

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 16, 1983

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

The meeting was called to order at 9:15 a.m.

APPROVAL OF VOUCHERS

Commissioner Millison moved, seconded by Commissioner Aud, to approve payment of the bills as submitted. Motion unanimously carried.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting on Tuesday, July 26, 1983 and Tuesday, August 2, 1983. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CHANGE OF LOCATION
LEXINGTON PARK SHERIFF'S OFFICE

The County Administrator presented a request from Sheriff Pettit to change the location of the Lexington Park Sheriff's Office from Coral Place to Great Mills Road next to the Lexington Park Rescue Squad. One of the reasons for the change is that the Great Mills location would give increased visibility. If approved by the Board, the Sheriff will proceed to make the necessary arrangements and the lease will be presented to the Commissioners for execution.

The Board of County Commissioners gave their concurrence.

2) CLEARINGHOUSE PROJECTS

- a) Project No. 83-7-888
Anadromous Fish Research in Maryland
- b) Project No. 83-8-902
VA Subdivision Analysis - Wildewood Woodland Condominiums
- c) Project No. 83-7-837
Proposed Federal Rural Farmland Protection Policy

The County Administrator presented the three referenced clearinghouse projects and recommended that they be returned to the State with the comment that they are not inconsistent with this agency's plans, programs or objectives.

- d) Project No. 83-7-840
Lexwood Park Apartments

The County Administrator presented the referenced clearinghouse project and recommended that it be returned to the State with Comment #3 - that there is insufficient information upon which to comment since there has not been an application submitted to County Government.

COUNTY ADMINISTRATOR ITEMS (continued)

The Commissioners concurred and also requested that a comment be included stating that there is a need for apartments in the County.

3) PERSONNEL

a) Correction Officer Position
Sheriff's Department

The County Administrator presented a memorandum dated August 15, 1983 from the Personnel Officer requesting authority to fill the Correction Officer position (G-11) vacancy created by the registration of Howard Spalding as of July 23, 1983.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize the filling of said position. Motion unanimously carried.

b) Office on Aging - RSVP
Appointment of Volunteer Assistant

The County Administrator presented a memorandum dated August 9, 1983 from the Personnel Officer recommending the selection of Susan Justice to fill the Volunteer Assistant position (G-6) for the RSVP program in the Office on Aging on a permanent part-time basis. Ms. Justice is currently a temporary part-time employee. It is also requested that the employee be granted an exception to the County's Personnel Policy regarding the granting of health premium benefits.

Commissioner Arnold moved, seconded by Commissioner Dean, to appoint Susan Justice to the Volunteer Assistance position, effective August 1, 1983, and further that the request regarding health benefits not be granted at this time, and that the County's current policy be adhered to. Motion unanimously carried.

4) BOARDS, COMMITTEES AND COMMISSIONS
APPOINTMENTS

Commissioner Aud moved, seconded by Commissioner Sayre, and unanimously carried to make the following appointments to Boards, Committees and Commissions:

| <u>Commission on Aging</u> | <u>Term to Expire</u> |
|-------------------------------------|-----------------------|
| Joseph M. Thompson, Jr. | June 30, 1986 |
| <u>Commission for Women</u> | |
| Lynn Fitrell | June 30, 1986 |
| <u>Historic District Commission</u> | |
| Dave Robets | June 30, 1986 |
| <u>Human Relations Commission</u> | |
| Rev. Ron Runkles | June 30, 1986 |
| <u>Nursing Home Board</u> | |
| Elizabeth Reynolds | June 30, 1985 |

COUNTY ADMINISTRATOR ITEMS (continued)

APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS (continued)

Recreation and Parks Board

Term to Expire

C. Louis Clements

December 31, 1985

Tri-County Community Action Committee

Vincent Somerville

June 30, 1984/1987

Tri-County Group Home Board

Granville A. Herriman

June 30, 1983

5) REQUISITION NO. 16
ST. MARY'S HOSPITAL

Commissioner Arnold moved, seconded by Commissioner Aud, to approve and authorize Commissioners Aud and Dean to sign Requisition No. 16 in the amount of \$485,325.56 for payment of costs incurred for the new hospital project to date. Motion unanimously carried.

6) AGREEMENT FOR DISTRIBUTION OF COMMODITIES AND FUNDS FOR EMERGENCY FOOD ASSISTANCE

The County Administrator presented an Agreement with the Maryland State Department of Education for the Distribution of Commodities and Funds for Emergency Food Assistance for the Commissioners review and approval.

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

7) PATROLLING TOWN OF LEONARDTOWN
ANIMAL WARDEN

The County Administrator presented correspondence dated July 8, 1983 from the Leonardtown Commissioners requesting that the County animal wardens include patrolling within the corporate limits of Leonardtown in their schedule.

The Commissioners gave their concurrence.

8) ROAD RESOLUTION NO. R83-14
MILL POINT ROAD

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolution posting Mill Point Road, Seventh Election District at 35 miles per hour.

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

9) REQUEST FOR WAIVER OF FEES
GREEN HOLLY SCHOOL IMPROVEMENTS

The County Administrator presented correspondence dated August 3, 1983 from St. Mary's Public Schools requesting a waiver building permit fees and other county fees for improvements on Green Holly School (therapeutic pool). The request for a waiver of only the building permit fee is in compliance with the County's Resolution No. 75-53.

Commissioner Aud moved, seconded by Commissioner Sayre, to grant the waiver of the building permit fee as set forth above. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS (continued)

- 10) RESOLUTION NO. 83-18
ELECTRICAL PERMIT AND PLUMBING PERMIT

The County Administrator presented the referenced Resolution for the Commissioners' review and approval. After discussion, Commissioner Aud moved, seconded by Commissioner Dean, to approve and sign said Resolution. Motion unanimously carried.

- 11) RESOLUTION NO 83-17
REDISTRICTING OF ST. MARY'S COUNTY

The County Administrator presented the referenced Resolution formally accepting the 1983 Redistricting Plan as submitted by the Redistricting Board. Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign said Resolution. Motion unanimously carried.

- 12) ZONING AMENDMENT RESOLUTION NO. Z83-10A
ZONE #82-1135 - REILLY PROPERTY
(CORRECTION)

The County Administrator presented the referenced Zoning Amendment Resolution correcting the property description of Resolution Z83-10 which was approved on July 26, 1983

Commissioner Dean moved, seconded by Commissioner Arnold to approve and sign said Zoning Amendment Resolution. Motion unanimously carried.

- 13) CONSTRUCTION EASEMENT AGREEMENT
LANDSDALE G. SASSCER

On behalf of the County Engineer, the County Administrator presented the referenced Construction Easement by and between Lansdale G. Sascer, Jr. and the Board of County Commissioners of St. Mary's County in connection with the construction/drainage improvements on Shangri-La Drive.

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

- 14) ORDINANCE NO. 83-19 AND PARTICIPATION AGREEMENT
MARYLAND TRANSPORTATION BONDS
FIRST ISSUE - SIXTH SERIES

The County Administrator presented Ordinance No. 83-19 authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland for Transportation Bonds in an amount not to exceed \$665,000. Further, the County Administrator presented the Participation Agreement by and between the Department of Transportation of Maryland and St. Mary's County to be approved and signed.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Ordinance No 83-19 and the Participation Agreement as set forth above. Motion unanimously carried.

- 15) NOTIFICATION OF GRANT AWARD - GATEWAY I PROGRAM
BUDGET AMENDMENT NO. 84-11 - COMMISSION ON AGING

The County Administrator presented the Notification of Grant Award for Gateway I Program in the amount of \$15,000. He stated that there are certain line items changes which are reflected in Budget Amendment No. 84-11 which is recommended for approval by the Director of Budget & Data Services.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign the NGA for the Gateway I Program and further to approve and sign Budget Amendment No. 84-11. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS (continued)

16) CONTRACT FOR OPERATION OF CHARLES COUNTY
COMMUNITY COLLEGE AT ST. MARY'S

The County Administrator presented a Contract by and between the Board of Trustees of Charles County Community College and County Commissioners of St. Mary's County for the operation of the Charles County Community College at St. Mary's. He stated that paragraph (F) is being changed regarding equipment.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Contract. Motion unanimously carried.

17) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

a) To Robert Goldsmith, Chairman, Library Board of Trustees, in response to Library Board's request regarding equipping of Leonardtown Library at the Armory.

b) To Edward Campbell, Headmaster of Leonard Hall Junior Naval Academy, approving his request to defer the 1983 third and fourth quarter rental payments.

The Commissioners agreed to sign and forward said letters.

18) RECREATION AND PARKS
REQUEST FOR USE OF GOVERNMENTAL CENTER GROUNDS

The County Administrator presented correspondence dated July 26, 1983 from the Department of Recreation and Parks requesting use of the Governmental Center grounds on May 4, 5, and 6, 1984 for the purpose of holding a Heritage Festival.

The Commissioners gave their concurrence.

19) REQUEST FOR EXCEPTION TO POLICY
COUNTY'S ECONOMIC IMPACT FEE AND RECREATION AND PARK FEE

The County Administrator presented correspondence dated July 26, 1983 from Anne Lumpkins requesting an exception to the County's Economic Impact Fee and Recreation and Park Fee Policy for the conversion of an existing building into 12 apartment units in the Second Election District. Ms. Lumpkins requested that the County accept a check for \$500 for the building and not impose this fee on each unit. Mr. Cox advised that it is the staff's recommendation that this request not be approved because it is the County's policy that each unit be assessed the \$500 fee. The Commissioners concurred in this recommendation.

PERCOLATION TEST PROBLEM
MRS. WHITING - ST. JAMES

Present: Mrs. Ella Mae Whiting
Frank Gerred, Director, Office of Planning and Zoning

Mrs. Whiting appeared before the Commissioners to relate her past difficulties in getting approval for the placement of a mobile home on property adjacent to her current dwelling in St. James and explained the percolation test problems. The Commissioners requested that Mr. Gerred work with Mrs. Whiting and the Health Department to do whatever is possible to resolve Mrs. Whiting's problems.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) GRADING AGREEMENTS (2)
PARAGON BUILDINGS

The County Engineer presented the following Grading Agreements for review and approval by the Board:

a) Dated August 15, 1983 by and between Paragon Builders, Inc. and St. Mary's County for Woodland Condominiums of Wildewood, Eighth Election District.

b) Dated August 15, 1983 by and between Paragon Builders, Inc. and St. Mary's County for TRACOR Research and Development Center, Wildewood Technology Park, Sixth Election District.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Grading Agreements. Commissioner Dean abstained. Motion carried.

2) ROAD IMPROVEMENTS FOR CONSIDERATION

a) Mr. Norris advised the Commissioners that a Memorandum of Offer was received by the Board regarding donation of a 12-foot strip of land on Rolfe Road, 9th Election District, with certain conditions as discussed at last week's meeting for the remaining of the road and for the construction of a turnaround at the end of the road.

b) Mr. Norris advised that a request has been received by the County for the resurfacing of Wynne Road in the First Election District and should be considered next year for widening and safety shoulders.

c) Piney Point (Lighthouse) Road - Mr. Norris advised that there has been a request for elevation of this road. He stated that a survey will have to be done to make sure other properties are not flooded by elevating this road.

The Commissioners advised that the three referenced road items be made a part of the budgetary consideration for FY '84-85 (Item c. if the survey does not indicate any flooding problems).

3) REQUEST FOR RELEASE OF DRAW #4
FOREST RUN SUBDIVISION

Mr. Norris advised that a request was received for the release of Draw No. 4 to the developer of Forest Run Subdivision, Ed Cook, from the surety in the amount of \$21,600 for completion of the curbing work.

Based on the recommendation of the County Engineer, the Commissioners gave their concurrence for the release of Drawer #4.

4) PAW PAW HOLLOW SUBDIVISION

Mr. Norris advised that a request from Waring Associates, developer of Paw Paw Hollow Subdivision, has been received that the County accept a check in the amount of \$13,000 for the completion of work in said subdivision.

The Commissioners gave their concurrence.

OFFICE OF COUNTY ENGINEER ITEMS (continued)

5) CHANCELLORS RUN ROAD

Mr. Norris apprised the Commissioners that correspondence has been received from State Highway Administration indicating that they are not agreeable to accept Chancellor's Run Road into the State system. Mr. Norris stated that his office will be discussing this as well as the possible acceptance of Clarks Mill Road with SHA representatives.

6) HUNTING QUARTERS
REQUEST FOR WAIVER OF PORTION OF ENTRANCE

Mr. Norris advised that he has received a request for a reduction of a portion of the right of way for the entrance road for Hunting Quarter from 60 feet to 50 feet as that is the only land that they own. Construction standards, however, will remain the same. Mr. Norris recommended granting this waiver. Commissioner Aud moved, seconded by Commissioner Dean, to accept the County's Engineer's recommendation. Motion unanimously carried.

7) CONSTRUCTION PROJECT STATUS

Mr. Norris presented a status sheet of the various construction project of his office and requested action by the Board on the following:

a) MILLSTONE LANDING ROAD

He stated that the Asphalt Base will be completed by August 17 and requesting the Board's concurrence to extend the surfacing to the intersection of Esperanza Drive at a cost of approximately \$15,000.

The Commissioners gave their concurrence.

b) CORONADO VILLAGE

Mr. Norris stated that easements have to be acquired from the Beckum property, cost of which is to be borne by the developer of the Londontowne project. He stated that the County does not have authority to go onto the property and construction will have to be terminated if the easements cannot be obtained.

c) LEXINGTON PARK STORM DRAINAGE PROJECT

Mr. Norris stated that the project was bid \$120,000 over budget and a decision will have to be made whether to stay with low bidder or to use rental contract. Mr. Norris advised that he will return at a later date with a recommendation.

d) SURFACE TREATMENT

Mr. Norris advised the Commissioners that there was a problem with the contractor's (Montgomery Construction) stone quality for the surface treatment program and a decision will have to be made whether to re-award the project if the contractor cannot perform. He stated that timing for this project is of the essence and would return as soon as possible with a recommendation.

e) ASPHALT OVERLAY - BEACHVILLE ROAD

Mr. Norris advised the Board that the drainage area has been cleared adjacent to Beachville Road and the drainage ditches are in close proximity to the edge of the pavement and are significantly deep. He reviewed the recent impacts and construction proposed by NESEA on Beachville Road and recommended that reconsideration of the type of improvements be given. He stated that this would necessitate the acquisition of easements and delay the construction project until the Spring of 1984. The County could

OFFICE OF COUNTY ENGINEER ITEMS(continued)

then attempt to surface the steets in Greenview Knolls, Rolling Road and/or Barefoot Acres as an alternative to the Beachville Road project in that the asphalt prices under the current bid are considered low. The Commissioners discussed the construction projects at NESEA and concurred in the significance of Beachville Road. Mr. Norris recommended that a final decision be made upon the Metropolitan Commission's resolution of the repair work to the Greenview Knolls sewer system. Mr. Norris further recommended that the County pave the gravel parking lot at the Governmental Center using this asphalt bid as opposed to waiting until next Spring and in addition provide a concrete island adjacent to the roadway at the Governmental Center using the proposed contract price provided by J. T. Hayden for concrete curbing of McIntosh Road. Mr. Norris will return for a decision.

8) BUSHWOOD WHARF IMPROVEMENT PLANS

Mr. Norris presented the plans for the improvement of the public landing facilities at Bushwood Wharf and requested authorization for Commissioner President Aud to sign same. The Commissioners gave their concurrence.

MENTAL HEALTH, ALCOHOLISM, DRUG ABUSE ADVISORY COUNCIL

Present: Kathy Glaser
Phebe Barth

The above representatives of the Mental Health, Alcoholism, Drug Abuse Advisory Council appeared before the Commissioners to present the newly revised By-Laws of the Council which incorporated the recently assigned Drug Abuse advisory task. Also provided was an organizational chart for MHADAAC reflecting its advisory relationships and structure and a list of recommendations for appointment and their representation on the Council.

Commissioner Aud moved, seconded by Commissioner Millison, to accept the By-Laws as presented. Motion unanimously carried.

Further, Commissioner Millison moved, seconded by Commissioner Aud, and unanimously carried to make the following appointments to the Mental Health, Alcoholism, Drug Abuse Advisory Council as recommended:

| <u>Name</u> | <u>Representation</u> | <u>Term to Expire</u> |
|-------------------------|---|-----------------------|
| Harry S. Lancaster, Jr. | (Walden/Sierra Board of Directors) | June 30, 1984 |
| Joseph Carter | (Dept. of Social Services) | June 30, 1985 |
| Dr. C. W. Duncan | (1. Mental Health Provider (Voting) 2. Ex-Officio, Dir., TCYSB (Non-Voting) | June 30, 1986 |
| Rev. Michael Cole | (Clergy) | June 30, 1985 |
| Richard D. Arnold | (County Commissioner) | June 30, 1986 |
| Suzanne Camp | (St. Mary's Hospital) | June 30, 1984 |
| Lynn Babuchiwski | (Drug/Alcoholism Program, NAS) | June 30, 1985 |
| Richard Reisman | (Employed--Alcoholism Treatment Program) | June 30, 1986 |
| Olive Ellis | (Mental health care recipient) | June 30, 1986 |
| Elizabeth Raley | (Relative of mental health care recipient) | June 30, 1984 |
| Seri Wilpone | (Legal Profession) | June 30, 1986 |
| Kathy Glaser | (Community member) | June 30, 1985 |
| Kathy Lacer | (Community member) | June 30, 1984 |
| Jonathan Nelson | (Community member) | June 30, 1984 |
| Dr. Richard Martin | (Community member) | June 30, 1986 |
| Dr. William Marek | (County Health Officer-Voting Ex-Officio) | |
| Dr. H. Joseph Miller | (1. County Mental Health Coordinator - Voting Ex-Officio. 2. Director, Mental Health & Alcohol Programs, Non-Voting Ex-Officio) | |
| Dr. Patricia Hawkins | (1. County Drug Abuse Coordinator - Voting Ex-Officio. 2. Executive Dir., Walden-Sierra - Non-Voting Ex-Officio) | |

MENTAL HEALTH, ALCOHOLISM, DRUG ABUSE ADVISORY COUNCIL (continued)

| <u>Name</u> | <u>Representation</u> |
|------------------|---|
| Dan Donahue | (Rep. of Mental Hygiene Adm. Regional Office - Voting - Ex-Officio) |
| Margaret Winters | (Regional Coordinator of Alcoholism Control Adm. - Voting - Ex-Officio) |
| Lillian Burditt | (Regional Coordinator, Drug Abuse Adm. Voting - Ex-Officio) |
| Berlin Cummings | (Coordinator of Alcoholism Clinic - Non-voting - Ex-Officio) |
| Doris Mason | (Rep. to Crownsville Citizens Adv. Board Non-voting - Ex-Officio) |

MARYLAND RURAL DEVELOPMENT PROGRAM

Present: Joseph Mitchell, Director, Economic & Development (St. Mary's)
David W. Morgan, Economic Development Coordinator
David Schultz, Program Coordinator, Md. Rural Dev. Program
State Dept. of Economic & Community Development
Penny Davis, Director, Technical Services, DECD
Lowell Frederick, DECD
Jim Evans, Tri-County Council

Mr. Schultz advised that the purpose of this meeting is to explain a new program of the Maryland Department of Economic & Community Development entitled "Maryland Rural Development Program (MRDP) and to request the County's participation. The purpose of the MRDP is to develop rural investment strategies for funding important local projects. A Joint Funding Committee, comprised of various federal and state funding agencies, has been established to aid in the joint funding of rural development projects. Mr. Schultz stated that the MRDP is ready to work with St. Mary's County in this effort and requested the Commissioners to designate a liaison with their agency. He stated that the Maryland Rural Development Program for St. Mary's County could be completed and returned to the Board for final approval in May. For the Commissioners' review and information Mr. Schultz presented a copy of the strategy Plan for Worcester County.

After discussion the Commissioners gave their concurrence to participate in this Program and designated Joseph Mitchell as the County's liaison.

MARKETING PROPOSAL
PRIVATE INDUSTRY COUNCIL

Present: Dave Morgan, Economic Development Coordinator

Mr. Morgan advised that the three Economic Development Coordinators of the tri-county area have agreed to propose to the Southern Maryland Private Industry Council that funds for economic development marketing be distributed equally to each of the three counties to be used as a match for the State's cooperative advertising grant. Mr. Morgan requested that if the Commissioners concur in this proposal that authorization be given for Commissioner President Aud to sign the letter to the Southern Maryland Private Industry Council.

Commissioner Dean moved, seconded by Commissioner Sayre, to concur in the referenced marketing proposal and further to authorize Commissioner President Aud to sign the letter as recommended. Motion unanimously carried.

WILDEWOOD INDUSTRIAL TECHNOLOGY PARK
STSP 83-1055

Present: Edmund Wettengel, applicant
Robin Guyther, Planner, Office of Planning & Zoning
John Norris, County Engineer

(Requesting site plan approval for an office building on Airport Drive in the Eighth Election District, Tax Map 34, Block 8, Parcel 79, zoned PD-IP, Planned Development-Industrial Park.)

The Commissioners reviewed the referenced site plan which was recommended for approval by the Planning Commissioner, and Mr. Wettengel pointed out that he has not come to an agreement with the County Engineer relative to the shoulders of the road. Mr. Norris has recommended that there be surface shoulders, and Mr. Wettengel was of the opinion that grass shoulders were all that were necessary in that there will not be heavy industrial truck use. The site is being developed for TRACOR Research and Development Center. After discussion and Mr. Norris' concurrence, Commissioner Aud, moved, seconded by Commissioner Arnold, to approve and sign said Site Plan, that grass shoulders be allowed for the site, with the condition that if a future site plan is presented that a decision will be made at that time regarding the need for surface shoulders. Commissioner Dean abstained. Motion carried.

REZONING HEARINGS

Present: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Robin Guyther, Planner Office of Planning & Zoning
Peggy Childs, Recording Secretary, Office of Planning & Zoning

Commissioner Aud opened this public hearing at 1:20 p.m. in the Commissioners' Conference Room of the Governmental Center in Leonardtown, MD, to consider the following cases:

ZONE #83-0492 - Thomas J. Woodburn

Requesting rezoning from R-1, Rural Residential, to C-2, Commercial. The property contains .909 acres and is the site of Rt. 235 Auto Body Shop on the east side of MD. Rt. 235 in Hollywood, approximately 3,000 ft. north of MD. Route 4, on Tax Map 34, Block 9, Parcel 290, Eighth Election District.

Present: Thomas J. Woodburn, applicant
Karen Abrams, Esq.

Attorney Karen Abrams testified that she had posted the property concerning this hearing and presented return receipts from adjoining property owners. Mr. Guyther presented the Planning Commission record of the case, and remarked the Planning Commission has recommended rezoning to CL, with a restriction that grocery stores not be permitted.

Mr. Woodburn said he is thinking of putting in some type of office accommodation on the property.

Ms. Abrams said, in her opinion, the neighborhood would run from St. Andrews Church Road up to Lenny's Restaurant, about 1,000 ft. deep on either side of Route 235. She said she picked that area because there is a lot of development and some commercial enterprises at the intersection, and then you continue on up and it seems to be large-lot residential or various scattered commercial enterprises until you get past Lenny's Restaurant, and then it's more exclusively residential from there on. Ms. Abrams submitted

REZONING HEARINGS (continued)

there was a mistake in the original zoning because prior to the adoption of the Zoning Ordinance in 1974, this particular piece of property had been used as an auto body shop for 23 years, a nonconforming commercial use and added that the property is not now nor was it ever compatible residential category property.

Ms. Abrams said the property is sandwiched right up against Dean Construction Co. and just isn't really a suitable residential property. She also submitted that there has been a change in the character of the neighborhood, because of the opening of the new Bay Center shopping center at the intersection, the opening of the Wildewood parkway on Route 235, and the trend lately to direct some of the commercial development in the County away from Lexington Park proper area, and to alleviate some of the congestion down that way.

Also Mrs. Abrams said, rezoning this property and allowing Mr. Woodburn to upgrade it and do something different with it is an excellent opportunity to improve it and rid the County of what had been a fairly unsightly structure for a long time, and put in something that would look nice and would be beneficial to the public and present a better face to people coming into the County.

Mr. Millison stated that it would reduce the tax base.

Mr. Arnold asked whether the applicant is amenable to the Planning Commission's recommendation of CL. Mr. Millison said he wasn't sure it shouldn't be C-2, and said CL doesn't necessarily in his opinion, restrict traffic. Mr. Millison said he doesn't see the philosophy that C-1 is okay, but C-2 is bad.

Mr. Guyther said the Planning Commission was concerned about the traffic because there won't be a crossover there, and they wanted to restrict it to uses that wouldn't generate a lot of traffic because of the U-turns you would have to make, and, as Mr. Woodburn indicated, he wanted to have an office, so that's why they recommended CL. They were concerned C-2 would allow something that might, in the future generate a whole lot of traffic, and, without a crossover there, it could create a potentially dangerous situation.

Mr. Millison talked at some length about neighborhoods, and made the point that a neighborhood in the country is quite different from a neighborhood in the city.

Mr. Guyther stated that there was a letter from Mr. Wettengel in opposition to this rezoning change. Mr. Wettengel was in the audience, and stated that his opposition is that St. Mary's County has a Master Plan, and should follow it, and said he didn't like to see strip rezoning on Route 235, because pretty soon it will wind up like Route 301.

Mr. Millison asked Mr. Wettengel, "Have we not ever changed it for you?" Mr. Wettengel replied in the affirmative. Mr. Millison asked, "Did you object to that?" Mr. Wettengel said no, he did not. Mr. Millison stated Mr. Wettengel thought it was all right for him but he doesn't want to see anybody else do it. Mr. Wettengel said the only thing he changed was density, he didn't change uses, as a matter of fact, he downgraded the zoning from industrial to residential.

This concluded discussion on this case.

ZONE #83-0509 - Edward Cook

Requesting rezoning from R-2, Medium Density Urban Residential, to MH, Mobile Home Park. The property now known as Forest Run Subdivision contains 9.8 acres and is located on MD Route 246, Great Mills Road, across from Sanner's Field, in the Eighth Election District, on Tax Map 51, Block 3, part of Parcel 154.

Present: Edward Cook, applicant
Mike Harris, Esq.

Mr. Harris presented return receipts and testified that the property had been posted with the notice of this hearing. In this instance, Mr. Guyther stated, the Planning Commission recommended the application be approved. Part of this property is already zoned Mobile Home Park, but, sometime in the past, Mr. Cook had it subdivided for single family lots. Now he wants to put mobile homes on the property.

Mr. Harris said this is probably a new concept in mobile home parks, and Mr. Cook's whole thinking behind this is "let's do something better". The Zoning Ordinance requires things like sidewalks, curb and gutter, and that was already planned for in this subdivision. Also, he said, he would like to point out that Mobile Home Park is a floating zone and the applicant doesn't have to address the issue of change or mistake. Mr. Harris pointed out comments by Mr. Joe Mitchell, of the County Housing Authority, regarding the need for additional housing in the Lexington Park area.

Mr. Cook testified that he wants to get away from the "trailer court" concept, and said he wants to make this park better. Mr. Cook said he probably should have sought this rezoning long before getting this far into it, but he didn't, and one of the reasons why he didn't is that County zoning and regulations permit him to put double wides in there anyway. Then he got further down the line and thought he ought to come in and get this thing going. It is zoned for single family, and he said he's going to develop it that way, with one difference he's going to rent the lots and not sell them so he will be able to maintain control so it won't look like a trailer court.

Mr. Cook said the curb and gutter are superior to what is required; lot sizes is nothing less than 65 ft. wide - regulations call for 50, and a lot of places it is 40 ft.; as far as specifications for the street it's a 60 ft. right-of-way, not 50 ft., paving is 36, not 22; pretty much all down the line, Mr. Cook said, he has significantly increased the specs and at considerable cost. He said he really has made a genuine effort to upgrade this project, and he doesn't want the old "trailer court" concept.

Mr. Millison said he thought Mr. Cook was to be commended for his actions and said we certainly need housing desperately. Mr. Millison said he wanted to encourage Mr. Cook to invest his money here and encourage him in his efforts.

Mr. Harris said their proposal is to put in a three bedroom unit, with washer/dryer, wall to wall carpeting, the usual kitchen amenities, including the lot rent, for a little less than \$500 per month, and that includes payment on the unit. However, in order for Mr. Cook to be able to lease the ground he has to be a mobile home park. He can sell the single family units anyway, but his concept of mobile home park - to lease the ground and retain that control - is going to require him to have a mobile home park. One thing Mr. Harris said he thinks very important - the Zoning Ordinance would allow Mr. Cook to have 7 units per acre in a mobile home park, and their maximum density is 4 units per acre, so he is not crowding it, is not trying to maximize the buck, but is trying to do something different, and said he would hope that the Commissioners would see fit to go along with the recommendation and grant the rezoning.

This concluded discussion on this case.

ZONE #83-0888 - TEXT CHANGES TO ZONING ORDINANCE

- (1) Article 80.02 - DEFINITIONS - CHILD CARE CENTER add "(or DAY CARE CENTER)"; MOBILE HOME, delete "Detached single family."
- (2) Article 53.12.2.m - add to line seven . . . license "and require all park revenues be put into escrow and be disbursed to pay the cost of the maintenance required."

(1) Defitions - this first change is for clarification purposes; the second definition change would allow the Planning Commission to permit duplexes in a Mobile Home Park.

(2) Item 2 is a proposal to allow the County, through Court action, make the park owners put their rents in an escrow account, so the County could make any repairs that need to be made to the parks (roads, etc.)

Lenghty discussion ensued regarding this proposed text change - Commissioner Aud said he thought it a good idea, and said he had been through a mobile home park on Sunday with potholes in the road so big he almost lost his car. He said he thought some of the mobile home park tenants were being "raped" by the landlords, and added they have no recourse.

Commissioner Millison disagreed, and said the County should not get involved in a dispute between tenants and landlords; he likened it to a dispute between husband and wife, and said the county should not inter-vene - that he is not in favor of the County telling the landlord what he has got to do.

This concluded discussion on this case. The hearing was adjourned at 1:55 p.m.

JOINT USE OF WELL
DAVID LONG

Present: Mrs. David Long

On behalf of her husband, Mrs. Long appeared before the Board to get a response to his request before the board on August 2 regarding a joint use of a well on his son's property on Benswood Road, off of St. Andrews Church Road. Commissioner Dean explained that he drafted a Reso-lution and Agreements pertaining to this matter for review by appropriate agencies with anticipation of adopting them today. However, word was re-ceived from the Health Department that the Resolution was forwarded by them to the Attorney General for review and legal opinion.

The Commisssoners agreed to prepare correspondence to the Attorney General expressing their endorsement of the Resolution regarding joint use of wells and would respond to Mr. and Mrs. Long when a reply is received.

GRADING AGREEMENTS

Present: Joseph Densford, Asst. County Attorney
Edmund Wettengel, Developer, Wildewood Subdivision
James Kenney, Attorney for Wildewood

Mr. Densford advised that the purpose of this meeting was to obtain clarification of certain issues regarding the requirement by the County Engineer's Office for Grading Agreements similar to the required Public Works Agreements

GRADING AGREEMENTS (continued)

The issues and responses are as follows:

1. The need for recordation is an additional burden.

(The Commissioners advised that the Grading Agreements do not have to be recorded.)

2. The term "sole discretion of the County Engineer" in the document is too strong.

(The Commissioners agreed to remove this language from the document.)

3. Whether it is necessary for the Board of County Commissioners to approve and sign each Agreement as currently required.

(Because there are so few Grading Agreements presented, because it provides a check and balance system, and because the majority of the Commissioners are accessible for emergency decision, it was agreed that the Commissioner's signature remain on the Agreement.)

4. That as the grading and stabilization work is performed, that there be a schedule for reduction of the bond.

(The Commissioners agreed to add this schedule.)

In conclusion, the Commissioners directed Mr. Densford to work with the County Engineer to draft the appropriate language based on the referenced discussion.

COMMITTEE FOR SYSTEMS REVIEW - PERMITS AND PLANS APPROVAL

Present: Joseph Densford, Chairman
Francis Abell
Francis Dean
William A. Guy
Joseph E. Garner
Robert Garner
Jerry Nokleby
Herbert Redmond
Edmund Wettengel

Commissioner Dean advised that based on a previous decision by the Board to develop a process whereby a systems review can be overtaken with respect to the approval to permit applications and approvals of various subdivision plans and plats, the referenced Committee was established. Commissioner Dean distributed an outline explaining the three-phase process of systems review and evaluation and goals. A copy of the outline is on file in the Commissioners' Office.

After discussion of the responsibilities of the Committee, the Commissioners suggested that the group meet after this session to determine date, time and place of meetings.

The Commissioners expressed their appreciation to the referenced members for serving on the Committee and offered assistance from the County in whatever way possible to accomplish their task.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

At the recommendation of the County Administrator, Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 3:35 p.m. to 4:40 p.m.

ADJOURNMENT

The meeting adjourned at 4:40 p.m.

Approved:

