

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 24, 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 Larry Millison was not present at beginning of meeting.)

CALL TO ORDER

Commissioner President Aud called the meeting to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the minutes of the Commissioners' meeting of Tuesday, April 17, 1984. Motion carried.

APPROVAL OF BILLS

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

COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

- 1) PROJECT NO. SM 84-4-8
WELL INSTALLATION AND WATER SERVICE
ENGINEERING OFFICE BUILDING/VEHICLE MAINTENANCE FACILITY

Mr. Norris presented the bid tally sheet for the referenced project and recommended that it be awarded to the lowest bidder, Patuxent Pump and Well, in the amount of \$5,150. Commissioner Sayre moved, seconded by Commissioner Dean, to accept the County Engineer's recommendation. Motion carried.

- 2) TELEPHONE SYSTEM FOR HIGHWAY MAINTENANCE FACILITY

Mr. Norris advised that he has reviewed proposals from Bell Atlantic and AT&T for the telephone system at the County's new highway maintenance facility and stated that it was his and the Director of Purchasing and Logistics' recommendation to select of the Horizon Communications System from AT&T in the amount of \$17,584.25.

Commissioner Sayre moved, seconded by Commissioner Dean, to accept the referenced recommendation. Motion carried.

(Commissioner Aud left meeting at 9:25 due to illness.)

- 3) RADIO SYSTEM FOR HIGHWAY MAINTENANCE FACILITY

Mr. Norris advised that he is in the process of determining what radio equipment to acquire for the Highway Maintenance Facility and because of the need for the equipment to be installed and operating by July 1, requested authorization for approval from the Board for the following:

- a) To join in a contract with Prince George's County and purchase of 11 mobile radio units from General Electric at a cost of \$9,845;

b) To authorize the President of the Board to make the decision for the purchase of a base station from Motorola in the amount of \$7,196.42;

c) To authorize the President of the Board to make a decision for the purchase of a radio tower (either self-supporting or guide -- whichever is the most economical for the County's needs) at an approximate cost of \$11,000.

d) To award the contract to Southern Maryland Communications for the installation of the eleven mobile units at a cost of \$2,552.64.

Commissioner Sayre moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to approve the referenced items as recommended by the County Engineer.

4) OFFICE MAINTENANCE MANAGEMENT SYSTEM

Mr. Norris advised the Commissioners that he is looking into the acquisition of computer equipment for a Maintenance Management System for the purpose of efficient scheduling of highway maintenance requests in his office. In discussing this equipment Mr. Norris stated that there is a possibility of a grant from the University of Maryland and also State Highway Administration may be willing to participate.

After discussion, Mr. Norris advised that he would return next week with the financial ramifications regarding the purchase of this equipment.

5) EXTENSION OF SHORE EROSION DISTRICT JEFFERSON ISLAND CLUB

Mr. Norris advised that he has received a Petition for the establishment of an extension of a Shore Erosion District for the Jefferson Island Club. Concurrence is requested from the Board to request the Department of Natural Resources to do a feasibility study. The Commissioners gave their concurrence.

COMMISSION ON AGING - FY '85 BUDGET

Present: Billy McGahran, Senior Services Coordinator

Mrs. McGahran appeared before the Commissioners to request reconsideration of her requested budgetary allocation for FY '85. She stated that there are two issues requiring the Board's attention:

a) That her proposed funding level be returned to \$341,471 as had been requested. She stated that she had stayed within her targeted amount and that her office could not operate without this funding.

b) That the Commissioners reconsider the allocation \$309,000 for the third phase of the Garvey Center, which is the construction of a second story to the building. Mrs. McGahran displayed the plans and explained how the addition would be put to use. She stated that because of the increase in the elderly population there is a need for space for arts and crafts, health services, meetings, job training, counselling, etc.

After discussion, the Commissioners indicated that they would include these requests along with the other department's requests and give consideration during the budgetary process.

UPDATE ON 350TH ANNIVERSARY CELEBRATION EVENTS

Present: Mary Bell, Project Coordinator

Also Present: John Baggett, Claude Clarke, Jean Ridgell, Mike Marlay, Estelle Bishopp, Marge Kayes, Lile Hoffmesiter, Polly Barber,, Lou Clements, Lois Fields, Beverly Guy, Beth McCoy, Billy Fitzgerald, Joseph Mitchell, David Morgan, George Havens, Bruce Wilkinson, Charles Hewitt, Burt Kummerow, Mary L. Mattingly, Joe Norris, Kennedy Abell and others.

Ms. Bell advised that the purpose of this meeting is to bring the Commissioners up to date with regard to the many scheduled events in St. Mary's County in honor of the 350th Anniversary Celebration of the Founding of Maryland.

Ms. Bell introduced the Committee representatives from each of the Election Districts along with organizational representatives and the St. Mary's County Day Coordinators. Each representative and Coordinator presented an outline of their activities and events; including the parade, Maryland Birthday Ball, Lord Baltimore's World, St. Mary's City Celebration, Margaret Brent Memorial Dedication as well as many other church, school and other celebration events.

A 350th Anniversary Schedule of Events was presented by Joe Norris, Publicity Chairman, and he stated that it will be updated periodically and will be printed in the Enterprise each Friday.

In closing the presentations, Mr. Mitchell advised that Mayor Schaefer of Baltimore has invited the Southern Maryland Counties to have a "Southern Maryland Days" at the Baltimore Inner Harbor on June 8 and 9. He stated that he will be going to Baltimore on Friday to look at the facilities to be provided and will present further information on the formulation of the plans at a later date.

The Commissioners thanked each of the volunteers for their time and efforts in making the 350th Anniversary Celebration a memorable one.

SOIL CONSERVATION DISTRICT - FY '85 BUDGET

Present: James Beaven, Chairman
John Sivak, SCD
John Hall, SCS
Timothy Frink, SCS

The referenced representatives of the Soil Conservation Service appeared before the Commissioners to request consideration for an additional allocation in the amount of \$4200 for their FY '85 Budget. Mr. Beaven indicated that in prior years funds had been received from the EPA; however, these funds will not be received this year. The purpose of the additional funding is for: office rent increase, management expenses, clerical salaries and additional management salary.

The Commissioners advised that they will take this request under advisement and give it consideration during the budgetary review process.

COMMENDATIONS CLEAN UP CAMPAIGN

Present: Jimmie A. Mora, Clean-Up Campaign Coordinator
Recipients of Clean-Up Campaign Awards Commendations

The County Commissioners and Mr. Mora presented Commendations to various individuals and groups for their outstanding accomplishments in the cleaning up of St. Mary's County.

In addition, the Board of County Commissioners presented a Commendation to Mr. Mora for his outstanding achievements in this effort.

PROCLAMATION NO. 84- RESPECT FOR LAW WEEK

Present: Representatives of: Seventh District Optimist Club
Mechanicville Optimist Club
Third District Optimist Club,
Optimist Club of St. Maries

The Commissioners presented Proclamation No. 84- to the referenced representatives of the County's Optimist Clubs designating the week of May 14-15, 1984 as "Respect for Law Week" in St. Mary's County.

(Commissioner Millison entered the meeting - 1:00 p.m.)

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) AGRICULTURE TASK FORCE

Commissioner Millison moved, seconded by Commissioner Sayre, and unanimously carried, to appoint the following individuals to the Agriculture Task Force:

<u>Name</u>	<u>Representing</u>
R. Johns Dixon	Agricultural Community
Robert Jarboe	Farm Bureau
Ed Swecker	Agr. Extension Service
J. Patrick Jarboe, M.D.	Chamber of Commerce
Steven D. Mattingly	Finance Community
William Groome	Farmers Home Administration
David W. Morgan	County Economic Development
Alfred Mattingly	Planning Commission
Bradley Powers	State Department of Agriculture
Joseph William Vallandingham	Md. Tobacco Growers Assoc.
Marianne Clarke	Tri-County Council

(Representatives from the State Department of Economic and Community Development and from Congressman Dyson's Office will be named at a later date.)

2) DOMESTIC VIOLENCE/SEXUAL ASSAULT BOARD OF DIRECTORS

Commissioner Millison moved, seconded by Commissioner Arnold, and unanimously carried, to appoint the following individuals to the Domestic Violence/Sexual Assault Board of Directors with terms as indicated:

<u>Name</u>	<u>Term to Expire</u>
Ann Marie Abell	June 30, 1988
Florence Ballangee	June 30, 1988
Dorothy Barclift	June 30, 1988
Ragina Chikar	June 30, 1988
Ruth Coombs	June 30, 1988
Joseph Densford	June 30, 1987
Jerry Downing	June 30, 1987
Lynn Fitrell	June 30, 1987
Marvin Kaminetz	June 30, 1987
Katie Kangus	June 30, 1987
Robert G. Kirkley	June 30, 1986
Anne Marum	June 30, 1986
Judith McCue	June 30, 1986
Ila Rogers	June 30, 1986

3) CLEARINGHOUSE PROJECT NO. MD 84-4-507
CORPS OF ARMY ENGINEERS
CHESAPEAKE BAY AREA

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

4) CLEARINGHOUSE PROJECT NO. MD 84-2-321
SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY
CONTINUED DESIGNATION AND FUNDING

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

5) GRANT APPLICATION
COOPERATIVE REIMBURSEMENT PROGRAM AGREEMENT
STATE'S ATTORNEY'S OFFICE

The County Administrator presented the referenced Grant Application for the referenced Program and requested authorization for Commissioner President Aud to sign said Application. Mr. Cox advised that the Grant Application has been reviewed by the Director of Budget & Data Services, and he has pointed out several budgetary discrepancies.

Commissioner Arnold moved, seconded by Commissioner Millison, to approve and authorize Commissioner President Aud to sign said Grant Application subject to the revisions as noted by Mr. O'Dell. Motion carried.

6) JOB TRAINING PARTNERSHIP ACT GRANT
SOUTHERN MARYLAND II-A PLAN

The County Administrator presented the grant for JTPA Southern Maryland Service Delivery Area Plan for FY '85 for the Commissioners' review and signature of the President of the Board.

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

7) CASH MANAGEMENT AGREEMENT

The County Administrator presented a draft Cash Management Agreement between the County Commissioners of St. Mary's County and the Maryland National Bank for the County's Cash Management Program. He stated that it will be forwarded to Maryland National for review and signature and returned to the Board for approval.

Commissioner Dean suggested that after the Program is in operation for a year that it be evaluated.

8) REQUISITION NO. 35
ST. MARY'S HOSPITAL PROJECT

The County Administrator presented Requisition No. 35 in the amount of \$200,016.91 representing costs incurred in the St. Mary's Hospital project. Commissioner Sayre moved, seconded by Commissioner Millison to approve said Requisition. Motion unanimously carried.

9) WALDEN'S MIDDLE SCHOOL PREVENTION PROGRAM GRANT

The County Administrator presented the referenced Grant Application for the the Walden's Middle School Prevention Program for FY '85 for the Commissioners' review and signatures.

Commissioner Arnold moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign said Grant Application. Motion unanimously carried.

10) BUDGET MODIFICATION FOR WALDEN AND WALDEN-SIERRA

The County Administrator presented a memorandum from the Director of Budget & Data Services dated April 18, 1984 forwarding the Budget Modification for the Commissioners' review and approval. Mr. O'Dell indicated in his memorandum that the net impact in both grants is to reduce the overall expenditure level as well as to re-allocate various line item budget accounts.

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

11) METROPOLITAN COMMISSION AUDIT

The County Administrator presented correspondence dated March 23 from the Metropolitan Commission advising that proposals were solicited from various firms for the preparation of the Commission's Audit and recommended the selection of Wooden & Benson in the amount of \$7,000.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the Metropolitan Commission's recommendation and award the contract to the lowest bidder, Wooden & Benson. Motion carried.

12) 1984 LEGISLATIVE PACKAGE

For the Commissioners' information, the County Administrator presented a summary of the status of their 1984 Legislative Package items.

REZONING HEARING
ZONE #83-0788 - JERRY COLVIN

Requesting rezoning from R-1, Low Density Urban Residential, to C-1 Commercial. The property contains approximately 2.5 acres and is located on the west side of Maryland Route 235, north of Hewitt Road California, on Tax Map 43, Block 2, Part of Parcel 223.

Commissioners present: Ford Dean, (Chair), Larry Millison, David Sayre and Richard Arnold. Commissioner Aud was absent. Staff present: Robin Guyther, Planner, and Anita Meridith, Recording Secretary, Office of Planning and Zoning.

Members of the audience included: George C. Johnson, Mary B. Johnson, Karen Abrams, Jerry M. Colvin, Shirley Peeling and Richard Portee.

The recording Secretary read the notice of public hearing aloud, as advertised in the Enterprise Newspaper, in the Wednesday, April 4, 1984 issue, providing public legal notification of the rezoning hearing.

Mr. Guyther posted a large site map of the area and visually indicated the adjacent commercial structure, identified as Dr. Parmentier's Building. The subject property, described as a flag lot was noted as already partially commercially zoned (300 feet from the road/property line already zoned C-1 - Parcel A is not included).

The applicant, Mr. Jerry Colvin, came forward, accompanied by legal representative, Ms. Karen Abrams. Ms. Abrams provided the postal receipts from the certified letters of notification sent to all contiguous property owners (marked Applicant's Exhibit No. 1) and verified that the property had been duly posted. Counsel apologized for the confusion surrounding the time of this hearing, noting that the letters of notification had mistakenly advised of a 2:00 hearing time, as opposed to the 1:00 normally scheduled hearing time.

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

Mr. Colvin advised the Board as to the circumstances surrounding his involvement with this property (he was appointed trustee due to the owners inability to pay the loan). Mr. Colvin advised that everyone had been under the impression that the entire parcel was zoned commercial; however, since entering into the contract for purchase of this property with Mrs. Shirley Peeling, they had discovered otherwise. Mrs. Peeling's intentions are to develop an office building on the site to be utilized by an electronic consulting firms. An engineering analysis of the property has revealed that the proposed building (two stories, comprised of 5,000 square feet on each floor = 10,000 square feet.) could not be placed on the existing parcel under its current R-2 zoning status and meet all of the set-backs, parking, drainage, etc.

Ms. Abrams defined the neighborhood "as generally running from Chancellors Run Road right on down into the Lexington Park area...coming along that highway, I think it's been cleared that this is the general commercial area that runs right on down into the hub of Lexington Park."

Counsel addressed the legal issues and based this application on both change in the neighborhood and mistake in the original zoning of the property. Counsel advised, "It was a mistake not to have rezoned the entire parcel..." Change in the neighborhood was based on the change in the "character of the neighborhood, simply because there have been so many rezonings to commercial along that strip that make that very front piece incompatible with residential zoning..."

Counsel stressed that Mrs. Peeling was quite amenable to providing the buffer areas and all other protections which the adjoining residents might want from such a commercial area.

At this point, Ms. Abrams introduced Mrs. Peeling, contract purchaser for the property. She reiterated her desires to develop the property with a large two story office building. She pointed out that there was currently a wooded buffer separating this property from the contiguous residential neighborhood and she stressed that this buffer would be maintained. Realizing that a storm water management plan would be required, she advised that a "holding pond" would be incorporated in the design, located to the front of the property.

Commissioner Millison inquired how many new jobs would be created as a result of this office space. Mrs. Peeling offered that there would probably be ten offices and each office would employ between five to ten employees.

In response to question of Commissioner Arnold regarding the location of the building on site and areas for septic, etc., Mrs. Peeling provided a visual indication of the location of same, noting that the building would be located as close to the front of the parcel as possible because of the costs involved in having to pave the road.

The Commissioners reviewed the tax maps in trying to determine how many residential properties were developed adjacent to this parcel. Mrs. Peeling advised that only one mobile home was visible (located to the north of the property). Staff advised that this could be researched through the tax records and provided to the Board. Commissioner Millison felt that it would be better if the Board members were to go to the site and review the property and the surrounding area.

Commissioner Dean inquired whether anyone present wished to speak either for or opposed to this rezoning.

Mr. Richard Portee took exception with counsel's former statement relative to the change in the neighborhood. Mr. Portee felt that the only change that might be considered would be the contiguous office building referenced as Dr. Parmentier's Building. Mr. Portee spoke in opposition to the rezoning, stating that such a proposal would cause "an economic impact to the landowners right around in this area." Mr. Portee based this statement on the fact that should MetComm provide new lines through this area, all of the adjoining residential properties would be forced to pay front foot benefits. In Mr. Portee's individual case, he explained that he had just recently installed a new well on his property.

Lengthy discussion ensued, whereupon Ms. Abrams noted that irregardless of this rezoning, such an extension of public facilities could occur, and really had no bearing on this case.

Mrs. Mary B. Johnson spoke in opposition. Mrs. Johnson, who has spoken often before this Board and the Planning Commission regarding several recent rezonings in this area, re-emphasized that commercial development was slowly encroaching and surrounding this small residential community. Mrs. Johnson inquired as to the size and the location of the afore-referenced holding pond and asked specifically what types of electrical equipment would be used (anticipating electrical interference). Mrs. Peeling advised that the holding pond would in reality consist of a swale located towards the front of the property which would drain into the existing storm water drains. No advanced types of electronic equipment would be housed in this proposed office building, with Mrs. Peeling stressing that no large commercial computers would be utilized. Mrs. Johnson asked staff to advise of those uses permitted under the proposed C-1 zoning. In response, Mr. Guyther read that pertinent section from the Zoning Ordinance aloud.

Commissioner Millison commented that he always considered one vital point in all rezoning cases and that was whether the surrounding property owners would be adversely affected as a result of the improvements/rezoning to a contiguous property. In this case, Mr. Millison emphasized that he would personally go to this site and look at the property before rendering his decision.

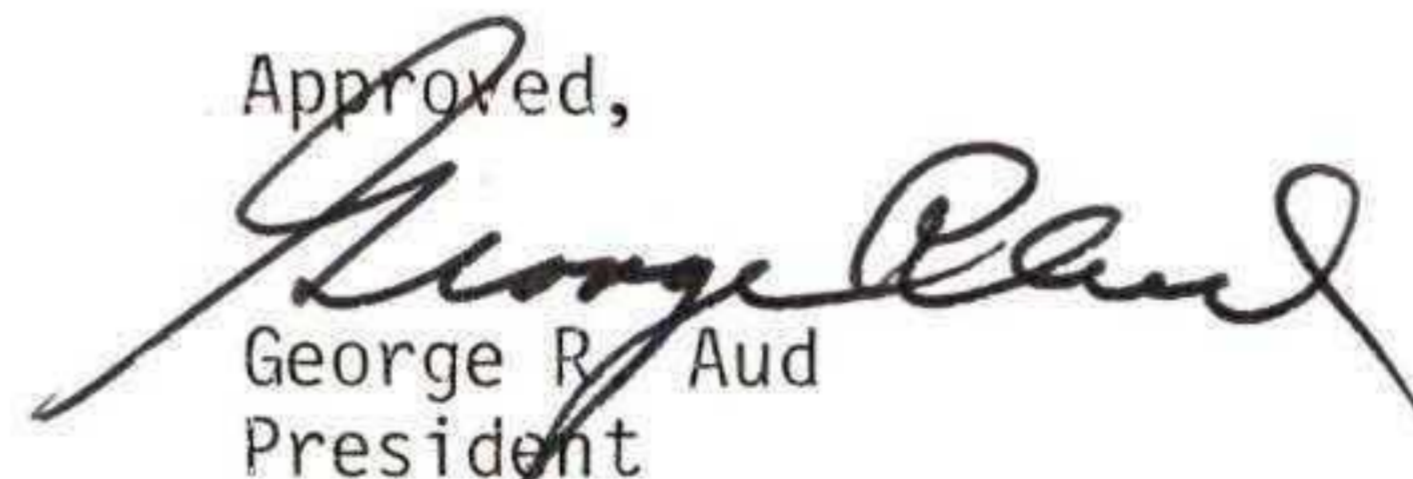
Hearing closed.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Gerda Manson, Personnel Officer
Robin Guyther, Planner, Office of Planning & Zoning

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 3 p.m. to 4:35 p.m.

Approved,



George R. Aud
President