

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 30, 1982

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

(Commissioner Sayre was not present due to illness.)
(Commissioner Arnold was not present at the opening of the meeting.)

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Millison, to approve the minutes of the Commissioners' meeting of November 23, 1982. Motion unanimously carried.

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Dean, to approve payment of the vouchers as submitted by the Director of Finance. Motion unanimously carried.

MOBILE HOME PARKS

Present: Frank Gerred, Director, Office of Planning and Zoning

The County Administrator referred the Commissioners to Resolution No. 79-34 which established a timetable for conformity by mobile home park owners to certain requirements. He stated that a committee had been appointed to examine the parks and requirements, after which they presented an interim report recommending not displacing residents of mobile home parks, but to work with the park owners to improve conditions.

Mr. Gerred reviewed the progress in this area with the Commissioners and brought them up to date as to what improvements have been made and what improvements need to be done. He proposed that a new Resolution be prepared setting forth the County's policy with regard to working with the owners of mobile home parks to bring them into compliance with the Zoning Ordinance as much as possible.

The County Administrator recommended that the Planning Commission review the current requirements for mobile home parks as set forth in the Zoning Ordinance and make recommendations.

The Commissioners gave their concurrence for the preparation of an updated Resolution and further that the Planning Commission review the current requirements.

ZONING ORDINANCE
ELIMINATION OF CERTAIN MOBILE HOME PARKS
HOPEWELL AND BENNETT

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred presented correspondence dated November 23, 1982 from the County Attorney concerning the status of mobile home parks that were eliminated by an amendment to the zoning ordinance. Three parks that had three or less mobile homes were eliminated through this amendment and have been subject to double taxation - real estate and trailer park tax. Inasmuch as there are

certain taxation arrearages in the two referenced parks, the County Attorney recommended that the Hopewell claim be extinguished, and that so much of the Bennett claim above the judgment amount, court costs, and interest accrued thereon since the date of judgement be extinguished. He stated that the Bennett matter may be resolved upon a sale or refinancing of the property.

After discussion, Commissioner Dean moved, seconded by Commissioner Aud, to accept the recommendation of the County Attorney as set forth in his November 23, 1982 letter. Motion unanimously carried.

SURVEY REQUIREMENTS
REZONING APPLICATIONS

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred advised the Commissioners that the Zoning Ordinance currently requires in a zoning case a survey be prepared by the applicant to be attached to the official zoning map. Because of the reluctance of the applicant to go to the expense of a survey prior to receiving zoning approval, Mr. Gerred recommended that the Commissioners establish a policy whereby the survey would be prepared at the time the Zoning Amendment Resolution was prepared by the County Attorney. The Applicant would be notified if the rezoning request was approved and if so, that the survey is required. The Zoning Amendment Resolution will not be signed until the survey is presented. The County Commissioners concurred.

FY 84 BUDGET PREPARATION

On behalf of the Director of Budget and Data Services, the County Administrator presented correspondence for the Commissioners' review and signatures, one addressed to all spending units and one to the Board of Education. These letters pertain to the FY 84 budget preparation.

Commissioner Millison moved, seconded by Commissioner Dean to sign and forward said letters. Motion unanimously carried.

ZONING AMENDMENT RESOLUTION NO. Z82-30
TEXT CHANGES TO ZONING ORDINANCE - BUFFERYARD REQUIREMENT
ZONE #82-1079

(Requiring that all new mobile home parks, or additions to existing parks, would include a 75 ft. buffer along all boundaries which adjoin land not zoned for mobile home parks, or that the width of the buffer may be reduced by the Planning Commission, if certain performance standards for landscaping are met.)

The County Administrator presented the referenced Zoning Amendment Resolution for the Commissioners' review and approval.

Commissioner Dean moved, seconded by Commissioner Millison, to approve and sign Zoning Amendment Resolution No. Z82-30. Motion unanimously carried.

ACCEPTANCE OF DEEDS IN WILDEWOOD SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris presented the following Deeds for the acceptance of certain roads as noted in Wildewood Subdivision:

1. Deed dated June 11, 1979 by and between Paragon Builders and St. Mary's County Commissioners accepting the following roads:

- Parcel I, Wildewood Parkway, Section I, Plat 5
- Parcel II, Wildewood Circle, Section I, Plat 5
- Parcel III, Birch Way, Section I, Plat 5

ACCEPTANCE OF DEEDS (cont'd.)

2. Deed dated April 13, 1982 by and between Paragon Builders, Inc. and St. Mary's County Commissioners accepted the following roads:

- Parcel I, Wildewood Parkway, Section I, Plat 4
- Parcel II, Piney Wood Circle, Section I, Plat 4
- Parcel III, Forest Way, Section I, Plat 4

3. Deed dated November 30, 1981 by and between Paragon Builders, Inc. and St. Mary's County Commissioners accepting the following roads: Wildewood Parkway and Wildewood Boulevard, in Neighborhood Two, Cluster Number One, Plat One.

In addition, Mr. Norris requested approval from the Board to authorize Commissioner President Aud to sign, upon receipt, a Deed by and between Paragon Builders, Inc. and St. Mary's County Commissioners for Wildewood Subdivision, Section I, Plat 6.

Commissioner Millison moved, seconded by Commissioner Aud, to accept the referenced Deeds as recommended by the County Engineer. Motion carried, with Commissioner Dean abstaining.

LONG NECK CREEK AND DEEP CREEK

Mr. Norris presented correspondence for Commissioner President Aud's signature addressed to the Department of Natural Resources requesting a permanent solution to the dredging problem for Long Neck Creek and Deep Creek.

The Commissioners agreed to sign and forward said letter.

LEXINGTON PARK HEALTH DEPARTMENT BUILDING
FIRE AND BURGLAR ALARM SYSTEM

Mr. Norris indicated to the Commissioners that the County had been leasing smoke detectors and burglar alarm systems at the Lexington Park Health Department building at the rate of \$900 a year. Mr. Norris presented a proposal from Branch Electric in the amount of \$2,697.45 for the purchase of fire and burglar alarms system. If approved by the Board, a Budget Amendment will be prepared by the Director of Budget and Data Services.

The Commissioners gave their concurrence.

FENWICK MANOR SUBDIVISION
SECTION III

Mr. Norris advised funds had been recovered from the bonding company for the completion of the roads in the referenced subdivision. He stated that he solicited proposals from two companies, B. F. Asher and Dean Construction Company only in the amount of \$6,450. The proposal is to grade and prepare, add bank run gravel where necessary and pave with double surface treatment.

Later in the meeting when Commissioner Arnold was present the Commissioners gave their concurrence to accept Dean Construction Company's proposal to complete the work as stated. Commissioner Dean abstained.

ROAD RESOLUTIONS

Mr. Norris presented the following Road Resolutions for the Commissioners' review and approval:

R82-23 Birch Manor Subdivision - Designating the following streets in Birch Manor Subdivision as Stop Streets:

ROAD RESOLUTIONS (cont'd.)

Birch Manor Drive located between lots 25 and 30 as the Stop Street where it intersects with Birch Manor Drive and Camellia Court; Birch Manor Drive located between Lots 39 and 147 as the Stop Street where it intersects Birch Manor Drive; Birchwood Court as it intersects Birch Manor Drive; Cedarwood Court as it intersects Birch Manor Drive; Laurel Court as it intersects Birch Manor Drive; Rosewood Court as it intersects Birch Manor Drive; Tanglewood Court as it intersects Birch Manor Drive; Wisteria Court as it intersects Birch Manor Drive.

R82-24 Birch Manor Subdivision - Posting the following streets in Birch Manor Subdivision at 25 miles per hour:

Birch Manor Drive, Burchwood Court, Cedarwood Court, Laurel Court, Rosewood Court, Tanglewood Court and Wistaria Court.

R82-25 Red Hill Subdivision - Posting the following streets in Red Hill Subdivision at 25 miles per hour:

Eleanor Court, Judy Court and Red Hill Court.

R82-26 Red Hill Subdivision - Designating the following streets as Stop Streets:

Eleanor Court as it intersects Joy Chapel Road; Judy Court as it intersects Joy Chapel Road; Red Hill Court as it intersects Joy Chapel Road; Cherri Lane as it intersects Joy Chapel Road; Emma Lane as it intersects Joy Chapel Road.

R82-27 Gillens Grove Subdivision - Posted Helen Court at 25 miles per hour from its intersection with Allston Lane.

R82-28 Gillens Grove Subdivision - Designating Helen Court as a Stop Street at its intersection with Allston Lane.

R82-29 Mount Pleasant Subdivision - Posted Downs Drive and Thomas Court at 25 miles per hour from their intersection with State Route 242.

R82-30 Mount Pleasant Subdivision - Designating the following streets as Stop Streets:

1. Thomas Court at its intersection with Downs Drive;
2. Downs Drive at its intersection with State Route 242.

R82-32 Country Lakes Subdivision - Posting the following streets in Country Lakes Subdivision as Stop Streets:

1. Heath Court at its intersection with Tintop School Road;
2. Kelli Court at its intersection with Asher Road;
3. Tintop School Road at its intersection with Asher Road.

R82-31 Country Lakes Subdivision - Posting the following streets in Country Lakes Subdivision at 25 miles per hour:

1. Asher Road
2. Kelli Court
3. Tintop School Road
4. Heath Court

ROAD RESOLUTIONS (cont'd.)

R82-33 Wildewood Subdivision - Posting the following streets in Wildewood Subdivision, Section 1, at 30 miles per hour: Wildewood Parkway and Wildewood Boulevard.

R82-34 Wildewood Subdivision Posting the following roads in Wildewood Subdivision, Section 1, at 25 miles per hour: Forest Way, Birch Way and Piney Wood Circle.

R82-35 Wildewood Subdivision Designating the following streets in Wildewood Subdivision as Stop Streets:

1. Piney Wood Circle at its intersection with Wildewood Parkway;
2. Wildewood Boulevard at its intersection with Wildewood Parkway;
3. Forest Way at its intersection with Piney Wood Circle;
4. Birch Way at its intersection with Piney Wood Circle.

Commissioner Dean moved, seconded by Commissioner Millison, to approve Road Resolution Nos. R82-23 through R82-35. Motion unanimously carried.

HELEN FARMETTES
HELEN ESTATES

For the Commissioners' information, Mr. Norris advised that the deadline for completion of the roads in the referenced subdivisions is December 1, 1982 and it does not appear that the work will be done by that time.

(Mr. Norris completed the remainder of his items later in the meeting. Commissioner Arnold was present.)

ACCESS ROAD TO NEW HOSPITAL

The County Engineer displayed plans for access to the proposed new hospital and indicated that the Hospital Board has requested the County to do the design work to be completed by August 1983. The Commissioners concurred in the concept and indicated that the hospital would have to bear any out-of-pocket expenses, such as surveying. Inasmuch as there is currently a study underway to determine the feasibility of expansion of the Nursing Home, the Commissioners requested Mr. Norris to send a letter to the Nursing Home regarding the access road plans. A copy of the letter should be forwarded to the Hospital Board.

DAKOTA MANOR

Mr. Norris advised the Commissioners that the runoff from the townhouses in the Dakota Manor development currently passes through the rear of three lots in the Spring Valley Subdivision. He advised that the volume and depth of water was not major but felt that the property owners may express some concern in the future. He advised that the developer, Marv Franzen had indicated a willingness to construct a drainage swale through the rear of these lots. However, he is requesting St. Mary's County to act as the conduit with the lot owners to obtain easement authority.

The Commissioners requested the County Engineer to contact the property owners and ascertain their wishes regarding the construction of the drainage swales.

LEXINGTON PARK STORM DRAINAGE

Mr. Norris advised that in 1981-82, the Commissioners had requested that he review the original alignment of the roadway improvements on Shangri-La Drive with the property owners on a number of occasions and there seemed to be general concurrence with the current plan. The County Engineer has also contacted

LEXINGTON PARK STORM DRAINAGE (cont'd.)

State Highway Administration relative to their percentage participation in the construction project. By correspondence, State Highway Administration has agreed to fund \$200,000 of the project cost. However, the cost of utility relocation, inspection services, and outfall constraints remain the responsibility of the County. Permits from the Department of Natural Resources will be the County's responsibility. Outfall constraints could consist of storm water management and/or flood easements.

Mr. Norris requested authorization from the Board to increase funding for the project in the amount of \$2,100 to complete the design because of the time delay and the loss of survey control due to road resurfacing, and the amount of \$5,000 to evaluate the outfall constraints. The increase in funding will be to the Wilson T. Ballard Company.

Commissioner Millison moved, seconded by Commissioner Dean, to grant the increase in the project in the total amount of \$7,100 as recommended by the County Engineer, source to be determined by Budget Officer. Motion unanimously carried.

COMMENDATION

Present: Joseph M. Thompson, Jr.

The Commissioner presented a Commendation to Mr. Thompson for his praiseworthy heroism in saving Commissioner David Sayre from an automobile accident on November 19.

COMMENDATION

CHOPTICON HIGH SCHOOL BAND

The Commissioners presented a Commendation to representatives of the Chopticon High School Band for their outstanding achievements in this school year's competitions.

POINT LOOKOUT STATE PARK

Present: Donald MacLauchlan, Director, Forest and Park Services (DNR)
Reed Mcdonagh, Maryland Environmental Service
Richard Sellars, State Department of Health
Leon Etzler, Department of State Planning
Larry Petty, Director, Metropolitan Commission
Harry Knight, Metropolitan Commission
Dr. William Marek, Deputy Health Officer
Walter Raum, Director, Environmental Hygiene
Citizens of the First District

(Commissioner Arnold entered the meeting during this discussion.)

Commissioner Aud advised that the purpose of this meeting was to bring state and local officials together to hear concerns from residents concerning possible use of the Point Lookout Sewage Treatment Plant and acquisition of additional land for the State Park. Several residents of the First District had previously appeared before the Commissioners to request assistance in being allowed to hookup to the Point Lookout Sewage Treatment Plant. The Facilities Plan is currently in the review stage by the State and includes hookup for the two boys camps in the area.

POINT LOOKOUT STATE PARK (cont'd.)

(1) Point Lookout Sewage Treatment Plant

Issues raised by State and County officials:

- a. Determination of feasibility (economically and from engineering standpoint.)
- b. Determination of eligibility of First District citizens for State/Federal grants;
- c. Clarification and/or amendment of State's policy to not allow the Plant to be used as a regional facility.

Mr. David Hoffman, speaking on behalf of certain First District citizens, presented a list of requested actions. (A copy of the list is on file in the Commissioners' Office.) Listed below are some of the requests as well as comments from other citizens:

- a. That the Commissioners request the State to withhold approval of the Point Lookout Facilities Plan and that it be returned to the County for further review.
- b. A response from the State as to why the plant was designed in the 20-year Facilities Plan not to operate at capacity.

A number of other citizens reiterated their concerns and supported Mr. Hoffman's requests.

Also in attendance were several citizens of the First District who stated that they may not be in favor with a regional facility because of the impact it may have on the community and the Chesapeake Bay.

In summing up this issue, Metropolitan Commission representatives stated that they would be willing to initiate a request to the State for a survey to determine whether criteria could be met by the citizens of the First District. Mr. MacLauchlan responded that his office would be willing to entertain a proposal from the Metropolitan Commission.

(2) Acquisition of Additional Land for Point Lookout State Park Expansion

Concerns were raised by the citizens as to the acreage and location of land the state intends to acquire for the expansion of Point Lookout State Park. Mr. MacLauchlan displayed plans and explained that it is planned for an additional 179 acres to be acquired in the wetlands area and the old hotel property. In response to concerns expressed by several residents, Mr. MacLauchlan advised that the Cornfield Harbor property was not among the additional land to be acquired. Reference was made to the County Comprehensive Land Use Plan of 1974 and a number of residents expressed their opposition to the State acquiring any further land, not only for Point Lookout State Park, but throughout the County.

In conclusion, Commissioner Dean summarized points of this meeting.

1. The suggestion that the adoption of the Facilities Plan by the State be withheld and that it be returned to the County for further review should be looked into.
2. That Department of Natural Resources is willing to entertain a proposal from Metropolitan Commission and County regarding the use of the Wastewater Treatment Plan as a regional facility.

Acquisition of Additional Land for Point Lookout State Park Expansion
Cont'd.

3. With regard to the County's Comprehensive Land Use Plan which was adopted in 1974, the County should undertake a review of the properties listed for acquisition and revise it, if it is deemed appropriate.

The Commissioners gave their concurrence.

Commissioner Aud closed the meeting by stating that there should be formed a committee comprised of State officials, Metropolitan Commission, Health Department and residents of the First District of each viewpoint.

COMPREHENSIVE RECREATION AND PARKS PLAN

Present: John Baggett, Director, Recreation and Parks

For the Commissioners' information, Mr. Baggett advised he has received a response from the Department of Natural Resources tentatively approving the County's Comprehensive Recreation and Parks Plan; however, there was mention of two reservations by the State:

1. That there was not enough land acquisition to meet the guidelines;
2. That there was not enough waterfront property listed.

Mr. Baggett advised that he would keep the Commissioners informed of the status of this matter.

RECREATION AND PARKS
PROGRAM OPEN SPACE

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the Program Open Space Annual Program for Acquisition and for Development for FY 1984.

Commissioner Dean moved, seconded by Commissioner Aud, to approve submission to the State of the two referenced documents. Motion unanimously carried.

EXECUTIVE SESSION

Present: John V. Baggett, Director, Recreation and Parks
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of land acquisition. The Session was held from 1:30 p.m. to 2 p.m.

OPTION TO PURCHASE LAND
SECOND DISTRICT PARK

Present: John Baggett, Director, Recreation and Parks

The Commissioners agreed to approve and sign the Option to Purchase Land (58.472 acres) for location of a park in the Second District. (Commissioner Aud did not participate in the discussion because of possible conflict of interest.)

CONSTRUCTION OF NEW BUILDING AT FAIRGROUNDS

Present: Robert Gabrelcik, President, Rotary Club
Al Dillow, Historical Society
Thurston Baxter, Historical Society
John Parrott, Rotary Club
James Owens, President, Fair Board
Rayetta McWilliams, Fair Board
Elwood Cusic, Fair Board
Franklin Hewitt, Fair Board

Mr. Gabrelcik advised that the Rotary Club was interested in constructing a new building at the Fairgrounds and donating it. The purpose of the 100' x 80' building would be for the Farm Museum, storage and a small office. Mr. Gabrelcik stated that the Rotary Club would like to have their emblem displayed on the outside of the building.

Representatives of the Fair Board advised that Mr. Gabrelcik should appear at the next meeting of the Fair Board to present this request.

The Commissioners gave their concurrence and agreed that the two organizations should meet to work out the particulars.

RESOLUTION NO. 82-28
BOARD OF EDUCATION CAPITAL IMPROVEMENT PROGRAM - FY 84

The County Administrator presented the referenced Resolution regarding the Board of Education's Capital Improvement Program for Fiscal Year 1984.

Commissioner Millison moved, seconded by Commissioner Dean, to approve and sign Resolution No. 82-28. Motion unanimously carried.

ECONOMIC IMPACT FEE
REQUEST FOR PARTIAL PAYMENT

With regard to the request presented to the Commissioners at their October 19 meeting for Mr. Joseph Goddard to pay his Economic Impact Fee in installments, the County Administrator recommended that the Commissioners deny this request. He stated that this would be a departure from the already amended economic impact fee payments and would create both a burden for accounting procedures and a difficult control precedent.

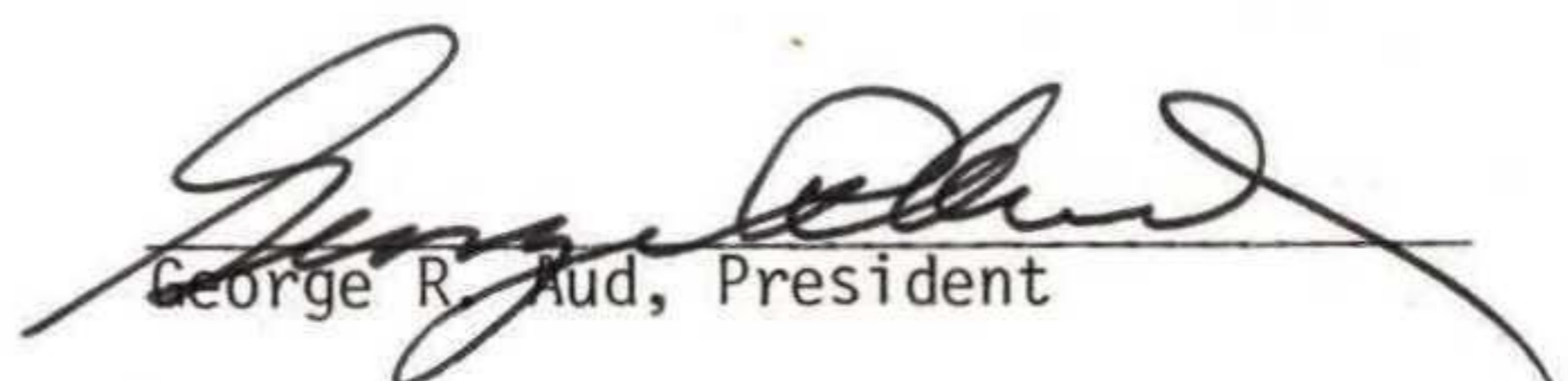
The Commissioners agreed to accept this recommendation and directed that correspondence of explanation should be forwarded to Mr. Goddard.

CHESAPEAKE COUNTRY

After some discussion about the County's participation in the Chesapeake Country, Commissioner Dean moved, seconded by Commissioner Arnold, that St. Mary's County continue to send representatives Dave Morgan and Buddy Loffler to Chesapeake Country and that the County share in the benefits that they are able to render; and further that this commitment by the County would be until October 1983. Motion unanimously carried.

Meeting adjourned at 3:40 p.m.

Approved,


George R. Aud, President