

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 29, 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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, November 15, 1983 as presented. Motion unanimously carried.

APPROVAL OF BILLS

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

INNOVATIVE ALTERNATIVE SEWAGE DISPOSAL SYSTEMS

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

Mr. Gerred presented to the Commissioners a list of applicants for the experimental innovative sewage disposal systems as described at a previous meeting by the Health Department. The list is separated into categories-- improved lots, unimproved lots, and undetermined. Mr. Gerred recommended that the list of improved lots be submitted to the Health Department for their comments and a determination as to what system should be used for each property. The undetermined list will be further researched, and a determination will be made for each property. For unimproved lots there are three applicants interested in the sun-drive system (which cost will be borne by the applicant). The remainder of the unimproved lots will not be affected until a later date.

The Commissioners agreed that Mr. Gerred proceed to submit the lists to the Health Department for evaluation.

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION ORDINANCE

Present: Joseph P. O'Dell, Director, Budget & 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 for FY 1983-84.

PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION ORDINANCE(Continued)

The following is the Summary of Supplemental Revenue and Appropriation Revisions:

<u>Item No.</u>	<u>Title Description</u>	<u>Increase or (Decrease) in Revenue Est.</u>	<u>Increase or (Decrease) in Fund Balance</u>	<u>Increase or (Decrease) in Budget Authority</u>
1.	Requirement in Changing from Non-GAAP to GAAP		(91,450)	91,450
2.	CRT Vehicle		(3,500)	3,500
3.	Mechanicsville Pond		(10,974)	10,974
4.	Londontown/Coronado Vlg.		(25,500)	25,500
5.	Office on Aging Bus Replacement		(41,189)	41,189
6.	Special Project Fund		(27,697)	27,697
7.	Library Roof		(10,000)	10,000
8.	Pension Study- Sheriff's Dept.		(7,000)	7,000
9.	Agr. Land Easement		(20,475)	20,475
10.	Highway Scheduling	10,000		10,000
11.	So. MD HSA		(2,800)	2,800
12.	CDBG	491,500		491,500
13.	Rte. Eval. Study		(2,000)	2,000
14.	Nursing Home C.O.N.		(7,000)	7,000
15.	Colton Pt. Museum	215,000		215,000
16.	St. Clements Pier Replacement	2,300		2,300
17.	Navy Relocation Center Gardens	147,492	(19,238)	128,254
18.	Walden Counseling Center	20,904		20,904
19.	Res. Treatment Ctr.	11,314		11,314
20.	Sheriff's Office		(10,000)	10,000
21.	CETA Program	9,632		9,632
22.	Middle School Prev.	4,360		4,360
23.	Airport	114,000	(6,000)	120,000
24.	Elms Environ. Pro.	15,000		15,000
25.	Utility Relocations		(63,394)	63,394
26.	R/W - Rt. 235		(108,608)	108,608
27.	Debt. Serv.-MIDLA		(16,740)	16,740
28.	Office on Aging Grant Operations	15,456	(36,036)	51,492
29.	Paw Paw Hollow	13,000	13,000	
30.	Tenwood Acres	1,000	1,000	
31.	Coronado Village	34,000	34,000	
32.	Highway Safety Grant	10,000		10,000
33.	Asphalt Overlay		(31,235)	31,235
	Net Total	<u>\$1,114,958</u>	<u>\$464,360</u>	<u>\$1,579,318</u>

SUPPLEMENTAL APPROPRIATE ORDINANCE (Continued)

Mr. O'Dell reviewed the referenced supplemental items with the Commissioners and pointed out that there are two adjustments to these items as follows:

<u>Item No.</u>	<u>Description</u>	<u>Rev. Estimate</u>	<u>Fund Balance</u>	<u>Budget Auth.</u>
3.	Mechanicsville Pond		(\$17,474)	\$17,474
4.	Londontowne/ Coronado Vlg.	\$37,680	1,680	\$36,000

Justification for the changes is as follows: Mechanicsville Pond - The Commissioners had approved an additional contract for the installation of a water tank for use by the Mechanicsville Fire Department. Coronado Village - As a result of an increase in the developer's contribution and an increase in the scope of the project.

Commissioner President Aud inquired if there were any comments for or against the proposed Ordinance. Hearing none the hearing was closed. A decision will be made by the Board after ten days. (A tape of the hearing is on file in the Commissioners' Office.)

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) PROPERTY TAX ASSESSMENT APPEAL BOARD NOMINATIONS

The County Administrator presented correspondence to the Governor submitting the following names for consideration of appointment to the Property Tax Assessment Appeal Board to fill the vacancy created by the death of Clarence Bell:

Mr. John F. Wood
Mrs. Patricia Woodburn
Mr. George Fadeley

Commissioner Arnold moved, seconded by Commissioner Aud, to approve and sign said letter. Motion unanimously carried.

2) PERSONNEL

a) OFFICE ON AGING
CONTRACT RENEWAL

The County Administrator presented correspondence dated November 18, 1983 from the Personnel Officer recommending approval of the renewal of the Contracts for Mary Walters, Clerk Typist, and Bernice Smith, Benefits Counselor, in the Office on Aging. Commissioner Sayre moved, seconded by Commissioner Aud, to grant this approval. Motion unanimously carried.

b) STATE'S ATTORNEY'S OFFICE
CHANGE IN TITLES - CLERICAL POSITIONS

The County Administrator presented a memorandum from the Personnel Officer recommending approval of the change in titles for the clerical positions in the State's Attorney's Office as follows:

Joy Farrell from Legal Assistant to Administrative Assistant
Elizabeth Lacey from Legal Assistant to Administrative Assistant
Evelyn Alls from Office Secretary II to Case Coordinator III
Florence Ballangee from Case Coordinator to Case Coordinator III
Nancy Hall from Asst. Case Service Coordinator to Case Coordinator I.

COUNTY ADMINISTRATOR ITEMS (Continued)

Further a memorandum dated November 21, 1983 from the Personnel Officer was reviewed recommending that Mrs. Florence Ballengee, Case Coordinator, III, be reclassified from Grade 8 to Grade 10, effective December 10.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve the change in titles and further to approve the reclassification of Mrs. Ballengee as set forth above. Motion unanimously carried.

3) BID TALLY SHEET
SHERIFF'S DEPARTMENT RADIOS

On behalf of the Director of Purchasing and Logistics, Paul Raley, the County Administrator presented the bid tally sheet for the purchase of six radios for the Sheriff's Department Vehicles. Mr. Raley recommended that the bid be awarded to G.E. Corporation in the amount of \$15,936, including trade-in.

Commissioner Millison moved, seconded by Commissioner Aud, to accept this recommendation. Motion unanimously carried.

4) REQUEST FOR PARTIAL RELEASE OF LAND
(JAMES W. MATTINGLY)

The County Administrator presented correspondence dated November 23, 1983 from the law firm of Dorsey & Fritz on behalf of James W. Mattingly requesting a partial release of property (1/4 of an acre) owned by the St. Mary's Hospital. Approval by the Board is required in that the property is subject to a mortgage and supplemental mortgage held by the County.

After discussion, the Commissioners gave their concurrence to grant this release.

5) ADDITIONAL LEGISLATIVE PROPOSALS

The County Administrator presented two additional items to the Legislative Package to be reviewed by the Commissioners which have been submitted by the Metropolitan Commission as follows:

- No. 15 - Metropolitan Commission Rates (Publication Requirement)
- No. 16 - Property Acquisition - Payment of Front Foot Benefit.

The Commissioners gave their concurrence in endorsing the referenced items and requested that they be submitted to our Legislative Delegation.

6) CORRESPONDENCE TO BOARD OF PUBLIC WORKS
POINT LOOKOUT SEWAGE TREATMENT PLANT

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to the Board of Public Works requesting that sewage service to the Boy's Camps be provided as soon as possible and further that the line for that project be oversized to allow the hookup of the abutting properties along the route of the line.

The Commissioners agreed to sign and forward said letters.

BOARD OF EDUCATION
SIX YEAR CAPITAL IMPROVEMENT PROGRAM - FY'85
RESOLUTION NO. 83-28

Present: Dr. Larry Lorton, Superintendent of Schools
Jerry Himmelheber, Coordinator of School Facilities

The referenced representatives of St. Mary's Public Schools appeared before the Commissioners to present and review the Six Year Capital Improvement Program for 1985-90 and to seek Commissioner approval of the Resolution endorsing same.

After review and discussion, Commissioner Arnold moved, seconded by Commissioner Aud, to approve and sign Resolution No. 83-28. Motion unanimously carried.

ST. MARY'S PUBLIC SCHOOLS
CENTRALIZATION OF OFFICE FACILITIES

Dr. Lorton advised the Commissioners that the Public Schools/Board of Education is still interested in trying to centralize all office facilities into one location. He stated that they would eventually like to abandon the Felix Johnson building and Loveville site at some time in the future.

ST. MARY'S TECHNICAL CENTER HOME-BUILDING PROGRAM

Dr. Lorton stated that the Board of Education is looking towards obtaining a parcel of land large enough for the construction of eight to ten homes for the home-building program for the Technical Center students. This would hopefully create a more improved program than it has been. He advised that specifications are in the process of being prepared to be released to the new media, real estate companies and other interested parties.

DIRECTOR OF BUDGET AND DATA SERVICES

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

1) ANNUAL FINANCIAL REPORT

Mr. O'Dell presented a memorandum for the Commissioners' review to the Citizens of the County from the Board setting forth the particulars regarding the County's Annual Financial Report for Fy 1982-83. After review the Commissioners agreed to release the memorandum to the newsmedia.

2) FY '85 PRELIMINARY BUDGET DISCUSSION
(Also present: John B. Norris, County Engineer)

Mr. O'Dell reviewed with the Commissioners his memorandum dated November 22, 1983 setting forth preliminary revenue estimates, tentative operating budget targets, and highlighting other information relative to decisions in developing the Fy '85 Budget.

After review and discussion, Mr. O'Dell recommended that a meeting be arranged with the County Engineer and the Director of Recreation and Parks in order to review in detail any proposed capital projects including estimated costs. It was agreed that the meeting be on December 13 at 1:30 for approximately two hours.

EXECUTIVE SESSION

Present: John Norris, County Engineer
Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of property acquisition. The Session was held from 10:30 to 10:40 a.m.

(Commissioner Millison left the meeting - 10:40 a.m.)

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) EXTRA WORK AUTHORIZATION
PROJECT NO. SM 84-443-1
SLURRY SEAL PROJECT

Mr. Norris presented Authorization for Extra Work Order No. 1 in the amount of \$10,623.77 payable to Bituminous Products Corporation for additional square yards of slurry seal coat.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve said Extra Work Order. Motion unanimously carried.

2) TREE TRIMMING
DEPARTMENT OF NATURAL RESOURCES

Mr. Norris pointed out to the Commissioners that all tree trimming projects on county rights-of-way must be supervised by the Department of Natural Resources. After discussion, Commissioner Arnold moved, seconded by Commissioner Sayre, to request our Legislative Delegation to introduce a bill to revise the current law requiring that tree trimming on county roads be supervised by DNR personnel. Motion unanimously carried.

3) ROAD RESOLUTIONS
R 83-26, 83-27, 83-29, and 83-30

Mr. Norris presented the referenced Road Resolutions for review and approval by the Board as follows:

R-83-26

Renaming Rich Neck Road to Jones Road;

R-83-27

Designating McIntosh Road, Third Election District, as a Stop Street as it intersects with MD Route 243;

R-83-29

Posting Millstone Landing Road at 35 miles per hour from the intersection of Md. Rt. 235 to the end of the paved roadway at which point the speed limit be posted at 25 miles per hour for the balance of the roadway within the County's system.

R-83-30

Posting Pegg Road at 30 miles per hour.

Commissioner Aud moved, seconded by Commissioner Arnold, to approve and sign Road Resolution as referenced above. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS (Continued)

4) INSTALLATION OF SIGNS ON COUNTY ROADS

Mr. Norris advised the Commissioners that the rental contract for the installation of signs on county roads will begin on Monday, December 5, 1983.

5) CONTRACT FOR CONSTRUCTION
ST. CLEMENTS ISLAND INTERPRETATIVE CENTER-POTOMAC MUSEUM

Mr. Norris presented the contract by and between St. Mary's County and John Mattingly Construction Co., Inc. for the referenced project and requested Commissioner President Aud's signature.

The Commissioners authorized Commissioner President Aud to sign same.

6) ST. MARY'S COUNTY AIRPORT

Mr. Norris advised the Commissioners grant funds in the amount of approximately \$250,000 are available to remove safety obstructions around the airport. He recommended that because of the workload in his office that the firm of Wilson T. Ballard be utilized to prepare this work program and to do the necessary engineering work. FAA will reimburse the county for the engineering expenses.

Commissioner Aud moved, seconded by Commissioner Arnold to accept this recommendation. Motion unanimously carried.

PUBLIC HEARING
ECONOMIC DEVELOPMENT REVENUE BONDS
PARK'S SHOPPING CENTER, INC.

Present: Phillip Dorsey, Attorney for Applicant
Joseph Mitchell, Director, Economic and Community Development
David W. Morgan, Economic Development Coordinator

(Commissioner Millison did not participate because of possible conflict of interest. Commissioner Arnold stated for the record that although he and Commissioner Millison own property together in Mechanicsville he has no business interest in this property in Lexington Park and there is no conflict of interest.)

The Commissioners conducted a Public Hearing on the issuance of Economic Development Revenue Bonds in the aggregate amount not to exceed \$3,000,000 to Parks Shopping Center, Inc. to finance the acquisition, construction and equipping of a five-story multi-level parking facility to be located in Lexington Park.

The secretary read the Notice of Public Hearing.

Mr. Dorsey explained the proposed parking facility project and the need for this type of facility in order to meet the type of growth in that particular commercial area. Further it would enhance economic development in the County.

PUBLIC HEARING (Continued)
ECONOMIC DEVELOPMENT REVENUE BONDS

Mr. Morgan indicated that the project has been reviewed by the Industrial Bond Review Committee and recommends that the Commissioners approve the execution of the Bonds.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold to approve and sign Resolution No. 83-30 authorizing the execution of an Agreement with Parks Shopping Center, Inc. pertaining to the financing through Economic Development Revenue Bonds of a multi-level parking facility. Motion unanimously carried.

Further, Mr. Morgan requested the Commissioners' approval to authorize Commissioner President Aud to sign on behalf of the Board any subsequent documents approved by the County Attorney which are required for the Economic Development Revenue Bonds issuance for Park's Shopping Center, Inc.

Commissioner Dean moved, seconded by Commissioner Arnold to grant this authorization. Motion unanimously carried.

(Commissioner Millison returned to the meeting - 11:15 a.m.)

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Arnold moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of Personnel. The Session began at 11:15 a.m. (Sheriff Wayne Pettit entered the Session at 11:30 a.m.) The Session was held until 12:35 p.m.

(Commissioner Millison left the meeting at 1:00 p.m.)

REZONING HEARING

ZONE #83-0981

NATIONAL MOBILE HOME PARTNERSHIP, INC.

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Planner, Office of Planning & Zoning
Karen Abrams, Attorney for Applicant
Alan Bernstein, Applicant
Chuck Ellison, Engineer, D.H. Steffens, Co.

Also Present: Joseph Heard, Mrs. Heard, Joanne Serpick, Enterprise

(Commissioner Millison did not participate.)

(Request rezoning from R-2, Low Density Urban Residential to MH Mobile Home Park. The property contains approximately 16.99 acres and is located off of Md. Rt. 235, Lexington Park, Eight Election District, Tax Map 43, Block 9, Parcel "J" (part of Parcel 270).

Mr. Guyther read the Notice of Public Hearing for the referenced case as well as for Zone #82-0884 (Winslow Marina) which case is to follow.

Karen Abrams, Attorney for the applicant, presented the returned receipts from adjacent property owners (Exhibit #1) and a photograph indicating the proper posting of the property concerning the hearing (Exhibit #2).

At this point Mr. Guyther submitted the record of the Planning Commission into the official record of the case.

PUBLIC HEARING
REZONING CASE #83-0981 (continued)

Ms. Abrams reviewed the survey of the map (Exhibit #3) of property and explained the color coding (yellow--existing mobile home park; green--property proposed for zoning change). The yellow portion had been rezoned in March of 1982 to a Mobile Home classification. She went on to explain the history of the zoning of this property, advising that the whole parcel had originally been owned by Mr. Painter, who had developed the existing park. At the time the Zoning Ordinance was adopted (1974) there was no mobile home park designation; mobile home parks were zoned under C-2. Mr. Painter had requested the yellow parcel be zoned C-2 to accommodate the existing park. The staff at that time recommended that C-2 be denied and that an MH category be created and that the whole parcel be designated MH in order to accommodate the expansion of the park, central water system, etc. However, Mr. Painter did not agree with that and only accepted the MH zoning on the yellow parcel. Now, the current applicant, National Mobile Homes Partnership, Inc., owns both parcels and would like to continue to improve the existing parcel and expand the mobile home park onto the green parcel. When the property was rezoned in March of 1982, it was based on the need for the Mobile Home classification in that there was not enough in the County to meet the need for that type of housing and a mistake was made in not having enough land zoned "Mobile Homes" in the first place. She stated that it was a mistake not to have rezoned both parcels Mobile Home. This is what would have been practical and what the staff had recommended and would have served the better purpose of the long-range development of that area. The legal basis for the application for rezoning is that there was a mistake in the original zoning in 1974 and also when the yellow parcel was zoned Mobile Home and not the entire parcel.

Ms. Abrams pointed out that one of the questions raised at the Planning Commission concerned the county-owned SMECO right-of-way. She stated that the Applicant would require access across the right-of-way in order to have an entrance to the property. SMECO representatives have indicated that there would not be a problem and have submitted a format where this has been done in other situations. Ms. Abrams stated that correspondence has also been forwarded to the County requesting access across the right-of-way.

In closing her presentation, Ms. Abrams stated that it was not clear from the Zoning Ordinance whether a Mobile Home Park is a floating zone but if it is, it would not be necessary to prove mistake in the original zoning or change in the character of the neighborhood. Although, it is submitted that there was a mistake, she stated that what needs to be proved is that the zoning would be a benefit to the community and an improvement to the surrounding area. She stated that some people have a problem with mobile homes in their community; however, if it is done well, it can be as attractive as any other type of housing.

At this point Mr. Ellison, by way of a visual concept site plan, pointed out that the parcel in question is landlocked and there is not access to that parcel other than through the existing mobile home park. The parcel is logically a piece of the parent property. Mr. Ellison presented a Development Plan (Exhibit #4) which shows the configuration of the proposed Mobile Home Park and how it would relate to adjacent properties. He stated that it is a rolling piece of property with many trees which will allow a great deal of flexibility in working with the mobile home lots. He stated that the concept is straight forwarded with loop interior streets to be owned and maintained by the Homeowners' Association. Mr. Ellison went on to explain the rest of the road and driveway structure within the park. The entire property will be surrounded by a buffer at least 40 foot in width. Each individual lot will be approximately 5,000 square feet. There is proposed to be a total of 72 lots. All lots will be served by public water and sewer and there will be green space in the interior for recreation facilities. There will be a provision that these lots could be transferred as a fee simple lot so that an individual could purchase both the lot and a mobile home and own the site.

REZONING HEARING (Continued)

ZONE # 83-0981

Mr. Bernstein, a member of the Mobile Home Partnership, explained the plan for the park, if approved, and indicated that it would provide much needed housing in the area. In discussing the provision for allowing the purchase of the lots, he stated that the Federal Government has a loan program for manufactured housing to be financed on a 30-year basis if the individual owns the land. The housing will be in the \$30-35,000 range. There will be covenants for the park, the home will be wood-sided and not aluminum side units. Ms. Abrams presented the proposed Development Plan (Exhibit #4)

Commissioner Aud inquired if anyone present wished to speak in opposition to the application.

Mr. and Mrs. Joseph Heard, adjacent property owners, expressed their opposition to the project in that it would devalue their property. Mr. Heard also expressed concern regarding stormwater drainage to his property. He stated he would rather see "some nice houses there."

Commissioner Aud pointed that if the zoning is approved, the water would not be allowed to drain into their property.

Mrs. Heard expressed the concern that the residents of the park would not have to pay taxes.

Commissioner Aud responded that the Commissioners have appointed a committee to look into mobile home park taxing structure and make a recommendation back to the Board.

Commissioner Aud inquired if anyone else wished to make any comments. Hearing none, the hearing was closed. A decision will be made at a later date. (A tape of the proceedings is on file in the Office of Planning and Zoning.)

(Commissioner Millison returned to the meeting - 1:30 p.m.)

REZONING HEARING

ZONE #82-0884 - BUDDY WINSLOW

Present: Frank Gerred, Director, Office of Planning & Zoning
Robin Guyther, Planner, Office of Planning & Zoning
Buddy Winslow, Applicant
Karen Abrams, Attorney for Applicant

Others Present: Francis Anderson, Estelle Dean, Mr. & Mrs. R.L. Watson Dolores, Huguley, Frank Huguley, Earl R. Simon, Lillian Faye Simon, Dorothy L. Dwyer, Marguerite Wilbar, James L. Wilbar, James R. Smith, D.L. Buckner, Jackline Winslow, James O'Hare, Margaret E. Persons, Dougland J. Scott, Charlotte Pazarian, John S. Loughlin, Louis Clements, A.A. Smith, C.M. Clark, Joan Serpick (Enterprise), Judy O'Brien.

(Request rezone 1.0 acres from R-1, Rural Residential to CM Commercial Marine. The property is now a nonconforming use marina in Town Creek, off of Bill Dixon Road, Eighth Election District, on Tax Map 35, Block 2, Parcel 2, Levering Subdivision, Lot 122.)

REZONING HEARING # 83-0884 (Continued)

Karen Abrams, Attorney for the Applicant, submitted returned receipts from adjacent property owners (Exhibit #1) and a photograph indicating the proper posting of the property concerning the hearing. (Exhibit #2). Mr. Guyther submitted for the record of the Planning Commission into the official record of the Case.

Mr. Guyther pointed out that there is a file of letters in opposition to the zoning, copies of which will be made available to the Commissioners and to the applicant.

Mr. Guyther advised that this case was before the Planning Commission approximately a year ago and they recommended denial for a number of reasons, including the size of the site, access, questions about sewage disposal if there is expansion. The reason Mr. Winslow waited so long to come back is that he has been trying to resolve the Planning Commission's concerns prior to coming before the Board. The staff had recommended that it be approved because of mistake in the original zoning and that it was an existing marina operation not zoned for a marina.

Ms. Abrams submitted that there was a mistake in 1974 (Adoption of the Zoning Ordinance) in zoning the property as a non-conforming use. It has been a marina for approximately 30 years. There are several other marinas in the area and most of the marina and residential people seem to get along together. She stated that the case law that discusses nonconforming use states that when a comprehensive plan goes into effect, many times a particular piece of property is there for a certain length of time and not really compatible in the area and not likely to survive. She stated that this property is not properly zoned as a non-conforming use because marinas in that area are not "going to go away." Boating is very popular in St. Mary's County. It is a mistake not to have zoned it Marine. Ms. Abrams pointed out that it has been said that there were not enough marina facilities zoned in the County in 1974 and there is a need for more. Mr. Winslow purchased the property with the intention of improving it. She stated that it was her understanding that the previous owner was given the opportunity to zone the property Commercial Marina; however, he refused because he did not feel that zoning was appropriate in general and did not want to pay the higher taxes in that category. Ms. Abrams also submitted that there has been a change in the character of the neighborhood in that the area had been haphazardly developed. There is now a trend in the area, because of the waterfront, to try to put some controls on it and develop it in a way that is attractive and compatible for the uses and people in the area. Mr. Winslow has plans to improve the property and make it a "show-case" facility for people to bring their boats. Ms. Abrams stated that the Winslows have invested all of their savings into the property and are not allowed to borrow money to make improvements because of its non-conforming use.

At this point Ms. Abrams reviewed the factual issues that the Board should consider:

1. Increase in population in the County;
2. Boating will increase tourism;
3. Public Facilities;
4. Traffic - Mr. Winslow does not intend to put in a restaurant or bar; it will be a place for people to keep their boats. This will not generate a lot of traffic.

5. Water/Sewer - It presently has no facilities; however, Mr. Winslow has purchased additional land for the purpose of adding sanitary facilities (bathroom and shower).

REZONING HEARING
ZONE #83-0884

6. Relationship to Comprehensive Plan - The rezoning will provide the applicant with the opportunity to improve and expand the facility so that the environment can be protected.

7. Suitability for permitted uses. The marina is already in existence; however, without the ability to improve or expand, it will deteriorate.

8. Compatibility with Development - The community, surrounding properties, and those who come to the area will benefit from a well-run marina.

9. Fiscal Impact - More taxes will be paid because of the improvement.

Ms. Abrams presented photographs of the site, which Mr. Winslow described and pointed out what improvements he intends to make.

The following exhibits were presented at this time.

Exhibit #3 - Proposed Development Plan
Exhibit #4 - Maps of Traffic Flow
Exhibit #5 - Septic System Proposal
Exhibit #6 - Correspondence dated November 22, 1983 from Walter Raum of the Health Department regarding the proposed expansion of the marina.

Exhibit #7A-W - Photographs of existing site.
Exhibit #8 - Letter from MD State Police dated November 22, 1983.
Exhibit #9 - Letters from residents of the area in support of the rezoning: Mrs. Margaret Clarke, Shean Corporation, Fred Kramer, Mr. & Mrs. Kenneth Malone, Dennis Dubard, William and Treesha Moore, Robert & Donna Maneely.

The following people spoke in favor of the zoning applicant:
John Loughlin - That it is a good spot for a marina and does need some improvements.

Jim OHare - In support of the project in that the applicant does not intend to put in a bar or restaurant and will bring quality people in the area.

Alex Smith and Chris Clark - Have boats there and support the project.
Judy O'Brien - The applicant has improved the site and the proposal is more in keeping than what has been there. It should have been zoned Commercial Marine.

The following individuals spoke in opposition to the rezoning:

James R. Smith - Owns six houses in the area and stated that he pays considerable more taxes than would be generated by a visitor to the marina. In favor of maintaining the areas as residential. Expressed concerns regarding sewage disposal, disturbing the environment and changing the wetlands and traffic conditions. (Submitted a petition containing 81 signatures of people in opposition to the rezoning.)

Franklin Huguley - Expressed concerns about pollution of the Patuxent River caused by shoveling of dirt, washing of boats, and holding tanks.

Dick Watson - Reiterated that there is currently a traffic problem on Patuxent Beach Road and this project will create more of a problem. If this zoning is granted, it would be difficult to deny someone else the same request. If zoning is granted, that restrictions be incorporated consistent with those placed by the Commissioners on Patuxent River Farms.

REZONING HEARING
ZONE # 83-0884

James Wilbar - Expressed concern about pollution of the waters and the harvesting of oysters.

Frances Anderson - Concern about road safety for the children in the area.

Earl Simon - Concern about traffic flow, as there is already an excess of traffic and long-range maintenance of septic system.

Daniel Buckner - Concerned about disturbances in the neighborhood, inadequate road and the lack of a sewage disposal system.

In closing, Ms. Abrams indicated that all the work that Mr. Winslow has done has been in compliance with all county, state and federal regulations, and further that the septic system lot pointed out earlier is not part of this application for rezoning.

In that there were no further comments, Commissioner President Aud closed their hearing and advised that the Commissioners will review the record and make a decision in a couple of months.

(A tape of the hearing is on file in the Office of Planning & Zoning.)

(Commissioner Millison left the meeting.)

ZPUD #83-0130
PATUXENT RIVER FARMS
ZONING AMENDMENT RESOLUTION NO. ZONE Z83-17

Present: Frank Gerred, Director, Office of Planning and Zoning
Robin Guyther, Planner Office of Planning and Zoning

(Requesting rezoning from R-1, Rural Residential to PDR 2.83 Planned Development Residential, with Commercial Marine. The property contains 211 acres and is located on Mill Creek Town Point Farm, Eighth Election District, Tax Map 27, Block 24, Parcel 18.)

The Commissioners reviewed the draft of the proposed Zoning Amendment Resolution, which incorporates the conditions as set forth their minutes of November 8, 1983. Discussion ensued as to the number of marina slips to be allowed.

After considerable discussion and review of each of the conditions, Commissioner Arnold moved, seconded by Commissioner Aud, to allow 40 marina slips at a time, with a full limitation of 160 slips. Commissioners Arnold and Aud voted in favor; Commissioners Dean and Sayre voted against. Motion denied for lack of majority.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve 40 marina slips at a time (after the completion of an environmental study for each 40 slips) and that a maximum of 120 slips be allowed. All Commissioners voted in favor.

The staff of the Office of Planning and Zoning was requested to prepare the final Zoning Amendment Resolution with the corrections as indicated.

Later in the meeting Zoning Amendment Resolution No. Z83-17 was presented to the Board for review and consideration. Commissioner Dean moved, seconded by Commissioner Arnold to approve and sign said Zoning Amendment Resolution and further to authorize Commissioner President Aud to sign the Development Plan. Motion carried. (Commissioner Millison did not participate because of a possible conflict in interest.)

ZONING AMENDMENT RESOLUTION NO. Z83-18
ZPUD #83-0273
HUNTING QUARTER

RESOLUTION NO. 83-29
ST. MARY'S COUNTY RESOLUTION FOR HOUSING DEVELOPMENT
USING "CDA" FUNDING - HUNTING QUARTER

ZPUD #83-0273 - Requesting rezoning from AR to PDR .92, land consisting of 95.6 acres, known as parcel 89, Block 16, on Tax Map 50, Second Election District, St. Mary's County located on MD Route 5 in Callaway.

The Commissioners reviewed the referenced proposed Zoning Amendment Resolution Z83-18 granting the rezoning request, subject to certain conditions as set forth in said Resolution.

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

Further, the Commissioners reviewed proposed Resolution No. 83-29 concerning Community Development Administration funding for the Hunting Quarter housing project.

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

(Commissioner Millison was not present during this discussion.)

DOMESTIC VIOLENCE TASK FORCE
PRESENTATION OF REPORT

Present: Ragina Chikar, Chairperson
Dotty Barclift
Ruth Combs
Anne Marie Abell

The referenced representatives of the Domestic Violence Task Force appeared before the Commissioners to present several essential preliminary recommendations for their consideration and support as follows.

1. That the Marriage license fee be raised from \$15.00 to maximum \$25.00 allowed by law;

2. That the State Legislators be requested to draft and sponsor a bill that would require health care professionals to report suspected cases of spouse abuse, with guaranteed immunity from prosecution;

3. That there be an investigation of the possibilities of requiring providers of legal services to the indigent to set aside a portion of their funding for representation of victims of spouse abuse.

Ms. Chikar indicated that a future report and recommendations for implementation of a Domestic Violence Program in St. Mary's County will be submitted at the completion of the current phase of the Task Force's study.

(A copy of the Report with recommendations is on file in the Commissioners' office.)

After discussion, the Commissioners gave their endorsement to the recommendations as presented.

PUBLIC HEARING
SANITARY FACILITIES AT CONSTRUCTION SITES

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

The Commissioners conducted a public hearing to consider adoption of an Ordinance to rescind Chapter 209 of the County Code and to review Chapter 203 concerning:

1. Sanitary Facilities at Construction Sites;
2. Penalties for violations of the permit process and the requirement for sanitary facilities.

The proposed Ordinance offers no new requirements but only rearranges into Chapter 203 of the County Code provisions which now appear elsewhere.

Mr. Gerred read the Notice of Public Hearing and went on to explain the intent of the proposed Ordinance.

Commissioner President Aud inquired if anyone present wish to make any comments on the proposed Ordinance. Hearing none, the public hearing was closed.

(A tape of the hearing is one file in the Commissioners' Office.)

PUBLIC HEARING
ROAD ORDINANCE
SEDIMENTATION CONTROL ORDINANCE

Present: John B. Norris, Jr., County Engineer
Joseph Densford, Assistant County Attorney

Also Present: Jack Wills, Attorney; James Kenney, Attorney; Edmund Wettengel; James Dobry; Donald Insley; other interested parties.

(Although advertised separately, the Commissioners agreed to combine the two public hearings in that they deal with the same subject. (Penalties).)

The Commissioners conducted public hearing on the proposed revisions to the St. Mary's County Sedimentation Control Ordinance and the St. Mary's County Road Ordinance.

Mr. Norris read the Notices of Public Hearings which set forth the proposed revisions. (Copies of the Notices are on file in the Commissioners' Office.)

Regarding the Road Ordinance, Mr. Norris stated that the change that was granted by the General Assembly gave the County the authority to decriminalize the penalties that currently exist and allow the County to follow what is currently done in the Zoning Ordinance which is to create a civil penalty. The current penalty is \$1,000 or six-month imprisonment or ex parte injunctive relief.

Commissioner Aud inquired if anyone present wished to speak in favor or in opposition to the changes.

The following individuals made comments in opposition:

Jack Wills, Attorney on behalf of Insley Construction and Woodburn Construction - Did not see a basis for these changes in that there are already means available for remedying any violations. The inclusion of these penalties create one more governmental layer.

Jim Dobry - Endorsed Mr. Will's comments stating that he did not want to see another layer of bureaucracy. He expressed concern about the elimination of due process. Mr. Dobry advised that he will put his comments in writing to the Commissioners.

Jim Kenney - Concerned that the County may be going overboard in what they are trying to accomplish which is to ensure proper construction of roads

PUBLIC HEARING
ROAD ORDINANCE- SEDIMENTATION CONTROL ORDINANCE

and have adequate sedimentation control and this can be done through the bonding process, injunctions, or other civil remedies. There is nothing in the procedure for a mechanism to get a quick dispute settlement.

Eddie Wettengel - Expressed concern that a bond is required to be posted and that a citation can be issued in addition to that. He did not feel that these amendments were needed if a bond is in place.

Donald Insley - Supported enforcement of the Road Ordinance and Sedimentation Control Ordinance; however, was concerned about the burden that the amendments places on the contractor or developer. Further that although the present County Engineer may enforce the penalties fairly, it may not always be that way. Concerned about too much power, too easy at hand.

At this point, Mr. Densford explained the Amendments regarding the Violations and Penalties and how they are to be handled. He stated that the provision adds a less burdensome penalty in order to get the job done.

Discussion ensued as to a mechanism for settling disputes, timetables for compliance, proper enforcement, etc.

Mr. Densford suggested that if there is concern about fair enforcement of the penalty provision, that a couple of safeguards be incorporated into it, (1) make it a civil penalty if an individual knowingly violates the Ordinances and (2) if they fail to take action within a stated period of time.

Commissioner Dean stated that it appeared to be the concensus that the Road Ordinance and Sedimentation Control Ordinance should be enforced; however, that the Amendments as proposed may need some additional discussion and work. He suggested that there be a mechanism for the enforcement other than trying to enforce a criminal penalty and recommended the following procedure if an infraction of the Ordinances is detected:

1. Verbal discussion with the developer
2. If not corrected, that a citation with a time limit for correction of the violation, but no fine;
3. A procedure to resolve professional disputes, perhaps through the Board of County Commissioners;
4. If still not corrected, then the citation with the fine imposed
5. If the developer does not want to pay the fine, he can then take it to District Court.

Commissioner Millison did not feel it should come before the Board, nor should there be a fine imposed. The matter should go to Court to resolve the dispute which may be a matter of interpretation.

Mr. Densford pointed out that he is also a member of the Systems Review Committee looking at ways to improve the County's permit process and suggested that these amendments be re-evaluated to determine if there and existing mechanism to deal with enforcement.

PUBLIC HEARING
ROAD ORDINANCE
SEDIMENTATION CONTROL ORDINANCE

In closing the discussion, Commissioner Aud advised that it was the Board's decision to continue the hearing. He stated that there should be a meeting of all interested parties to go over the concerns and return to the Commissioners with a recommendation. The Commissioners would then make a decision no less than ten days following the continued hearing.

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

TALL TIMBERS SHORE EROSION DISTRICT
ARMY CORPS OF ENGINEERS

Present: John Norris, County Engineer
Jay McGrath, Engineering Technician
Joseph Densford, Asst. County Attorney
Larry Lauren, Supervisor of Planning, COE
David Reese, COE
Chuck Kimball, President, Tall Timbers Citizens Association
Carl Rosenbush, Tall Timbers Citizens Association
Harry Hean, Tall Timbers Citizens Association

At the invitation of the County, representatives of the Army Corps of Engineers appeared before the Commissioners to explain the Corps' reconnaissance report on the impact of the federal Herring Creek project on the Tall Timbers shoreline.

Mr. Lauren reviewed the history of the Tall Timbers and Herring Creek dredging and jetty projects and indicated that the federal projects had caused the littoral flow of sand along the shoreline of the Potomac River at Tall Timbers, the net effect being the loss of beach along the Tall Timbers Shore Erosion District. Under Section III of the River and Harbor Act, the Corps is authorized to correct damages caused by the construction of federal projects within certain limitations. Mr. Lauren explained that his agency had discussed in detail the possible solutions presented in the report and concluded that the expenditure of \$107,000 for the installation of a stone toe revetment at the base of Tall Timbers seawall met the intent of the Act.

Discussion ensued as to other possible solutions and representatives of the Tall Timbers Citizens Association felt that the Corps should provide additional funds for more extensive repairs. Mr. Kimball explained that the 1950 County/Association bulkhead project provided protection to the shoreline which was subsequently damaged by the Corps, and displayed pictures of the shoreline prior to the federal project.

Other possible solutions that were discussed and to be evaluated by the Army Corps of Engineers are as follows:

1. That the \$107,000 federal funds be applied to any other solution;
2. That the Corps provide \$168,000 to replace that section of the bulkhead with longer sheeting;
3. Bid the Stone Revetment and the bulkhead replacement in order to compare costs;
4. That the County be given the \$107,000 to be placed in an interest-bearing account until such time as it would be needed (Mr. Lauren stated that funds would not be turned over to the County, but would combine it with any other dollars (County/Association) and construction of the project.)

TALL TIMBERS SHORE EROSION DISTRICT
ARMY CORPS OF ENGINEERS

5. That the Corps place the \$107,00 in an Escrow Account or buy government bonds and use there funds to maintain the seawall. (Mr. Lauren stated that the Tall Timbers project would require normal routine maintenance and the Federal Government would not pay for that.)

Mr. Hean inquired that if no action was taken, what would be the rate of erosion for the beach in front of the bulkhead and how long would it take to reach the equilibrium condition? Mr. Lauren advised that he would obtain a response to this question along with comments from the Corps regarding the proposed solutions discussed above.

In closing Mr. Lauren requested a letter from the Board of County Commissioners giving an indication that they would like these suggestions pursued and that if the Corps is willing to enter a contribution solution that the County intends to follow through with the project.

PROPOSED POLICY
PRIVATE DRIVEWAYS AND ROAD STANDARDS

Present: John Norris, County Engineer

(Commissioner Millison did not participate in the discussion.)

Commissioner Dean presented a proposed policy concerning private driveways and road standards which were developed as a result of a meeting with John Norris, Dan Ichniowski, Supervisor, Highway Engineer and himself. Discussion ensued regarding Items No. 2 relative to the number of lots to be served.

After discussion, the Commissioners gave their concurrence in the Policy as presented and directed Mr. Norris to amend the Road Standards to reflect the Policy and return same to the Commissioners.

MINITEC

Present: James Marsh
David W. Morgan, Economic Development Coordinator
Joseph Mitchell, Director, Economic & Community Development

Mr. Morgan explained the purpose of the meeting to be a discussion of proposals for the retention of Minitec in St. Mary's County and requested Mr. Marsh to explain the background.

Mr. Marsh presented the Commissioners with information to the effect that because of very positive business developments, the parent corporation of Minitec has decided a major expansion which will approximately double the current operation. Very serious consideration has been given to move Minitec to another state, and an indication from the Board of County Commissioners is necessary today to avoid that possibility. Mr. Marsh indicated that a new site is needed of approximately 8-10 acres upon which will be constructed a new facility of approximately 50,000-60,000 square feet. The current workforce of 106 will be expanded to approximately 275. Mr. Marsh indicated that an executive decision by the corporation will be made before March, and that if the decision is positive in favor of St. Mary's County, groundbreaking will occur in early spring with occupancy in the Fall, 1984.

MINITEC (Continued)

Mr. Morgan and Mr. Mitchell explained the proposal by which Minitec would be located on county-owned property adjacent to the County Airport and currently zoned Industrial. The approximately 90 acres would be subdivided to allow for the location of other industries in the future. Water and sewage questions are being resolved with the cooperation of the Metropolitan Commission and the Health Department. The County will lease the property to Minitec for an extended period of time, perhaps 25 or more years, for a nominal sum. The lease agreement will contain provisions for the payment of taxes.

The Commissioners complimented Messers Marsh, Morgan, and Mitchell for their work in developing their proposal. Commissioner Millison moved, seconded by Commissioner Dean, to approve the proposal with the understanding that the details of the Agreement will be approved at a later date. Motion unanimously carried.

DRUG ABUSE AND CRISIS SERVICES AGREEMENT
WALDEN/SIERRA CORPORATION

The County Administrator presented an Agreement between the Board of County Commissioners and Walden-Sierra Corporation for the administration of the County's Drug Abuse and Crisis Services Agreement for the period October 1, 1983 - September 30, 1984.

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

CAPITAL PROJECTS

Present: John Norris, County Engineer

The County Administrator and County Engineer presented a memorandum to the Commissioners pertaining to decisions needed by the Board relative to Capital Projects. Details regarding the following were discussed:

1. Hospital/State Offices
2. Nursing Home
3. Jail
4. Building Authority Commission

After review and discussion, the Commissioners gave their concurrence with the general concept of the proposals and reserved final decision until more details were developed for each item.

ST. MARY'S HOSPITAL BUILDING
BOARD OF DIRECTORS' PROPOSAL

The County Administrator presented a proposal by the St. Mary's Hospital Board of Directors contained in its letter of November 18, 1983. The Hospital Board offered to the County the current hospital site and related properties which are divided into two parts:

1. The old hospital building and land in front of and behind it (all of the property east of the old hospital driveway, minus the Smith property.); and
2. The Bell and Gough house and all the land west of the old hospital driveway, in front of the St. Mary's Nursing Home.

ST. MARY'S HOSPITAL BUILDING (Continued)
BOARD OF DIRECTORS' PROPOSAL

The Commissioners agreed to obtain the hospital building and associated land in Part 1 under the following conditions:

1. The County agrees to keep the roadways free of snow insofar as that it is possible;
2. St. Mary's Hospital will be given every opportunity to bid on the operation of a food service in the planned state office building;
3. In regard to the completion of Peabody Street or the construction of a new access road from Route 245, the County is not able to give a definite answer at this time.

The Commissioners also agreed to obtain the property in Part 2. The immediate transfer of title will relieve the hospital of continuing maintenance and custodial problems and will allow the County the opportunity to continue plans for the construction of a new nursing home.

The County Commissioners discussed the possibility of donating the sum of \$150,000 to St. Mary's Hospital for the purchase of needed equipment.

The above considerations would be made with the understanding and upon the conditions that:

1. The State of Maryland makes a commitment in writing to execute a long-term lease with St. Mary's County for occupancy of the current hospital as a state office building; and
2. A Certificate of Need is approved by the State of Maryland for the construction of a new nursing home.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

APPROVED:


George R. Aud, President