

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 20, 1984

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

CALL TO ORDER

The meeting was called to order at 9:25 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, March 13, 1985, as submitted. Motion unanimously carried.

APPROVAL OF BILLS

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

CASH MANAGEMENT PROPOSALS

Present: Edward V. Cox, Cash Management Committee  
Harris Sterling, " " "  
Joseph O'Dell, " " "

The referenced individuals appeared before the Commissioners to discuss the proposals for the County's Cash Management Program and to present the Committee's recommendation to enter into a contract for this program.

Mr. Cox stated that proposals for RFP's from three institutions were received and reviewed by the Committee and based on interviews and evaluations of the RFP's, it is recommended that the County enter into a contract with Maryland National Bank. This action would require implementation of the following details as set forth in the Committee's memorandum dated March 14:

1. Authorize the County and Maryland National Bank to work up a contractual agreement to be signed by the Board of County Commissioners.
2. Authorize Resolution No. 77-70 to be amended to take into account the concepts embodied in the Cash Management Account.
3. Prepare correspondence to the County Treasurer notifying her of the decision to implement the cash management account and that on implementation of the CMA all county taxes and other county revenue collected by her is to be deposited as directed by the Director of Finance.
4. County Treasurer is to establish a separate account for state real estate taxes under her name and title. Legislation will be introduced in the next legislative session to amend Section 139-3 of the County Code and any other sections applying to same subject matter in the Annotated Code of Maryland. Effect of these amendments is to channel all cash into CMA.

5. Approve the signature of the President of the County Commisisoners to be the authorized signature for all due county bills.

After discussion of the referenced memorandum, Commissioner Dean moved, seconded by Commissioner Aud, to authorize the implementation of the five (5) steps as recommended by the Cash Management Committee. Motion unanimously carried.

DITCH MASTER

COUNTY HIGHWAY MAINTENANCE EQUIPMENT - LEASE AGREEMENT

Present: Joseph O'Dell, Director, Budget & Data  
John Norris, County Engineer

Mr. O'Dell indicated to the Board that revising the Lease Agreement for Highway Maintenance Equipment to include the referenced piece of equipment would add approximately \$17,000 of interest over a three-year period. He indicated that if the Board was desirous of making this purchase, he would modify the Agreement and return it for final approval. The additional cost to the Lease Agreement will be \$120,000 by adding the Ditch Master.

During discussion of the attributes of the referenced piece of equipment (which had been viewed in operation by Commissioner Arnold and the County Engineer), Mr. Norris presented photographs of the Ditch Master and stated that it would replace: an Athey Loader, a grader, two dump trucks and a sweeper.

After discussion, Commissioner Dean moved, seconded by Commissioner Aud, to add this equipment to the Lease Agreement and for the Director of Budget and Data Services to return with the final Agreement for approval. Motion unanimously carried.

PUBLIC HEARING - ECONOMIC DEVELOPMENT REVENUE BOND  
(CANCELLATION)

ADAM BYRD ANDERSON

Present: David W. Morgan, Economic Development Coordinator

Mr. Morgan advised the Commissioners that regarding the Public Hearing on the issuance of the referenced Economic Development Revenue Bonds, correspondence has been received from Philip Dorsey, III, Attorney for the applicant, withdrawing the referenced application for an Economic Development Revenue Bond and, therefore, cancelling the public hearing.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) EASEMENT AGREEMENT  
NURSING HOME/HOSPITAL BUILDING CONSTRUCTION

In conjunction with a previous condition for the release of certain property to James W. Mattingly, et al, the County Administrator presented an Easement Agreement to the Board granting the County the right to enter upon the Mattingly property for improvements to the storm water management in the area. The referenced Agreement was presented for the Board's approval because of the concerns involved with the proposed construction of a new nursing home and renovation of the current hospital building to a state office building.

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

2) CORRESPONDENCE

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

a) To Senator Bernie Fowler indicating St. Mary's County's commitment to participate in the funding of \$4600 for the assessment by the University of Maryland of the technical/educational employment needs and opportunities in Southern Maryland.

b) To Judge Mattingly correcting oversight regarding the Juvenile Master's salary, effective July 1, 1984.

c) To Secretary Lieder enclosing a copy of Resolution No. 84-07 by which St. Mary's County adopted the Patuxent River Policy Plan on March 13, 1984.

3) CITIZEN ADVISORS' APPRECIATION NIGHT

The County Administrator presented a memorandum setting forth the particulars for the annual Citizens Advisors' Appreciation Night, proposed to be scheduled for June 6, and requested the Commissioners' concurrence to proceed with the arrangements. The Commissioners gave their concurrence.

4) BUDGET AMENDMENT NO. 84-36  
COUNTY ENGINEER

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Budget and Data Services with the following justification: Required funds to not exceed spending authority for remainder of fiscal year.

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

5) PERSONNEL

a) PERMITS CLERK - OFFICE OF PLANNING & ZONING

The County Administrator presented a memorandum dated March 16, 1984 from the Personnel Officer recommending the appointment of Janice Harrington to the position of Permits Clerk, Grade 6, in the Office of Planning and Zoning, effective March 26, 1984.

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

b) PERMITS CLERK (STENOGRAPHER)  
OFFICE OF PLANNING AND ZONING

The County Administrator presented a memorandum dated March 16, 1984 from the Personnel Officer recommending that the Permits Clerk, Grade 5, position in the Office of Planning and Zoning be changed to Permits Clerk (Stenographer), Grade 6 and that Kathleen Dionne be appointed to that position, effective April 2, 1984.

The Commissioners gave their concurrence.

c) CLERK STENOGRAPHER  
COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum dated March 16, 1984 from the Personnel Officer recommending the changing of the Clerk Typist position in the County Engineer's Office vacated by Nancy J. Lowey (who was promoted to the position of Secretary I - County Engineer's Office) to a Clerk-Stenograph position, Grade 6; and further recommending that Jacqueline Dyson fill that position, effective April 9, 1984.

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

d) RECLASSIFICATION  
CIVIL ENGINEER  
COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum dated March 13, 1984 from the Personnel Officer recommending the reclassification of the Civil Engineer position, Grade 17, occupied by Dan Ichniowski, to Grade 18, effective March 26, 1984.

The Commissioners gave their concurrence.

6) PLANS REVIEW/PERMITS SYSTEMS

To address issues discussed in recent meetings relative to plans review, storm water management and other related issues, the County Administrator presented a memorandum setting forth recommendations for the Commissioners' approval for the implementation of some of the proposed actions as follows:

a) Effective April 2, 1984 the lead agency in county government for development plans review, permit issuance and enforcement is the Office of Planning and Zoning.

(1) Planning & Zoning will coordinate all related activities.

(2) Planning & Zoning will initiate system improvements and document weaknesses, bring the policy decisions to the Board of County Commissioners.

b) Effective April 2, 1984 the Office of Planning and Zoning will be responsible for sedimentation control and storm water management.

(1) Planning and Zoning will develop and get adopted by July 1, 1984 and the state mandated Storm Water Management Ordinance.

(2) The Office of County Engineer will provide technical assistance and will develop model examples of storm water management plans in a handbook.

(3) The sedimentation control inspector now assigned in the County Engineer's Office (Phil Shire) will be re-assigned to the Office of Planning and Zoning.

(4) The Office of Planning and Zoning will pursue funds from the state for new positions to do plans review technical evaluation, and inspections. If the state funds three positions, an inspector (Grade 10) and a technician (Grade 13) will go to Planning and Zoning, and a technician (Draftsman, Grade 10) will go to the Office of County Engineer.

(5) The Office of County Engineer will perform technical engineering review of plans as requested by the Office of Planning and Zoning. Dan Ichniowski will supervise the technical review process and will be the final approval authority for all plans review, including road ordinance compliance.

(6) Grading permits and related activities (bonding, inspection) will be the responsibility of the Office of Planning and Zoning.

c) Because of the new increased responsibilities assigned to Dan Ichniowski, he will be reclassified to Grade 18, effective March 20.

d) The Office of Planning and Zoning will continue to design and implement the "One-Stop-Shop" permit process with a completion date of July 1, 1984.

The above actions are being taken to:

a) Respond favorably to the two committees which have recommended improvements to our processes for plans review and permits issuance.

b) Comply with state mandated storm water management requirements.

c) Improve the county's enforcement of sedimentation control plans.

After discussion, the Commissioners gave their concurrence to accept the recommendations as set forth above.

7) MARYLAND 350TH CELEBRATION  
BUS SHUTTLE SERVICE

The County Administrator presented correspondence from Tri-County Council requesting the Board's consideration for funding a bus shuttle service for the Maryland Day 350th Celebration in the amount \$5,000.

The Commissioners directed the County Administrator to respond that it is the Board's recommendation to charge the customers for this service.

8) ORDINANCE NO. 84-08  
PUBLIC ETHICS ORDINANCE (REVISED 1984)

Having conducted a public hearing on Tuesday, March 6, 1984 on the adoption of the 1984 revised Public Ethics Ordinance, the County Administrator presented the referenced proposed Ordinance No. 84-08.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign Ordinance No. 84-08, to be effective July 1, 1984. Motion unanimously carried.

9) ZONING AMENDMENT RESOLUTION NO. 84-07  
PHILIP CLARKE (ZONE #83-1202)

(Requesting rezoning of Lots 5 and 6 on Clarke's Landing Road from I-M, Industrial Marine, to R-1, Rural Residential. The property contains approximately 2.5 acres total and is located in the Sixth Election District on Tax Map 27, Block 18, part of Parcel 159.)

Having conducted a public hearing on Tuesday, February 21, 1984 on the referenced application, the County Administrator presented the referenced Zoning Amendment Resolution for the Commissioners' review and approval.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Zoning Amendment Resolution No. 84-07 approving the zoning application as requested. Motion unanimously carried.

10) ST. MARY'S HOSPITAL PROJECT  
REQUISITION NO. 30

The County Administrator presented Requisition No. 30 dated March 20, 1984 in the amount of \$24,331.61 for costs incurred in the hospital project.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve Requisition No. 30 as set forth above. Motion unanimously carried.

11) REQUEST FOR ADVANCE OF FUNDS  
350TH ANNIVERSARY COMMITTEE  
LEONARD HALL JUNIOR NAVAL ACADEMY

The County Administrator advised that the 350th Committee is requesting an advance of funding for Leonard Hall Junior Naval Academy to assist in the 350th Celebration by sponsoring a reception and dance on May 19.

The funding would come from the County's Department of Economic and Community Development budget and will be replaced by proceeds of the event.

After discussion, the Commissioners gave their concurrence.

CHARLOTTE HALL VETERANS HOME

Commissioner President Aud discussed with the Commissioners a Sun Newspaper article dated March 20 concerning funding decisions made by the Maryland General Assembly, one of which concerns the Charlotte Hall Veterans Home. Because the information in the article is unclear the Commissioners directed that correspondence be forwarded to the county's legislative representatives requesting a full description of the actions taken.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) ROAD RESOLUTIONS  
R84-7 - CROSS ROAD  
R84-8 - THOMPSON ROAD

The County Engineer presented the referenced Road Resolutions for the Commissioners' review and approval as follows:

R84-7 - Renaming Cross Road to Ball Point Road, Ninth Election District, for its entire length;

R84-8 - Renaming Thompson Road to Indigo Point Road, Ninth Election District.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve and sign said Road Resolutions. Motion unanimously carried.

2) LOGGING ROAD ENTRANCES  
REVISED STANDARDS

The County Engineer reviewed correspondence dated March 8, 1984 from the Maryland Forest and Park Services addressing issues discussed with the County Engineer on February 10 relative to logging road entrance requirements. Mr. Norris indicated that the Regional Forester has agreed that a "blanket" permit be issued to the logger once a year and Mr. Norris suggested that it be at the value of \$1500. With regard to the R-13 road entrance requirements Mr. Norris recommended, and stated that the Foresters agreed, to adopt the "Stabilized Construction Entrance" used by the Soil Conservation Service.

After discussion the County Engineer requested the Board's approval in these recommendations. The Commissioners gave their concurrence.

3) MARYLAND ROUTE 235 DUALIZATION  
(HOLLYWOOD TO ST. ANDREWS CHURCH ROAD)

The County Engineer presented correspondence dated March 5, 1984 from Mr. Caltrider, Administrator, State Highway Administration, relative to the County's request for the relocation of a crossover on the referenced project. Mr. Caltrider in his letter stated that the relocation as requested would reduce the safety of the project and produce undesirable crossover spacing.

Mr. Norris indicated that Mr. Caltrider may not fully understand this request and suggested that he be invited to the County to explain this. The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Ed Forsman, Chairman, Community College Advisory Board  
Community College Advisory Board Members

Commissioner Sayre moved, seconded by Commissioner Millison, to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 10:30 a.m. to 10:50 a.m.

COMMUNITY COLLEGE ADVISORY BOARD  
STATE OF THE COLLEGE REPORT

Present: Ed Forsman, Chairman, Community College Advisory Board  
Community College Advisory Board Members

Commissioner Dean outlined that one of the major purposes of this meeting is to re-establish the dialogue between the Board of County Commissioners and the Community College Advisory Board. Inasmuch as the Community College Advisory Board is an advisory board to the County Commissioners relative to Charles County Community College at St. Mary's, Commissioner Dean suggested that there be an annual State of the College Report to the Board. If the Advisory Board concurs in this recommendation, Commissioner Dean suggested that perhaps a subcommittee could be formed to undertake an evaluation of the following areas as a part of this report:

1. What are St. Mary's County's costs with respect to the Community College and what does the County receive in return?

2. What are the county's educational needs and goals with respect to the College?

3. What the County's long-range plans relative to the College?

Commissioner Dean suggested that the Advisory Board may want to draw from members of the community to assist in this evaluation.

During discussion, Mr. Forsman stated that the Advisory Board will be meeting with the Accreditation Committee and that it would be appropriate for the Board to meet with the Commissioners with respect to the findings of the Committee. He stated that after the completion of this process, the Board would be agreeable to undertaking the evaluation as suggested.

HIGHWAY MAINTENANCE BID AWARDS  
PROJECT NO. SM 84-5-5 AND SM 84-5-6

Present: Margaret France, Ourisman Chevrolet, Fleet Manager  
Diane Pogue, " " , Asst. Fleet Manager

Ms. France appeared before the Commissioners to discuss the County's awarding bids for the purchase of four highway maintenance vehicles at last week's meeting and to request reconsideration of the award. In response to the County's rejection of Ourisman's bid (the lowest bidder) based on the fact that they did not properly meet the specifications by not providing written certification of a warranty work agreement from an in-county dealer, Ms. France explained that Ourisman exceeded that specification. She stated that she provided an Agreement which every Chevrolet dealer is required to sign before going into business to will perform warranty work on vehicles sold by other Chevrolet dealers, and she was of the opinion, therefore, that they exceeded the requirement.

Ms. France also pointed out that she provided descriptive literature of the equipment, as required in the specifications; however, her request to view the other dealers' bids for this information was denied.

Ms. France went on to explain the Chevrolet's fleet cash incentives which St. Mary's County, as a political subdivision, is entitled to. She further explained that because of St. Mary's County's fleet status, priority would be given for maintenance and warranty work at Ourisman Chevrolet.

After discussion the Commissioners advised that although price is an important factor in considering bids, more important was in-county service capability; and because Ourisman had not totally met the specification for a guarantee of in-county service, they were not awarded the bid. The Commissioners advised that the bids have been awarded and therefore would not be in a position to reconsider this decision.

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

GRAND JURY REPORT

Present: Cuthbert Fenwick, Foreman, September Grand Jury  
Robert Kirkley, " " "

The referenced members of the September 1983 Term of the Grand Jury appeared to present their Report to the Board. Mr. Fenwick read aloud to the Commissioners the Report which addressed concerns relative to the conditions of the County Jail, space and manpower needs of the Sheriff's Department, the drug problem in the County, and the utilization of the



Grand Jury with suggested topics for review and investigation.

The Commissioners responded to some of the concerns expressed by the Grand Jury and advised that the Board is aware that these problems exist. The Board expressed their appreciation to the Grand Jury for their Report and advised that they will give consideration to their recommendations.

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

PROCLAMATION NO. 84-  
EYE DONOR MONTH

The Commissioners presented the referenced Proclamation designating March as Eye Donor Month in St. Mary's County.

REZONING PUBLIC HEARINGS

Present: Robin Guyther, Planner, Office of Planning and Zoning  
Anita Meridith, Recording Secretary

Also Present: James C. Burch, Sr., Phyllis J. Tyner, William A. Burch, Martha A. Wible, Joseph C. Lore, Anna M. More, Donna Lore, Charles A. Norris, Richard Manson, J. Walter Norris and Frances H. Angle.

Mr. Guthier read the public hearing notice aloud, as published in the Enterprise Newspaper in the Wednesday, February 29, 1984 issue, providing due legal notification of the following public hearings:

ZONE #83-1225 - RICHARD C. MANSON

Requesting rezoning from AR, Agricultural-Residential, to CL, Commercial Limited. The property contains 2.2 acres and is the site of "The Mane Place," a beauty shop at the intersection of Oaks Cooksey Swamp Road and Old Rt. 5, Charlotte Hall, Tax Map 1, Block 22, Parcel 7.

Mr. Guthier entered the Planning Commission minutes and record into the County Commissioners' hearing record and questioned whether the applicant had its postal receipts. Mr. Richard C. Manson, applicant advised that he had been unable to send his notification letters via registered mail on March 10 in order to satisfy the ten (10) day notice requirement (said letters were postmarked March 12, 1984).

Staff advised that should one of the contiguous property owners have objection, this could be used as the basis for a remanding of the hearing as technically the law had not been satisfied.

Commissioner Aud asked whether anyone wished to object with proceeding with the hearing, based on the applicant's failure to provide full ten (10) day notification to all contiguous property owners prior to this hearing date.

Mrs. Phyllis A. Tyner, Box 87, Charlotte Hall, objected and stated that she felt that "everybody adjoining the property within at least a half to a quarter mile are affected by it."

Based on said objection, the Chair noted that the hearing would be readvertised and the applicant required to abide by the legal notification requirements.

Matter continued.

ZONE #83-1210 - J. WALTER NORRIS

Requesting rezoning from R-1, Rural-Residential, to C-1, Commercial. The property contains 2.053 acres and is located on the west side of Md. Rt. 235, across from "Hollywood House" in the Sixth Election District, on Tax Map 26, Block 12, Part of Parcel 93.

Mr. Guyther entered the Planning Commission record into the hearing.

The applicant, Mr. J. Walter Norris, accompanied by Mr. Charles Norris, legal representative, came forward and presented the certified postal receipts from the registered letters of notification sent to all contiguous property owners, marked Applicant's Exhibit No. 1. Mr. Norris verified that the property had been duly posted.

Mr. Guyther recalled that the Planning Commission had issued a positive recommendation for the approval of this application with two stipulations; i.e., no bar or sale of alcoholic beverages be allowed on the property and that access be permitted only from Old R. 235. Several contiguous property owners in attendance at that former hearing had voiced support of the rezoning with the proviso that no alcoholic sales be permitted on the premises. Commissioner Aud asked the applicant whether he had any objections to such a stipulation being attached to the property. Mr. Norris responded that he had no difficulties with such a requirement and offered, "I wouldn't want to see a bar room put there."

Mr. Guyther familiarized the Board with the location of this parcel of land, noting that the property would be bordered on the back by Old Rt. 235 and on the front by New Rt. 235 (located directly across from the Hollywood House).

Mr. Norris voiced concern with the latter stipulation of the Planning Commission and felt that possibly the SHA may place a crossover in this area and "in case this would come to pass" he would not want any restrictions placed on the property with respect to access. Mr. Guyther stated that the SHA could not deny access to the property; however, he pointed out that the Planning Commission was "more or less warning the applicant...that if it came before them (for site plan approval) that they would require you to go on the back road."

Commissioner Aud injected that he was under the impression that the SHA was proposing a crossover in the area of the Dean Lumber Company.

Counsel based his argument for rezoning on the premise of change in the neighborhood, citing the following:

1. The proposed construction of dual Rt. 235 (said taking which bisects the property) has rendered the parcel unfit for residential development, yet conducive to commercial development. A lunch room or convenience type establishment is proposed.

2. The recent rezoning of property north of the subject parcel (Gelrud property) to C-2.

3. Population growth in the area, as evidenced by increased business and renovation of existing businesses along the highway in this immediate area; e.g., First National Bank.

Counsel enumerated on the commercial atmosphere of this area and recalled the existence of the following commercial, nonconforming operations in this area: U.S. Post Office, First National Bank, school, lodge, church, Dean Lumber, Adams Appliance, Insley Construction, Harnel Air Conditioning, Hollywood House, Hollywood Fire Department, Burch Oil Company, bank and several service stations.

Mr. Norris related that the owner of the Early Bird Carry-Out had approached the applicant and inquired as to the possibility of utilizing this property for the relocation of his present business.

The Chair inquired whether anyone present wished to speak either in favor or opposed.

Mrs. Martha A. Wible, contiguous property owner, spoke in favor the application, noting, "I think it's a good idea."

Hearing no further testimony, Commissioner Aud noted that the hearing would be closed and the Board would take the matter under advisement.

ZONE #83-1218 - JOSEPH C. LORE

Requesting rezoning from R-1, Rural Residential, to RSC, Rural Service Center. The property contains approximately .776 acres and is located at the southeast corner of the intersection of Md. Rt. 5 and Airedale Rd., Ridge, First Election District, Tax Map 71, Block 13, Parcel 64.

Mr. Guyther entered the Planning Commission record into the County Commissioners' record and accepted the postal receipts from the certified letters of notification sent to all contiguous property owners, marked Applicant's Exhibit No. 1. Mr. Lore verified that the property had been legally posted.

The Board was advised that the applicant had applied for RSC rezoning in order to utilize his property for boat storage.

The Planning Commission previously issued a positive recommendation for approval with the stipulation that the site plan be reviewed by the Planning Commission prior to development of the property. Staff further explained that a request for RSC did not mandate that the applicant address the change or mistake issues.

Mr. Guyther noted that several of the parcels surrounding Mr. Lore were already zoned RSC. Consequently, the Planning Commission felt that this request was consistent with past zoning of the property.

Commissioner Dean asked Mr. Lore whether he had any objections to prohibition of certain uses of the property. Mr. Lore responded, "No, it's all right, 'cause I just wanted it for one thing."

Mr. Lore reflected that the Planning Commission had suggested that the applicant provide a buffer around the property. He offered a visual indication of an existing hedge which ran through the middle of the property and his proposal to plant pine trees and other shrubbery along the perimeter of the parcel.

As previously indicated, the applicant advised that his intention was to establish a boat storage yard (would not include elevated storage).

The Chair inquired whether anyone present wished to speak in favor or opposed.

Mr. Francis H. Angle, adjoining property owner, offered that he was not opposed; however, he questioned what limitations would be placed on the operation with respect to hours of operation. Mr. Guyther responded that the Planning Commission had considered that normally, an operation of this kind would cause customers arrival early in the morning and around dusk, with the major portion of business occurring on weekends and that the use would not cause any hardships to the neighbors. Mr. Angle reiterated that he was not "against it being rezoned"; however, he had lived in this area for 24 years and did not want "to be disturbed 24 hours a day."

Mr. Lore offered that while he could not say specifically what his intended hours of operation would be at this point, they certainly would not run 24 hours a day. Furthermore, he noted that he would have an employee on the premises at all times throughout his daily operational hours.

Entrance to this subject site would be on Airedale Road "next to the intersection" and thus, Mr. Lore stressed, would not really intrude upon Mr. Angle's privacy.

Mr. Angle asked the applicant what he intended to do with the building that was immediately adjoining his property. Commissioner Aud injected that the Planning Commission would review at the site plan stage whatever plan was presented, specifically with regard to buffer requirements, etc. Mr. Guyther added that the Planning Commission's main concern in the past, had been with the protection of contiguous properties and insurance against the creation of an eyesore.

Commissioner Dean asked Mr. Lore how quickly he intended to move along with the development of his property. Mr. Lore advised that hopefully he would like to begin in early summer, May or June. Commissioner Dean requested that the staff notify Mr. Angle of the date, at such time that the site plan was scheduled for review by the Planning Commission for this proposal.

Mr. Lore introduced into the record, marked Applicant's Exhibit No. 2, correspondence from Pat Raley, adjacent property owner, which sought the Board's favorable consideration of this application.

Hearing no further testimony, the hearing was closed and the matter taken under advisement.

ADJOURNMENT

The meeting adjourned at 2:00 p.m.

Approved,

  
George R. Aud  
President