

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, December 14, 1982

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

(Commissioner David Sayre was not present due to illness).

The meeting was called to order at 10:00 a.m.

APPROVAL OF VOUCHERS

Commissioner Arnold moved, seconded by Commissioner Dean, 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 Commissioners' meeting of Tuesday, December 6, 1982 as submitted. Motion unanimously carried.

ST. MARY'S COUNTY NURSING HOME
FACILITY EXPANSION

Present: George Smith, Director, St. Mary's County Nursing Home
 Joseph Tolson, Chairman, Nursing Home Board
 Dan Capper, Nursing Home Board
 Bill Groom, " " "
 Isabelle Raley, Nursing Home Board
 Joseph P. O'Dell, Director, Budget and Data Services

As a follow up to the recommendation by the County Commissioners, the above referenced representatives of the St. Mary's County Nursing Home appeared before the Board to present their findings regarding the Nursing Home building needs. Mr. Smith pointed out that after thorough review by an ad hoc committee of the various aspects and the Long Range Plan prepared by Moore-Johnson, Inc., it is recommended that a new]20 bed facility be constructed. He stated that it was the Committee's opinion that a new facility would meet the long-term needs of the elderly of the County. At this point Mr. Smith and the Board members elaborated on the particular recommendations of the Committee.

After discussion, the Commissioners advised that they were in general agreement that there is a definite need for additional nursing home beds in the County. It would now become incumbent upon the Commissioners to review this proposal and to formulate questions. The Commissioners agreed to get back to the Nursing Home Board within a short time.

(Commissioner Aud left meeting - 11:00 a.m.)

POINT LOOKOUT STATE PARK EVALUATION COMMITTEE

Commissioner Arnold moved, seconded by Commissioner Dean, and unanimously carried, to appoint the following individuals to the Point Lookout State Park Evaluation Committee:

Larry Petty, Director, Metropolitan Commission
Frank Gerred, Director, Office of Planning & Zoning
Walter Raum, St. Mary's County Health Department
Leon Etzler, Department of State Planning
Reed McDonah, Maryland Environmental Service
Donald MacLauchlan, Department of Natural Resources, Forests and Parks
Richard Sellars, State Health Department
Joseph Ridgell, citizen
David Hoffman, citizen
Elvira Gaskin, citizen
William E. Raley, citizen
Elinor Cofer, citizen
Percy A. Morasch, citizen
George E. Brown, citizen
Vincent Biscoe, citizen

COMPREHENSIVE LAND USE PLAN UPDATE

Present: Frank Gerred, Office of Planning & Zoning

Mr. Gerred advised the Commissioners that the last complete update of the Comprehensive Land Use plan was in 1976 and reviewed in 1978, and recommended that it be reviewed thoroughly every four years. He stated that in the next update that impact zoning and performance zoning should be reviewed. Mr. Gerred indicated that the staff of Planning & Zoning could handle most of the update work; however, he recommended that a consultant be hired to assist in the preparation of graphics and text at a cost of approximately \$15,000. Mr. Gerred went on to suggest that included in the update process there be public meetings in each Election District.

During discussion, the Commissioners agreed that the Plan was in need of update and that the Office of Planning and Zoning take the lead role in this project. Commissioner Dean recommended that if a particular problem arises in the update process wherein additional technical assistance may be needed that Mr. Gerred come before the Board with a request.

REQUEST FOR BUILDING PERMIT FEE WAIVER ASSEMBLY OF GOD CHURCH

The County Administrator presented correspondence dated December 9, 1982 from the Assembly of God Church requesting a waiver of the building permit fee for the placement of a trailer for classroom purposes.

Inasmuch as this request is in compliance with Resolution No. 75-53, Commissioner Dean moved, seconded by Commissioner Arnold, to grant this request. Motion unanimously carried.

TOASTMASTERS' CLUB

The County Administrator advised the Commissioners of the recently formed Toastmasters' Club and stated that it has attracted a number of county employees. Mr. Cox requested endorsement by the Board of the Club as a training opportunity for the employees and by granting endorsement would allow the use of the copy center. The Commissioners gave their concurrence in endorsing the Toastmasters' Club.

PERSONNEL - SHERIFF'S DEPARTMENT

By memorandum dated December 10, recommendation was made by former Sheriff Somerville to extend the probationary period of a certain deputy beyond the one-year probationary period for six months in order to allow the new Sheriff an opportunity to review and evaluate the performance of said deputy.

The Commissioners gave their concurrence with Sheriff Somerville's recommendation.

FINAL PAYMENT
AIRPORT MASTER PLAN

The County Administrator advised that the Airport Master Plan has been reviewed and approved by the Airport Commission and Planning Commission and upon their recommendation, is ready for final payment.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the final payment to the first of Bourne, Gibson, and Shamma in the amount of \$2,000. Motion unanimously carried. Source of funds to be determined by the Budget Officer.

PUBLIC HEARING
SPECIAL DRAINAGE TAXING DISTRICT

Present: John Norris, County Engineer

The Board of County Commissioners conducted a public hearing to review and discuss policies for the establishment and construction of Storm Drainage Improvement within a Special taxing District in St. Mary's County, Maryland.

The County Engineer read the Notice of Public Hearing, after which he reviewed with the Commissioners the proposed procedures for the establishment and the construction of Storm Drainage Improvements within a Special Taxing District.

During discussion, the Lexington Park area (Wendy's, 84 Lumber Co.) was referred to as a possible site for a Special Taxing District.

Mr. Norris indicated that comments were received from the law offices of Briscoe, Kenney and Kaminetz pertaining to the procedures. It was agreed that these comments along with the proposed procedures should be reviewed by the County Attorney. Mr. Norris will then return to the Commissioners with a completed document for the Commissioners' consideration for approval.

Having no other parties present for comment, the hearing was closed. The record will remain open for at least ten days prior to a decision being made.

COUNTY ENGINEER'S ITEMS

Present: John Norris, County Engineer

McKAY'S COVE DREDGING PROJECT - WATERWAY IMPROVEMENT TAXING DISTRICT

Mr. Norris advised that the Army Corps of Engineers will do the dredging project at McKay's Cove and the State will provide the funding at no cost to the County and interest-free rate to the citizens. This can be done if at least 20 people from the area are interested at a cost of \$150 per person per year or for 20 years.

The Commissioners gave their concurrence.

WATER METERS - LEONARD HALL SCHOOL PROPERTY

Mr. Norris advised the Commissioners that the Leonard Hall School, Board of Education and Office on Aging do not have water meters and therefore requested authorization for the Director of Budget and Data Services to prepare the appropriate Budget Amendment in the amount of \$1200 to provide funding for this purpose.

The Commissioners gave their concurrence.

FAR CRY ROAD

Mr. Norris informed the Commissioners that in trying to obtain easements from property owners for the reconstruction of Far Cry Road, it does not appear that two individuals will not provide easements; Ed Monhan and Paul Hayden. The Commissioners directed the County Engineer to apprise the other residents of the area of this situation and that improvements they have requested cannot be made until this is accomplished.

CONTRACT CHANGE ORDER - SMECO
STREET LIGHT INSTALLATION

Mr. Norris requested Commissioner approval to increase the Street Light Installation Contract including Md. Rt. 235 and Joy Chapel Road intersection and Md. Rt. 245 and Morgan Road Intersection. The Commissioners gave their concurrence and authorize Commissioner President Aud to sign the Contract Change Order.

CONSTRUCTION EASEMENT AGREEMENT
FAR CRY ROAD

The County Engineer presented the Construction Easement dated December 7, 1982 by and between James T. Reilly and the Board of County Commissioners of St. Mary's County granting the County entry onto his property on Far Cry Road.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Agreement. Motion unanimously carried.

BUSHWOOD WHARF IMPROVEMENTS

Mr. Norris presented the Wetland License Application for the construction of a bulkhead, improvements to existing boat ramp and construction of timber catwalks and pier landings at Bushwood Wharf.

The Commissioners gave their concurrence to authorize Commissioner President Aud to sign said license Application.

HELEN FARMETTES
DRIVEWAY ENTRANCES

Mr. Norris advised the Commissioners that his office had notified the bonding company to provide the County with funds for the construction of the driveway entrances in the referenced subdivision at the bid price provided by Copenhagen Asphalt. He stated that the developer had not met the obligation of the bond and therefore recommended this action. The Commissioners gave their concurrence.

HELEN FARMETTES

The County Engineer advised that the developer had not fulfilled his obligation with regard to having sections of the roads turned over to the County by December 1 and had not signed the Public Works Agreement which gave him that extension. Mr. Norris stated that he has had difficulty in working with the developer on this. The Commissioners recommended referring this matter to the County Attorney for determination of what action should be taken.

HELEN ESTATES

Mr. Norris advised that the developer has not met his obligation in having the streets turned over to the County and that residents of the area would contact the county because of lack of snow removal. Mr. Norris stated that the surface of the road was unacceptable and the contractor will have to resurface entire roadside which will probably not be until next spring. The Commissioners agreed to refer the matter to the County Attorney.

DISCOVERY SUBDIVISION

Mr. Norris advised that the subdivision is almost completely built out. He stated that he had previously notified bonding company that the developer was in default and the County was requesting that the work be complete or provide the County with the funding to do the work. Mr. Norris noted that there has been little if any progress and recommended that it be referred to the County Attorney.

COUNTRY LAKES

Mr. Norris advised that the developer of the referenced subdivision was given a deadline of December to have the guardrails installed prior to the roads being taken into the County system. Streets in one section of the subdivision have been paved but not taken in the system as indicated in the Public Works Agreement. Therefore, there are residents on asphalt roads who are requesting snow removal. The Commissioners acknowledged the problem and directed that the matter be referred to the County Attorney.

REZONING DISCUSSION

RECONSIDERATION

JAMES M. GOLDSBOROUGH ZONE #82-0409

Present: James Goldsborough, Applicant
Frank Gerred, Director, Office of P & Zoning
Charles Norris, Attorney for Applicant
Anita Meridith, Recording Secretary
George Aud, President
Ford Dean, Commissioner
Larry Millison, Commissioner

Request to rezone approximately 1 acre of property from R-1, Rural-Residential, to C-2, Extensive Highway Oriented Commercial. The property is located at the corner of St. John's Road and Old Maryland Route 235, in the 6th Election District on Tax Map 27, Block 19, Residue of Parcel 446 (part was taken by State Highway Administration) and contains approximately 1 acre.

The applicant, Mr. James Goldsborough came forward, accompanied by counsel, Mr. Charles A. Norris, Esq. Mr. Goldsborough explained that his request for audience with the Board of Commissioners this date was to address the stipulations attached to the recent approval of his above captioned rezoning request, specifically, "that no gas and go be permitted and that ingress and egress be at least sixty (60) feet from control point 15.25.04 on SHA Map 18." Mr. Goldsborough stressed that in keeping with the set-back requirements of the Zoning Ordinance and that restriction imposed by the Board with regard to the entrance, that it was virtually impossible to develop the property, under those existing conditions/regulations, as they denied him access to the property.

Mr. Norris felt that the resolution, as prepared by the County Attorney was inappropriately worded, and was not in accord with the motion made by the Planning Commission.

Mr. Gerred explained that the applicant was required in this approval, to sign the resolution, indicating his willingness to comply with the stipulations attached to this rezoning, and since, that signature had not been acquired, it was still within the Commissioners prerogative to rescind the former resolution and draft another.

Commissioner Dean offered his stance with respect to this application and what he hoped would be the adopted policy for the county with respect to commercial "strip" development along the new highway. Commissioner Dean stated that since this new highway would be built with public funds (tax monies from St. Mary's citizenry), he felt that there should be a policy implemented which would guard against strip commercial development. Mr. Dean reflected that the Planning Commission, in considering this particular application, felt that there was a need for commercial property in this area, however, that access off Rt. 235 be denied and allow access on St. John's Road, in accordance with the aforementioned stipulation (SHA denied access on the turn and stated that it should be developed further down).

Mr. Norris felt that this concern was "placing the cart before the horse" as the issue of entrance would be addressed and determined by the appropriate authority at site plan stage, the State Highway Administration, and was not within the jurisdiction of the county to grant or deny an approval.

Mr. Goldsborough stated that the County was trying to restrict him for logical access to the property and stressed, "I don't think it's fair."

Commissioner Dean offered that the Board must consider the rights and safety of the public in evaluating all rezoning requests and certainly the safety of the highway was a major concern and vital issue of importance in this instance. He stressed that what was proposed, was not effecting a denial of access, as access could be gained off St. John's Road. Commissioner Dean spoke at great length to his concerns with respect to infringement to the new highway and felt that the County's first priority should be to adopt a policy that would protect the roadway and guard the public safety.

Commissioner Millison agreed that the safety of the public was a major concern, however, at the same time, he felt that the County should not interfere with the State Highway Administration or the Technical Evaluation Committee in terms of analization of the ingress/egress to this site.

Commissioner Arnold echoed Commissioner Millison's sentiments and noted that there were many other permits which would be required of the applicant before this proposal became a reality. Mr. Arnold reiterated that ingress and egress should be determined by the appropriate authority and he did not believe that the Board of County Commissioners should deny the applicant's request on those points when the appropriate agency, would in fact, determine whether or not the plan was feasible.

Commissioner Dean stated that he felt it was tragic, if the elected leaders of the County were unwilling to set some policy in place, for the public interest. He stressed that it was the responsibility of the County Commissioners to assert some leadership and set a policy in place.

Following lengthy discussion among the Board, Commissioner Arnold moved, seconded by Commissioner Millison, to approve #82-0409 (James M. Goldsborough) to C-1 and remove all restrictions. The County Attorney, accordingly, will redraft the appropriate resolution, for the Board's further consideration.

Vote was called with Commissioners Aud and Millison in favor and Commissioner Dean opposed. For the record, Commissioner Dean stated that he would have voted in favor of the motion, if access had been limited to St. John's Road, however, as the motion stood, he would have to vote opposed.

The motion passed two (2) to one (1) and the County Attorney will redraft the resolution, as outlined.

PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION ORDINANCE

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

The Commissioners conducted a Public Hearing in accordance with Chapter 27, Section 6 of the St. Mary's County Code of Public Local Law in order to amend the current Budget of 1982-83 by a Supplemental Appropriation Ordinance. The below items represent the changes to the 1982-83 Budget.

SUMMARY OF SUPPLEMENTAL REVENUE AND APPROPRIATIONS

<u>Item</u>	<u>Increase or (Decrease) in Revenue</u>	<u>Use of Undesignated Fund Balance</u>	<u>Increase or (Decrease) in Budget Authority</u>
1. St. Mary's Airport Development	\$200,555	\$ 10,556	\$211,111
2. Walden Counseling Grant	71,134		71,134
3. Shipping Point Home for the Elderly State Grant	8,000		8,000
4. St. Mary's Press MIDFA Loan	150,000		150,000
5. Unemployment Compensation Claims		25,000	25,000
6. St. Clements Island		40,857	40,857
7. Economic & Community Development State Grant	8,685		8,685

<u>ITEM</u>	<u>Increase or (Decrease) In Revenue</u>	<u>Use of Undesignated Fund Balance</u>	<u>Increase or (Decrease) in Budget Authority</u>
8. Bay District Fire tax	(\$120,151)		(\$120,151)
9. Elms Property		7,150	7,150
10. Senior Center Capital Budget		33,200	33,200
11. Asphalt & Overlay		114,610	114,610
TOTAL	\$318,223	\$231,373	\$549,596

Having no one present to make further comments, the hearing was closed. The record will remain open an additional ten days after which time the Ordinance will be given consideration for approval by the Board.

(A tape of the proceedings is on file in the Commissioners' Office)

SHIPPING POINT PROPERTY

Commissioner Dean inquired as to the status of request by certain members of the Bruce Colton family with respect to them being able to retain use of a portion of the Shipping Point property. The County Administrator will look into this.

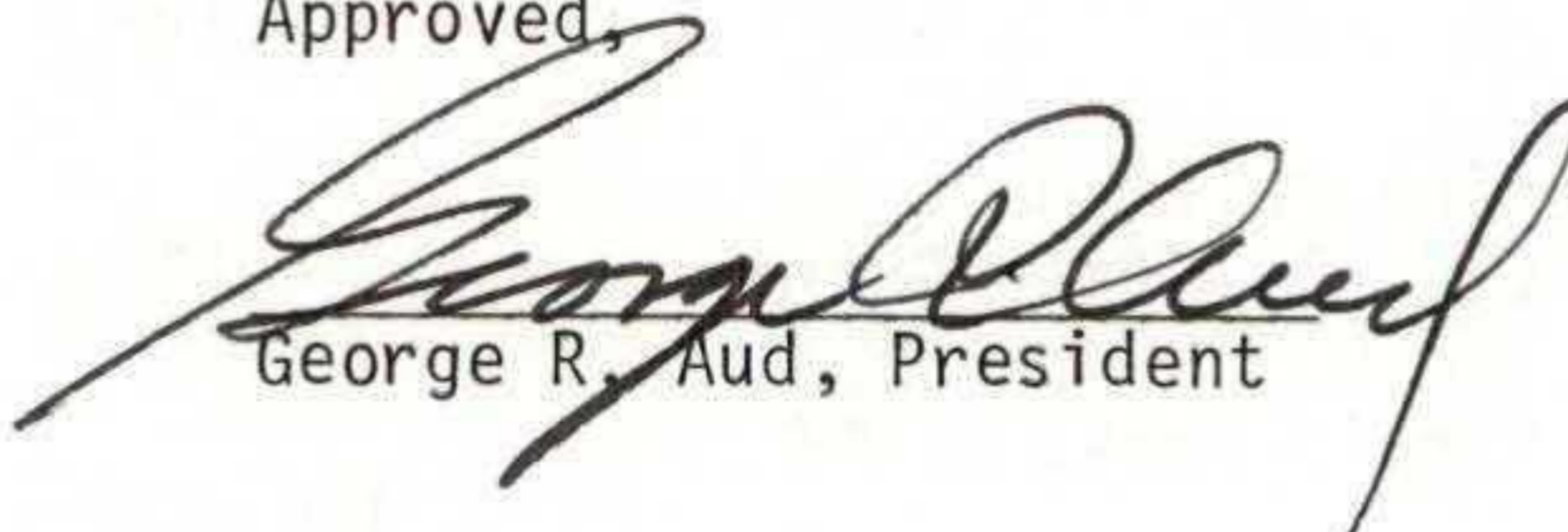
POINT LOOKOUT STATE PARK EVALUATION COMMITTEE
PURPOSE AND RESPONSIBILITIES

Commissioner Dean presented a written paper setting forth the purpose and responsibilities of the Point Lookout State Park Evaluation Committee which was appointed earlier today. The Commissioners agreed to adopt this charge and requested that it be included in the letters of appointment.

ADJOURNMENT

The meeting adjourned at 3:45 p.m.

Approved,


George R. Aud, President