

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 27, 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 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, March 20, 1984. Motion unanimously carried.

APPROVAL OF BILLS

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

DEPARTMENT OF RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks

(1) SECOND DISTRICT PARK - DESIGN WORK

Mr. Baggett appeared before the Commissioners to advise that bids were received from four firms on the referenced project and recommended that it be awarded to Lorenzi, Dodds & Gunnill, the lowest bidder in the amount of \$4,500.

After discussion, Commissioner Sayre moved, seconded by Commissioner Arnold to accept Mr. Baggett's recommendation. Motion unanimously carried.

(2) GRASSCUTTING AGREEMENT - BOARD OF EDUCATION

Mr. Baggett presented the Agreement by and between Recreation and Parks and the Board of Education for the provision of grasscutting to public school fields and grounds as had been discussed with the Commissioners at their meeting of March 6, 1984.

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

HIGHWAY MAINTENANCE SUPERINTENDENT - COUNTY ENGINEER'S OFFICE
APPOINTMENT AND INTRODUCTION

Present: John Norris, County Engineer
Walter Wise

The County Administrator presented a memorandum dated March 20, 1984 recommending the selection of Walter Wise to the Highway Maintenance Superintendent position, Grade 18, to manage the County's Road Maintenance Program.

Commissioner Dean moved, seconded by Commissioner Arnold, to promote Mr. Wise to the Highway Maintenance Superintendent position as recommended, effective March 26, 1984. Motion unanimously carried.

At this point, Mr. Norris presented Mr. Wise to the Commissioners and explained his background and experience in the highway maintenance field. The Commissioners congratulated Mr. Wise on his promotion and wished him every success in his new position.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) ADDENDUM TO PUBLIC WORKS AGREEMENT
HELEN FARMETTES SUBDIVISION, SECTIONS A AND B

Mr. Norris presented an Addendum to the Public Works Agreement by and between Israel Z. Swarey and Ezra I. Swarey and the Board of County Commissioners of St. Mary's County guaranteeing the construction of roads in Sections A and B of Helen Farmettes Subdivision. Mr. Norris indicated that the bond has been reduced to an amount required to complete the work.

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

2) "T" TURN-AROUND

Regarding previous discussion regarding the reference matter, Mr. Norris presented a schematic drawing depicting an overlay of a "T" turn-around over a cul-de-sac and included relative cost estimates. Mr. Norris pointed out two potential problems with "T" turn-arounds--(a) inability for snow plows to turn around and (b) concern by local fire companies to maneuver their trucks.

After discussion, the Commissioners directed the County Engineer to schedule an evening public hearing on this issue in order to obtain input from the Fire Board, developers and other interested citizens.

EXECUTIVE SESSION

Present: John Norris, County Engineer
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 litigation. Motion unanimously carried. The Session was held from 9:45 a.m. to 10:05 a.m.

WESTERN BRANCH SEWAGE TREATMENT PLANT

Present: Larry Petty, Director, Metropolitan Commission
Steve King, Metropolitan Commission

The referenced representatives of the Metropolitan Commission appeared before the Commissioners to report their comments on the draft Facilities Plan and the EPA Draft Environmental Impact Statement for the proposed expansion/renovation of the Western Branch Sewage Treatment Plant in Prince George's County. As part of the A-95 clearinghouse review process, St. Mary's County was invited to comment on the project.

Mr. King provided background information relative to the plant and mentioned the fact that it was one of the plants involved in the Patuxent River litigation several years ago.

Mr. King stated that after reviewing the referenced documents, it appeared that the population and flow projections were over-estimated. 1970 Census figures were used instead of 1980 Census figures and there has been a decline in population in that area.

After discussion, Mr. King presented correspondence for the Commissioners' signatures addressed to the Washington Suburban Sanitary Commission setting forth the County's comments on the project and stating that based on certain calculations it did not appear that the Western Branch facility needed to be upgraded to the extent requested. In that there is only a certain amount of federal and state funds for upgrading of treatment plants, to fund this project would be an improper expenditure.

After discussion, the Commissioners expressed their appreciation to Steve King for his efforts in this review and agreed to sign and forward said letter.

In closing, Commissioner Dean suggested that perhaps someone in the Southern Maryland area should review all draft facility plans that are being planned and recommended that Tri-County Council undertake this task. The Commissioners gave their concurrence and directed the County Administrator to prepare correspondence to the Tri-County Council requesting that they assume the reviewing responsibility, and enclose a copy of the letter to WSSC as an example.

RURAL DEVELOPMENT PROGRAM
MARYLAND DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director, County DECD
David W. Morgan, Economic Development Coordinator
Lowell Frederick, MDECD
Olga Radwick, MDECD
Estrela Alexander, MDECD

As a follow up to a presentation on August 16, the referenced individuals appeared to brief the Commissioners on the progress on developing an investment strategy program for St. Mary's County. Mr. Schultz advised that a preliminary draft of the strategy is being reviewed by County staff and presented a copy of the Table of Contents which outlines the general format. The strategy is based on a review of the County's development needs, objectives and activities, and an analysis of strengths, opportunities, threats, and weaknesses of the County in relation to the needs.

The investment strategy report will be presented to the L.E.O. (Local Economic Options) Committee on April 6.

The Commissioners thanked those present for their informative report and expressed appreciation to County staff for their cooperation.

NURSING HOME BUILDING COMMITTEE
CONVERSION OF EXISTING NURSING HOME FACILITY

Present: George Smith, Director, St. Mary's Nursing Home
Daniel Capper, Chairman, Nursing Home Bldg. Committee
John Cheseldine, " " " "
Julia Richardson, " " " "
John Norris, County Engineer
Louis Huber, Housing & Health Services, Inc.
Terry Kennedy, " " " " "
Bill Gaudreau, Gaudreau, Inc.
Robert Bond, The Wilson T. Ballard Company

The referenced individuals appeared before the Commissioners to present the conclusions of the studies for the conversion of the present nursing home building into a domiciliary care facility.

The firms of Gaudreau, Inc. and Housing & Health Services, Inc. presented their reports on the feasibility of the physical conversion of the facility as well as the fiscal feasibility. In addition a report was presented by The Wilson T. Ballard Company on the site analysis study indicating the utilities, storm drainage management, traffic patterns, access roads, etc.

The Building Committee urged the Commissioners to take action to implement the various phases in accordance with the documents presented at the Commissioners' meeting of February 7.

The County Administrator reminded all assembled of the County Commissioners' previous letter dated February 27, 1984 setting forth the

conditions under which the project would move forward.

The Commissioners thanked the representatives for their presentation.

CHAMBER OF COMMERCE
TOBACCO INDUSTRY CONCERNS

Present: J. Patrick Jarboe, M.D., President, Chamber of Commerce
George Havens, Director, Chamber of Commerce

Dr. Jarboe appeared before the Commissioners to express the Chamber's concerns relative to the poor tobacco market this year for Maryland Tobacco. He stated that the Chamber does not represent the tobacco industry; however, they do represent the entire community. The tobacco farmer are a stabilizing influence in the community and if the farmers are unable to make a living, it would have an impact on the rest of the community. Dr. Jarboe presented a sample letter that will be forwarded to tobacco buyers setting forth the problem and encouraging their reconsideration of their tobacco buying policies and further requesting suggestions for alleviation of the problem.

Dr. Jarboe recommended that the Commissioners form a task force to study the overall wellbeing of the agricultural industry including the need for diversification and economic conditions. No suggestions were made and membership composition which the Chamber felt was better left to the good judgment of the County Commissioners.

Commissioner Arnold reminded those present of ongoing efforts by local farmers to cooperate with the Department of Agriculture to study these same issues and suggested that all efforts in this regard be combined and coordinated.

FY '85 RECOMMENDED BUDGET

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

Mr. O'Dell appeared before the Commissioners to present the FY '85 Recommended Budget for the Commissioners' approval and signatures and gave a brief overview of revenues and outlays as follows:

General Fund Revenues	\$28,415,754
Unreserved Designated Fund Balance	1,355,000
Reserved Fund Balance	182,859
Transfer In (Capital Funds)	<u>645,000</u>
TOTAL REVENUE (GENERAL FUND)	\$30,598,613
General Fund Outlays (of which \$2,000,000 to retire short-term debt; \$254,000 in estimated new debt costs)	\$30,173,613
Transfer out (\$400,000 Capital Improvement fund; \$25,000 to Enterprise Fund)	<u>\$ 425,000</u>
TOTAL OUTLAYS (GENERAL FUND)	\$30,598,613
Capital Budget Funds	
General Obligation Bonds	\$ 1,700,000
Transportation Bonds	1,600,000
State Grants	210,000
Transfer In (from General Fund)	<u>400,000</u>
TOTAL CAPITAL BUDGET	\$ 3,910,000
Capital Projects	\$ 3,765,000
Transfers Out (General Funds)	645,000
TOTAL OUTLAY (CAPITAL)	\$ 3,910,000

Mr. O'Dell stated that the budget figures are based on a \$1.99 tax rate. He further indicated to the Board that there is \$262,407 in an uncommitted reserve account for use during the Commissioners' budget deliberations.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and sign the Recommended FY '85 Budget as submitted. Motion unanimously carried.

Further, Mr. O'Dell presented correspondence for the Board's signatures addressed to All Spending Units explaining they that may request a meeting before the Board relative to their budgets after the public hearings (April 24 - Board of Education -- April 25 - All Other Spending Units). Commissioner Dean moved seconded by Commissioner Arnold to sign said letter. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) HIGHWAY MAINTENANCE EQUIPMENT LEASE

As a follow up to last week's discussion regarding the acceptance of the proposal from Maryland National Leasing Corporation for the leasing of the highway maintenance equipment, the County Administrator presented the lease for the Commissioners' review and approval.

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

2) GRANT APPLICATION
EROSION/DRAINAGE CONTROL - GOVERNMENTAL CENTER PROPERTY

The County Administrator presented a Grant Application for the Commissioners' review and approval submitted by the Soil Conservation Service for correction of an erosion and drainage problem at the Governmental Center property. Total project cost - \$69,000 (federal funds \$47,500; county share \$21,500).

The Commissioners agreed to defer action on this Grant Application for two weeks.

3) PROPOSAL FOR AUDIT
AEROSPACE SERVICES

The County Administrator presented a proposal dated March 22, 1984 from Wooden and Benson for the audit of St. Mary's Aerospace Services for the period February 1, 1982 through January 31, 1984, at an estimated cost of \$1400.

Commissioner Aud moved, seconded by Commissioner Sayre, to accept the proposal from Wooden & Benson as submitted. Motion unanimously carried.

4) REQUISITION NO. 31
ST. MARY'S HOSPITAL

The County Administrator presented Requisition No. 31 in the amount of \$35,147.73 for costs incurred in the St. Mary's Hospital project.

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

ST. GEORGE'S ISLAND SEAWALL

Present: Paul Chesser, President, St. George's Island Improvement Assoc.

In that renovation of the seawall at St. George's Island on Rt. 249 is being planned, Mr. Chesser requested the Board's assistance in getting the State to have the timber seawall replaced with a stone one. Mr. Chesser pointed out that a stone seawall would last longer than a wooden one and would allow the opportunity for stabilization of the area.

After discussion, the Commissioners directed the County Administrator to prepare correspondence to the State Highway Administration requesting the stone seawall.

LEONARDTOWN BY-PASS

Commissioner Dean reminded the Commissioners of the pending issue of the investigation into the possibility of a Leonardtown By-Pass. He stated that he is drafting a letter to the Department of Transportation requesting that the By-Pass be given a higher priority of consideration. The letter is to be signed by Commissioner President Aud, Leonardtown Commissioners, Chamber of Commerce, Legislative Delegation and others and Commissioner Dean requested the Board's concurrence in authorization Commissioner President Aud to sign said letter. The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: 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 12:35 to 1:05 p.m.

REZONING PUBLIC HEARING
ZONE #83-0824 - J. L. MILLISON

Commissioners Present: George Aud, Richard Arnold, Ford Dean, and David Sayre. (Commissioner Millison is the applicant and, therefore, will not be participating in the Board's decision relative to this matter.)

Planning Staff Present: Robin Guyther, Planner
Anita Meridith, Recording Secretary

Others Present: Philip H. Dorsey, III, Applicant's legal representative
Audrey Tate
George C. Johnson
Mary B. Johnson
Vickie Volk, WPTX

Mr. Guyther read the public hearing notice aloud, as published in the Enterprise Newspaper in the Wednesday March 7, 1984 issue, providing due legal notification of the following public hearing.

(Requesting rezoning of 30 acres from C-1, Commercial, to C-2, Commercial. The parent parcel contains approximately 97 acres and is located on Md. Rt. 235, Lexington Park, just south of chancellors Run Road, Eighth Election District; Tax Map 43, Block 2, Part of Parcel 20.)

Mr. Dorsey noted his appearance on behalf of the applicant, and presented the postal receipts from the registered letters of notification sent to all contiguous property owners, marked Applicant's Exhibit No. 1. Counsel verified that the property had been duly posted.

Mr. Guyther displayed a large survey map of the subject parcel and familiarized the Commissioners with the location of the property (directly across the Esperanza Shopping Center, adjacent the "Happy Hamburger"). Staff noted that the acreage involved in this request was for thirty (30) acres, as opposed to the original site plan which included a parcel in the rear, which had in the interim been separated.

The Planning Commission recommended that the property be rezoned to C-2 with the suggestion that the entrance be tied into the crossover at Millstone Landing Road. Mr. Guyther noted that the applicant did not own the property in the area of the proposed entrance (Millstone Landing Road), thus while the Planning Commission could not urge him to utilize that property, they recommended, from a safety and marketing standpoint, that it would be wiser to have a crossover at this junction (would require access through the Danko property).

Mr. Dorsey quoted from his Statement of Purpose entered in this case, noting that the application was based on both mistake in the original zoning and change in the neighborhood. Counsel defined the neighborhood, for the purposes of this rezoning as "the properties located on both sides of the stretch of Rt. 235, south of Chancellors Run Road to the entrance of the Naval Air Test Center on Great Mills Road." Mr. Dorsey called attention to the many commercial enterprises, a composition of C-1, C-2, R-2 and R-15 zonings, within this defined area, which he stressed was adjacent to a major four-lane highway that led into the only major urban area in the County; i.e., Lexington Park.

Change in the neighborhood was based on the following C-2 rezonings of properties located on Tax Map 43, in the Eighth Election District, which had occurred since the adoption of the 1974 Comprehensive Zoning Ordinance:

1.18 acres located s/w of Rt. 235, owned by Mayjack, Inc. and referred to on Tax Map 43, Parcel 202 - rezoned from C-1 to C-2 on 6/3/76;

7.212 acres located on Rt. 235 near Esperanza, owned by Shomette and Stanhagen and referred to on Tax Map 43, Parcel 396 - rezoned from C-1 to C-2 on 1-30-75;

1.88 acres located on the e/s of Rt. 235, owned by Burch Oil Company and referred to on Tax Map 43, Parcel 43, Parcel 422 - rezoned from C-1 to C-2 on 2/20/75;

2.703 acres located s/w of Rt. 235 near California, owned by H.T. Waring and referred to on Tax Map 43, Parcel 449 - rezoned from C-1 to C-2 on 1/27/81;

3.63 acres located on w/s Horsehead Road, owned by Mayjack, Inc. and referred to on Tax Map 43, Parcel 6 - rezoned from C-1 to C-2 on 6/3/76.

With respect to mistake in the original zoning, Mr. Dorsey's Statement of Purpose contained the following: "Since Lexington Park is the only major urban area in the County and the expansion planned for in the Comprehensive Land Use Plan adopted 1974 has already been exceeded and since there is no residential neighborhood per se to be served by a C-1 development, a mistake in the original zoning should be found."

Counsel acknowledged that there had been some "considerations levied amongst various landholders within the area and the applicant would certainly take into consideration pertinent questions which may be

submitted before the hearing today; specifically, I mean on Hewitt Road, dealing with any type of buffer which may be required by the Commission. Certainly, the applicant is willing to consider all the property owners in the area to make sure that they are taken care of and that it does not infringe upon any of their property rights. In addition, the applicant has no qualms, if the Commission wanted to impose some type of ingress and egress requirements, directly across from Millstone Landing Road. Certainly, the applicant would make every effort to try to secure that entrance for the property..."

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

Mrs. Mary B. Johnson of P.O. Box 244, Lexington Park, Maryland, questioned whether a Mr. Stephen Watts received a registered letter, as he was a contiguous property owner. The Chair advised that Mr. Watts had been sent a letter, verified by his signature on the returned postal receipt, which had been entered as evidence (marked Applicant's Exhibit NO. 1). Mr. Dorsey explained that Mr. Watts "had an option as to whether he would like to attend or not and "it's not a mandatory meeting...he can come, if he would like."

Mrs. Johnson spoke in opposition, noting, "our whole residential neighborhood is going to be run off the map...because we are going to be enclosed..." She questioned if development of this property would specifically and solely include a shopping center. Counsel responded, "That is the intended use." Mrs. Johnson asked how many entrances and exits were planned. Mr. Dorsey reflected that the Planning Commission had recommended that the entrance to this site be developed across from Millstone Landing Road and he stressed that the applicant "would make every effort, once the site plan...the shopping center has been started, to meet those requirements, to go through that piece of property (Danko property) to have an entrance way." Mr. Dorsey stressed, "There would be no entrances on Hewitt Road."

Mrs. Johnson voiced concern with the possibility that something in the future, another entrance would be developed. She also noted that she was not concerned so much with the buffering requirements as she was with both vehicular and pedestrian traffic using her property as a short-cut. Commissioner Aud injected that the County's plans included the upgrading of Hewitt Road. In response to staff's inquiry, Mrs. Johnson stated that she would certainly feel "more comfortable" if the Commissioners were to place a written restriction prohibiting any future entrance onto Hewitt Road.

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

MARYLAND TOBACCO FESTIVAL

Present: Johnny Wood, Chairman


Mr. Wood appeared before the Commissioners to request their consideration for financial support for the Tobacco Festival, to be held July 28-29) if needed. He advised that R. J. Reynolds will be contributing \$7500 towards entertainment and there is a possibility of other funds being raised. He stated that he did not want an advance from the County, but rather a loan, only if needed, if they were not able to meet all of their expenses. He stated that the amount would probably not be more than \$5,000.

After discussion, the Commissioners gave their concurrence.

ADJOURNMENT

Having no further business, the meeting adjourned at 1:55.

Approved,


George R. Aud
President