file in the County Commissioners' Office.)

Father O'Neill gave a history of the structures and explained the long-term goal of the restoration project which is to return the church building as a place of parish worship and to develop the manor with an historical library, archaeological museum and residence facilities. The manor and the church are both on the National Register of Historic Buildings and they are awaiting a decision by the County's Historic District Commission for designation of the site as an historic district. Essential elements of the restoration are scheduled to be completed by early 1984. Father O'Neill stated that there may be minor difficulty in adjusting the building to current state and local building requirements.

The Commissioner expressed their appreciation to Father O'Neill for his presentation and offered the County's assistance in whatever way possible.

CLEAN-UP CAMPAIGN COMMITTEE

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously carried to make the following appointments to the Clean-Up Campaign Committee:

John B. Norris, County Engineer
Father Richard Smola, Dean, Parochial Schools
Douglas L. Medley, Chief, Bay District VFD
Paul Wible, Chief, Hollywood, VFD
Freddie Burris, Chief, Leonardtown VFD
Joseph Johnston, Chief, Mechanicsville VFD
Sam Vallandingham, Chief, Ridge VFD
Gregory Adams, Chief, Valley Lee VFD
George McWilliams, III, Chief, Seventh District VFD

REQUEST FOR SUPPORT OF LEGISLATION
ELIMINATION OF ADMINISTRATIVE CHARGES

The County Administrator advised the Commissioners that the Calvert County Commissioners have requested support in legislation to eliminate the administrative charges imposed on the Resident Trooper Program.

The Commissioners gave their concurrence.

CHESAPEAKE COUNTRY ECONOMIC DEVELOPMENT CORPORATION

The County Administrator presented correspondence dated February 2, 1982 from the Chesapeake Country Economic Development Corporation requesting two voting representatives to represent St. Mary's County on the Chesapeake Country Board of Directors. The Commissioners agreed to defer a decision on this matter.

CLEARINGHOUSE PROJECT NO. 82-1-253
VA FEASIBILITY - WILDEWOOD NEIGHBORHOOD THREE

The County Administrator presented the referenced clearinghouse project which has been reviewed by the Director of Planning and Zoning and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives.

The Commissioners gave their concurrence.

PERSONNEL ITEM
SECRETARY II, COUNTY ENGINEER'S OFFICE

The Commissioners reviewed correspondence dated February 8, 1982 from the Personnel Officer recommending the appointment of Cynthia Pilkerton to the position of Secretary II, Grade 8, in the County Engineer's Office effective February 15, 1982. The Commissioners gave their concurrence.

CORRESPONDENCE TO CORPS OF ENGINEERS
ST. GEORGE'S ISLAND BRIDGE CHANNEL IMPROVEMENTS STUDY

The County Administrator presented correspondence for the Commissioners' review and signatures acknowledging receipt of the referenced study and will comment on it at a later date.

REZONING DECISION DISCUSSION
ZPUD #81-1149
PATUXENT PARK WEST, S.M.P.I., INC.

Present: Frank Gerred, Director, Office of Planning and Zoning
Anita Meridith, Recording Secretary
John B. Norris, County Engineer
John Baggett, Director, Recreation and Parks

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

Commissioner Dean led the discussion and noted that following his review of the file and the minutes of the Public Hearing, he was in agreement with the Planning Commission and staff's recommendation for approval of the request for the PUD. However, he did voice concern with several points and the timeliness of their address, i.e., whether to be addressed in the approval of the concept development plan or to be considered at a later date. Those concerns were related as the ownership of the lake and, secondly, the open space (park land) and its eventual development for recreational purposes. Commissioner Dean reflected, "It would seem that we haven't thought out fully all the details at this point in time." Question was pondered whether to approve the concept development plan at this point or "put the applicant on notice, that those items would be considered in detail at site plan or whenever."

Commissioner Dean stressed that the Board should give careful thought to the ownership of the lake, park space and to whether the applicant should be required to put in and develop the recreational facilities.

Mr. John Baggett, Director of Recreation and Parks, injected that the lake itself, except for its aesthetic value, held no real recreational value due to the fact that large amounts of run-off into said body would tend to "somewhat pollute" and render same as an undesirable spot for fishing or swimming. He

ZPUD #81-1149 (Cont'd.)

again stressed that other than the aesthetic value, the lake held no recreational potential.

Mr. Baggett stressed that the open space should be considered for maintenance by the County, as this property was ideally located and held the potential for offering availability to numerous residents and people in the area. He stressed that the Commissioners should give careful consideration to the access park; that two accesses should be provided, one from the vicinity of the lake.

Mr. Norris, County Engineer, stated that in all honesty he simply had not been given enough information to "tie into theory the roads, storm water, etc."

Commissioner Dean questioned, "How much leeway does the County have to address these problems as the development progresses?" Mr. Robin Guyther, Assistant Planner, Office of Planning and Zoning, responded that these concerns would have to be addressed in detail, however, he noted that the applicant had stated that he was willing to deed the open spaces to the home owners association or whomever. He continued that the applicant was well aware that these details remained to be worked out.

Mr. Norris again emphasized that if these minor details were not included "...he doesn't have the right. There simply is not enough information."

Commissioner Dean felt that the concept development plan should be restaffed back to the appropriate agencies, i.e., County Engineer, Recreation and Parks, Planning and Zoning and "whoever else to revise or add language to the concept plan that needs to be developed."

Commissioner Dean also suggested that the staff provide the Board with a determination of whether the County Commissioners could approve the rezoning in advance, prior to having the development plan. Mr. Guyther noted that the staff would respond to that question accordingly and prepare written findings for the Commissioners' review.

Mr. Norris added that the Ordinance outlined in detail, the requirements for a PUD.

Matter to be staffed back through the appropriate TEC agencies for review and response, that the primary issue is the parkland and access thereto.

Matter deferred.

REZONING DECISION DISCUSSION
ZPUD #81-1362 - ROBERT MEIDZINSKI

Present: Robin Guyther, Assistant Planner, Planning and Zoning
Anita Meridith, Recording Secretary

Requesting rezoning of approximately 27.45 acres, located on McIntosh Road, Lot 8, Section I and Outlot "A" of Burnt Mills Subdivision, Third Election District on Tax Map 25, Block 17, Parcel 182, from AR-2, Agricultural-Residential, to PDR 1.0, Planned Development Residential, one dwelling unit per acre, to allow use of a 120' x 32' existing building for seven apartments.)

ZPUD #81-1362 - ROBERT MEIDZINSKI (Cont'd.)

Commissioner Dean distributed to the other members and staff his prepared written considerations with respect to this rezoning request. Said findings of fact and recommendation included the following: "The stated interest and concerns of the area residents and property owners revolve around the maintenance of the area's present rural nature and population density now afforded by the present AR-2 zoning in the neighborhood. A designation of PDR .3 would allow eight dwelling units to be constructed on the concerns of the applicants - namely, the solution to the problems inherent with the existing structure; at the same time, such designation would favorably address the understandable density concerns of the area's residents. Accordingly, the Board approves the change in the subject property's designation from AR-2 to PDR .3."

Commissioner Dean asked whether a development plan had been submitted for this PUD. Mr. Robin Guyther responded that there had been something submitted, however, it did not meet all the requirements of a development plan. He noted, for example, that a detailed site plan had not been submitted for the parking. This is a somewhat unusual case in that the building is already existent. (See previous minutes of the County Commissioners Public Hearing.)

Following brief reivev of the pertinent recordation of this request by the Board, Commissioner Dean moved, seconded by Commissioner Aud, to direct the County Attorney to prepare the appropriate resolution for the reasons as stated in his "position paper" to rezone the property from AR-2 to PDR .3, contingent upon the submission of a development plan that meets all the requirements of the County's Zoning Ordinance and that said development plan should come back to the County Commissioners prior to the issuance of the necessary permits, site approval, etc.

The motion and second having been so stated, vote was called and met with the unanimous approval of the Board.

ST. JEROMES CREEK DREDGING PROJECT

Present: John B. Norris, Jr., County Engineer

For the Commissioners' information, Mr. Norris advised that the Corps of Engineers will be bidding the referenced project this Spring and should be started by the Summer.

SPOIL DISPOSAL EASEMENT AGREEMENT
ST. GEORGE'S CREEK

Present: John B. Norris, Jr., County Engineer

Mr. Norris advised that the County had entered into a Spoil Disposal Easement with Mr. Puchetti, who has now entered into a contract to sell the property to Mr. Alan C. Borg and Mr. Needham, Attorney. Mr. Borg and Mr. Needham have agreed to allow use of the property for a spoil disposal area and therefore a new Agreement must be approved and signed.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the Spoil Disposal Easement Agreement dated February 1, 1982 by and between Alan C. Borg and Elizabeth A. Borg and William Needham and Eleanor T. Needham and the County Commissioners of St. Mary's County, said Agreement superseding and releasing the previous agreement with Arthur A. Puchetti dated August 28, 1981. Motion unanimously carried.

ADDENDUM TO PUBLIC WORKS AGREEMENT
BIRCH MANOR SUBDIVISION, SECTION III

Present: John B. Norris, Jr., County Engineer

Mr. Norris presented an Addendum to the Public Works Agreement by and between Hugh Allston, Jr. and the County Commissioners of St. Mary's County extending the deadline for completion of the roads in Birch Manor Subdivision, Section III from January 31, 1982 to June 30, 1982. The Commissioners gave their concurrence.

PURCHASE OF POWER SAWS

Present: John B. Norris, Jr., County Engineer

Mr. Norris requested authorization for a budgetary transfer in the amount of \$930 for the purchase of three replacement power saws for use by State Highway Administration. Commissioner Arnold moved, seconded by Commissioner Sayre, to approve said transfer. Motion unanimously carried.

(Commissioner Dean left meeting at 10:30 a.m.).

ST. MARY'S FEDERAL CREDIT UNION

Present: Thomas Dotson, President
James Lanham, Vice-President

The referenced representatives of the St. Mary's Federal Credit Union appeared before the Commissioners to request the County's support by depositing a certain amount of funds into the Credit Union in order to assist them to continue to grow and to provide services to the people of the County.

Mr. Lanham and Mr. Dotson went on to explain the services provided by the Credit Union; small loans and savings accounts, and payroll deductions. He stated that because of the elimination of the CETA program, the Credit Union has only one paid part-time employee.

The Commissioners thanked the representatives for their presentation and advised that they would defer a decision until they had an opportunity to review the legal and financial aspects of the proposal.

EMERGENCY OPERATIONS CENTER ANNUAL REPORT

Present: Tom Oliver, Director EOC

Mr. Oliver presented and reviewed to the Commissioners the Annual Report of the Emergency Operations Center for 1981 explaining that the number of calls to the Center had decreased from 1980. A copy of the report is on file in the Commissioners' Office.

Further, Mr. Oliver presented a memorandum dated February 9, 1982 setting forth his recommendations regarding the allocation of unoccupied space at the Emergency Operations Center.

The Commissioners gave their concurrence to accept Mr. Oliver's recommendations and thanked him for his Annual Report presentation.

LEASE FOR LEONARD HALL JUNIOR NAVAL ACADEMY

The County Administrator presented the proposed Lease by and between the Board of County Commissioners and Leonard Hall Junior Naval Academy which is under the same conditions and stipulations as the previous lease.

LEASE FOR LEONARD HALL JUNIOR NAVAL ACADEMY (Cont'd.)

The Commissioners gave their concurrence in approving the referenced Lease.

MOUND SEWAGE DISPOSAL SYSTEM
TALBOT COUNTY

Commissioner Arnold advised that he is in receipt of plans for a mound sewage disposal system that is being used in Talbot County and requested the County Administrator to forward this information to the St. Mary's County Health Department for their review.

FINAL REPORT
SAND AND GRAVEL TAXATION COMMITTEE

Present: Joseph O'Dell, Director, Budget and Data Services

Mr. O'Dell reviewed with the Commissioners the final report containing recommendations and research and findings of the Sand and Gravel Taxation Committee.

The recommendations are as follows:

1. To encourage the County Commissionersto request our local State Senator and Delegates to support a statewide non-fuel minerals severance tax as well as look at the possibility of including other natural resources.
2. That the State of Maryland and its subdivisions be exempt from payment of the tax;
3. The tax would replace the present Maryland sales tax on non-fuel mineral tax transactions and be initially set at 5% of the value of the mineral extracted. Alternative would be to leave sales tax alone and add a severance tax based on value or tonnage, but we prefer the former. In either case it would be advisable to have the severer or producer pay the tax and shift the incidence through the economic chain.
4. The funds derived from the tax be dedicated to road and waterway expenditures.
5. All funds derived from this tax to be given to the subdivisions which have lost a non-replenishable resource, less any administrative fees which may be needed for proper control and compliance of the law.

Mr. O'Dell stated that because details needed more exploration, the Committee did not draft a proposed bill. This can be done in the legislature if the Commissioners accept the recommendations of the Committee.

The Commissioners gave their concurrence to the recommendations of the Sand and Gravel Taxation Review Committee and requested that a copy of their correspondence be forwarded to our Senator and Delegates in Annapolis.

The meeting adjourned at 12:00 Noon.

Approved,


George R. Aud, President