

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 31, 1984

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

(Commissioner Millison was not present due to illness.)

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, January 24, 1984, as amended, the minutes of the rezoning hearing of January 24, 1984, and the minutes of the Special Meeting with the Electrical Examiners Board on Tuesday, January 24, 1984. Motion unanimously carried.

APPROVAL OF BILLS

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

OPTION TO PURCHASE LAND - MINITEC

Present: Joseph Mitchell, Director, Department of Economic and Community Development

Mr. Mitchell reported to the Commissioners his department's efforts to assist Minitec in its plans for expansion in St. Mary's County which would create more jobs and increase the County's tax base. He stated that Minitec is interested in acquiring Lot 24 of the St. Mary's Industrial Park for use as an access to the county-owned property, upon which Minitec intends to build, adjacent to the St. Mary's Industrial Park. Therefore, Mr. Mitchell requested approval from the Board to authorize Commissioner President Aud to sign an assignable Option to Purchase Land (Lot 24 at the Industrial Prk) by Minitec. There would be no obligation to the County.

After discussion, the Commissioners gave their concurrence in authorizing Commissioner President Aud to sign said Option.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) POWER PLANT SITING
PROPOSED LEGISLATION

The County Administrator apprised the Commissioners of proposed legislation brought to his attention by Delegate Slade concerning the Power Plant Siting Program - Acquisition of Property for Generator Lead Routes (H.B. 372). Mr. Cox recommended that prior to the Commissioners commenting on the legislation that it be submitted to the Planning Commission for review and comment. The Commissioners gave their concurrence.

COUNTY ADMINISTRATOR ITEMS (Continued)

2) CORRESPONDENCE

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

a) Point Lookout Sewage Treatment Plant - In response to Governor Hughes' correspondence dated January 23, 1984 advising that the County does not wish to delay the provision of sewage treatment services to the resident camps, and further, requesting an indication from the Board of Public Works regarding community access to the plant.

b) Leonardtwn By-Pass - To Delegate Bell responding to his request for a county representative regarding the Leonardtown By-Pass and naming Frank Gerred, Director, Office of Planning & Zoning as that representative.

The Commissioners agreed to sign and forward said correspondence.

TOMATO PROJECT - COOPERATIVE EXTENSION SERVICE

Present: Dan Donnelly, Cooperative Extension Agent

Mr. Donnelly appeared before the Commissioners to bring them up to date with regard to the demonstration tomato project (See minutes of February 22, 1983). He advised of concern by the H.H. Perry canning company of proposed legislation in Washington which would allow other countries to send tomatoes to the United States duty free. Further, there are two other concerns: (1) tomatoes shipped from Spain are increasing and are selling at a lower rate than the U.S. and (2) the increase of shipment of tomatoes from California, which will effect the tomato industry in this region. Mr. Donnelly stated that there will be hearings in Washington on February 6 on this legislation and requested the Commissioners to support in opposition to this legislation. The Commissioners thanked Mr. Donnelly for keeping them informed about the project and requested that he obtain additional information and report back to them with his findings.

DEPARTMENT OF NATURAL RESOURCES - PINEY POINT SUB-STATION

Present: George Krantz, Director

Mr. Krantz appeared before the Commissioners to explain the plans regarding the Piney Point DNR Office and the State's oyster seeding and shell distribution program. He stated that a major portion of the responsibilities of the two men who are currently assigned in the Piney Point office has been the completion of a bay-bottom survey and the charting of oyster bars. That work is now completed and greatly diminishes the workload of these two men so that they may now be used to assist with the fish hatchery program as Cedarville State Park. However, the oyster propagation program and shell distribution program will continue in the County during the appropriate months. In response to concerns expressed by Commissioner Sayre, Mr. Krantz indicated his personal guarantee that there will be no diminishment of effort relative to the oyster propagation program.

During discussion Commissioner Arnold requested the assistance of Mr. Krantz to seed the areas of the Potomac River such as St. Catherine's Sound. Mr. Krantz advised that he would do everything he could to assist in this matter. In addition, there was discussion as to the waste of oyster shells because of the lack of incentive by the oyster houses and others to replace the shells into the waters for reproduction rather than for land usage.

DEPARTMENT OF NATURAL RESOURCES - PINEY POINT SUB-STATION (Continued)

In closing, Mr. Krantz accepted the Commissioners' recommendation to meet with the watermen to explain the changes and the reasons behind them. Commissioner Sayre agreed to make the arrangements for said meeting. Further, Mr. Krantz agreed to send the Commissioners a copy of the 1984 seeding program document.

The Commissioners expressed appreciation to Mr. Krantz for his informative presentation.

ADVANCED LIFE SUPPORT PROGRAM

Present: Dan Brown, Chief, ALS Unit
Janet Cook, Secretary/Treasurer, ALS
John Erly, President, Rescue Squad Association
Andy McWilliams, Chairman, St. Mary's County Fire Board
Paul Wible, Deputy Director, EOC

Mr. Brown explained that the purpose of this meeting is to request the Commissioners' consideration for additional funding to cover unanticipated shortages of the Advanced Life Support Program for the FY '84 in the amount of \$5200. Mr. Brown explained current bills that are due in addition to other expenses for the continuation of the operation of the ALS through the remainder of the fiscal year.

Commissioner Dean indicated that he attended a meeting of the Executive Board of the ALS and was made aware of this situation, and therefore prepared correspondence to be signed by the Commissioners agreeing to the allocation of \$5200 and addressing certain issues regarding long term plans for the ALS unit. Attached to the letter is a proposed "Advanced Life Support Agreement of Understanding" to be reviewed by all appropriate parties (Chairman, Fireboard; Chairman, Ambulance and Rescue Association; President, Executive Board of ALS; Medical Director of the ALS; and the Director of Civil Defense). The Commissioners agreed to sign and forward said letter, after which Commissioner Dean requested the County Administrator obtain a source of funds for the \$5200 from the Director of Budget & Data Services.

Mr. Brown advised that the organizations will review the Agreement and will report back to the Commissioners with any comments.

RESIGNATION/APPOINTMENT - PLANNING COMMISSION

Commissioner Dean presented correspondence addressed to the Commissioners in which he submitted his resignation to the Planning Commission and setting forth reasons for this action.

After discussion, Commissioner Arnold, moved, seconded by Commissioner Sayre, to appoint James W. Spence of Bushwood, Maryland to the Planning Commission to complete Mr. Dean's unexpired term to December 31, 1985. Motion unanimously carried.

EXECUTIVE SESSION

Present: Theodore Weiner, County Attorney
Joseph Densford, Assistant County Attorney
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of Personnel. The Session was held from 11:10 a.m. to 11:35 a.m.

MARGARET BRENT COMMITTEE

Present: Arthur "Buck" Briscoe
Dotty Barclift
Patricia White
Lois Field

The above members of the Margaret Brent Committee appeared before the Commissioners to bring them up to date relative to the project at St. Mary's City to honor Mistress Margaret Brent, and to request the Board's consideration for a donation of funds between \$3,000-\$5,000.

Ms. Field reported to the Commissioners the status of the project and described the plans for the gazebo, the commemorative bronze tablets and the perpetual garden. Contracts have been established for the construction of the gazebo and the preparation of the garden.

Mr. Briscoe pointed out that currently there are five members on the Committee and requested that the Board of County Commissioners give consideration for additional appointments.

In closing, the Commissioners thanked Margaret Brent Committee representatives for their efforts in this project and advised that the two requests (funding and committee members) would be taken under advisement.

PROCLAMATION NO. 84-03
NATIONAL VOCATION EDUCATION WEEK

PROCLAMATION NO. 84-02
FUTURE BUSINESS LEADERS OF AMERICA WEEK

The Commissioners presented the referenced Proclamations designating the week of February 12-18, 1984 as National Vocation Week and Future Business Leaders of America Week in St. Mary's County.

REZONING DECISIONS/DISCUSSION
ZONE #82-0884 - BUDDY WINSLOW

Request to rezone 1.0 acres from R-1, Rural Residential, to CM, Commerical Marine. The property is now a nonconforming use marina in Town Creek, off of Bill Dixon Road, 8th Election District, on Tax Map 35, Block 2, Parcel 2, Levering Subdivision, Lot 122.

Mr. Gerred pointed out that, after the Planning Commission's recommendation, Mr. Winslow addressed the issues that caused the Planning Commission to make the negative recommendation, and staff was impressed with his attempt to mitigate the reasons for the Planning Commission's response.

Mr. Aud asked how many slips Mr. Winslow wanted to go in there. Mr. Winslow responded that the restriction right now is the parking space- the 88 parking spaces will support 53 slips; however, he has water frontage for more than that.

Mr. Dean stated that he recognizes that, in order for the owner to be able to improve the site, he has to have enough business to generate the cash flow to support it; however, he said, this is a relatively small site in a predominantly residential area, served by a congested road, so he has some problems with unlimited expansion. He said that, given its size, location, the streets that service it, and the concentration of boat traffic in the creek, this is a limited site for a marina, and, therefore, he has some questions that, if it were rezoned, what would be the controlling device that would take these concerns into account.

Mr. Dean said that, given the limiting factors in this case, he thought it would be appropriate to have a conceptual site plan and to conditionally rezone the property, limiting it as to the number of slips. Mr. Gerred stated that it would be a fairly simple matter for Mr. Winslow to take the plans that he had done for the rezoning and add to them the proposed slip

REZONING DISCUSSIONS/DECISIONS (Continued)
BUDDY WINSLOW

increase, and then staff could give the Commissioners a precise analysis of the boat and traffic impacts. Mr. Dean said he thought it would make a lot more sense to approach it in this way, because then we would know up front what the impact of rezoning would or would not be with respect to traffic, and they would also address the concerns in the neighborhood.

Mr. Deans said if they go the way he suggests - if they do the site plan and then the Commissioners come back and conditionally approve it, that does a number of things for the applicant;

- 1) The applicant doesn't have to go back through the expansion of nonconforming use process;
- 2) He has a piece of property zoned CM, with limitations;
- 3) It tells the community what the limitations are and what the applicant can do with that site.

Mr. Aud agreed and stated that he feels the Commissioners need something more to go on. He said if he had to vote on the request today he would have to vote no, and added that the neighborhood is opposed to the rezoning 95%. However, Mr. Winslow responded that some of the people who had signed the petition were from out of town.

Mr. Winslow stated that Mr. Arnold had visited the property. Commissioner Arnold said he would like to state that he is glad that the Commissioners are working toward giving Mr. Winslow something because he is making a genuine effort to make the place better and reduce pollution. He said the Commissioners have always in the past tried to help an applicant who is willing to stick his neck out to improve a situation, and added that there is a need in that area for a harbor - there are few secluded areas on the Patuxent River where you can get a vessel in out of the weather at a bad time. Mr. Arnold said, as far as controlling devices, there are a lot of them already in place; i.e., the Corps of Engineers, the Health Department (Environmental Health), and Water Resources.

Mr. Dean said he thinks the Commissioners are in agreement that there are limiting factors with this site, and he thought the goal should be to try to make it financially feasible for the applicant to be able to operate a marina there and improve its appearance, and, at the same time, protect as much as possible the integrity of the neighborhood. Mr. Dean stated that he would be in favor of rezoning the property to Commercial Marine if the Commissioners knew ahead of time what the limitations were going to be, and said his suggestion is to prepare the proposed site plan with a goal not to get the maximum number of slips that could be physically located there, but to get the number of slips that would make it economically feasible and try to limit others.

Mr. Sayre said he agreed that the applicant should have a site plan showing how many slips he would have. He said he realized that the applicant needs to make a living and make money, but said he thought, before the Commissioners voted, they should know exactly what is going to go there.

Mr. Arnold agreed, adding that he was glad the Commissioners are trying to get the applicant out of the nonconforming category.

SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY
FOUR-COUNTY AGREEMENT

The Commissioners unanimously gave their concurrence to authorize Commissioner President Aud to sign "An Agreement to Form a Joint Comprehensive Health Planning Agency" (Four County Agreement) for the Southern Maryland Health Systems Agency.

EXECUTIVE SESSION


Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 2:00 p.m. to 3:05 p.m.

ADJOURNMENT

The meeting adjourned at 3:05 p.m.

Approved:


George R. Aud, President