

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 15, 1986

Present: Commissioner Larry Millison, Vice President  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Joseph P. O'Dell, Director, Budget & Data Services  
(on behalf of County Administrator)  
Judith A. Spalding, Recording Secretary

(Commissioner Arnold was not present due to illness.)  
(Commissioner Aud was not present at beginning of meeting.)

CALL TO ORDER

The meeting was called to order at 9:20 a.m.

APPROVAL OF BILLS

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

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meetings of April 1, 1986.

COUNTY ADMINISTRATOR ITEMS (MORNING SESSION)

Present: Joseph O'Dell, Director, Budget & Data Services  
(on behalf of Edward V. Cox, County Administrator)

1) 1986 LEGISLATIVE UPDATE

Mr. O'Dell distributed a status sheet of the 1986 Legislative Items for the Commissioners' information.

2) BUDGET AMENDMENTS

Mr. O'Dell presented the following Budget Amendments recommended for approval with justifications as indicated:

- a) 86-40  
Advanced Life Support  
Civil Defense

Justification: Breakdown of equipment and need of file space for confidential records.

- b) 86-41  
Fire Departments/Rescue Squads

Justification: Provide budget authority to release state grant funds based on agreement by both organizations.

- c) 86-42  
Community College

Justification: Additional expenses beyond capital authority concerning air conditioning and insulation costs at Great Mills campus.

d) 86-43  
Economic & Community Development

Justification: Intra-account transfer concerning PIC and State Cooperative grants.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said Budget Amendments. Motion carried.

3) CLEARINGHOUSE PROJECT MD 86022600127  
SOUTHERN MARYLAND HEALTH SYSTEMS AGENCY  
CONTINUATION GRANT

Mr. O'Dell presented the referenced clearinghouse project and recommended forwarding it to the State with the comment that it is consistent with this agency's plans, programs and objectives. The Commissioners gave their concurrence.

4) JOB SERVICE COMPONENT PLAN

Mr. O'Dell presented correspondence from the Department of Employment and Training requesting the County's concurrence with the proposed Job Service Plan for the period July 1, 1986 to June 30 1987.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the Job Service Plan as submitted and further to authorize Commissioner Aud to sign the Concurrence Sheet. Motion carried.

5) MOSQUITO CONTROL PROGRAM

Mr. O'Dell presented correspondence received April 10 requesting approval of the proposed budget with local funds in the amount of \$47,150, which is in agreement with the County's allocation.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the proposed budget. Motion carried.

6) CORRESPONDENCE TO OFFICE OF ENVIRONMENTAL PROGRAMS

Mr. O'Dell presented correspondence for the Commissioners' review and signatures addressed to the Office of Environmental Program giving notice of intent to sign a groundwater protection report. The Commissioners agreed to sign and forward the letter.

7) PERSONNEL

Mr. O'Dell presented the following personnel matters for the Board's consideration:

a) Sheriff's Department  
Correctional Officer

Memorandum from Personnel Officer dated April 11, 1986 recommending the appointment of James A. Wathen to the Correctional Officer position, Grade 10, effective April 21, 1986.

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

b) Temporary Appointment  
Pending Establishment of Register

Memorandum dated April 3, 1986 recommending that the Commissioners approve the Temporary - Pending Establishment of Register Appointment procedure, which would allow fringe benefits and possibility of conversion to a permanent appointment at a later date.

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

EXECUTIVE SESSION

Present: Joseph Densford, Assistant County Attorney  
Dr. Patricia Hawkins, Director, Walden

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss a matter of pending litigation. Motion carried. The Session was held from 9:45 a.m. to 10:00 a.m.

FY '87 BUDGET DISCUSSIONS

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

1) Health Department

Also Present: Dr. William Marek, Deputy Health Officer  
Anita Anderson, Administrative Officer

Representatives of the St. Mary's County Health Department appeared before the Commissioners to request restoration of the \$128,000 county funds that were deleted from the FY '87 recommended budget and further to present justification of need for these funds. Dr. Marek pointed out that there would be a loss in environmental hygiene and clinical programs without these funds, and further that there is a potential loss in services from 5%-10% due to the federal Gramm-Rudman-Hollings Act.

2) Board of Education

Also Present: Dr. Larry Lorton, Superintendent  
Dennis Younkin, Fiscal and Admin. Services  
Eleanor Ritchie, Board of Education  
John Lancaster, Board of Education

Representatives of St. Mary's Public Schools and Board of Education appeared before the Commissioners to present justifications of the Board's budget requests for FY '87 by outlining the proposed use of the requested budgetary funds: computers, teachers, insurance, etc.

(The Commissioners will give consideration to budgetary requests after the public hearings on April 22 and 23.)

LONGVIEW BEACH CITIZENS ASSOCIATION  
SPECIAL TAXING DISTRICT

Present: John Norris, Director, Dept. of Public Works  
John Weiner, Attorney for Longview Beach  
Latty Washington, President, Longview Beach  
Bernard Lucas, Longview Beach Assoc.  
John Dixon, "  
Property Owners, Longview Beach

Mr. Norris advised that the property owners of Longview Beach have been working with his office regarding the establishment of a Special Taxing District for the improvement of the roads. He stated that the Association is requesting a waiver of the interest on the repayment of the loan.

Mr. Norris explained that a Special Taxing District policy was established in 1977. Taxing districts were established where the County had not secured appropriate bonding and in those cases (Golden Beach, Spring Valley, and Town Creek) interest costs were waived. However, those subdivisions that were platted and planned to be a private community (such as Hollywood Shores) and later wanted the roads maintained by the County, are required to pay the interest.

Mr. Norris advised that three issues must be addressed:

- 1) Whether the Special Taxing District policy would have to be changed in order to grant this request;
- 2) Which category Longview Beach would fall in - Golden Beach or Hollywood Shores;
- 3) That Minor Subdivision Regulations have encouraged private road construction, and the decision relative to Longview Beach would set a precedent for future taxing districts for would-be minor subdivision.

Mr. Norris stated that he would have to review the current policy and review the particulars of Longview Beach prior to recommending a decision on this request.

The Commissioners suggested that the County Attorney be contacted regarding the request and that a meeting be scheduled on April 29 - 10:30 a.m. with the Association to apprise them of the decision.

PROCLAMATION  
VOLUNTEER WEEK

The Commissioners presented the referenced Proclamation designating the week of April 20-27, 1986 as Volunteer Week in St. Mary's County.

(COMMISSIONER MILLISON DID NOT PARTICIPATE IN THE FOLLOWING DISCUSSION.)

FHA LOAN LIMIT INCREASE

Present: Joseph Mitchell, Director, Economic & Community Development  
Jan Barnes, Ray Runco Realty, So. Md. Bd. of Realtors  
Lee Hutchinson, L. K. Farrell, "  
Rose Hinman, Long & Foster, "

The referenced individuals appeared before the Commissioners to request endorsement of a request to raise the FHA loan limit in St. Mary's County from \$67,500 to \$90,000 and that a letter be forwarded to HUD to that effect.

Representatives of the Southern Maryland Board of Realtors explained that Calvert and Charles Counties have a \$90,000 FHA loan limit, which leaves St. Mary's County at a disadvantage. Other types of loan financing are for low incomes and for first-time home buyers, and this increase would help other sectors of the County.

After discussion Commissioners Dean and Sayre agreed to endorse the increase and to authorize Commissioner President Aud to sign the letter.

Later in the meeting, Commissioner Aud concurred in the endorsement of Commissioners Dean and Sayre and agreed to sign the letter.

(COMMISSIONER AUD ENTERED THE MEETING - 1:00 P.M.)

OFFICE OF PLANNING & ZONING  
PUBLIC HEARINGS  
#85-1374 MICHAEL HEWITT  
#85-0171 JOSEPH A. CLARKE  
#84-1307A J. I. KNOTT

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

Members of the audience included: Mrs. Lawrence Pilkerton, A. A. Beauverd, T. M. Duncan, Karen Abrams, J. A. Clarke, Patrick Wm. O'Donnell.

The Recording Secretary read the Notice of Public Hearing aloud, as advertised in "The Enterprise" Newspaper, a publication of county-wide circulation, on Wednesday, March 26, 1986, providing legal notice for the following public hearing(s):

ZONE # 85-1374: MICHAEL HEWITT

Requesting rezoning of 3.25 acres from C-1, to C-2, Commercial. The property is the site of the CHEVRON STATION located on Maryland Route 235, California, Maryland, at the intersection with Chancellors Run Road, Eighth Election District, shown on Tax Map 43, Block 1, as Parcel 238.

Present: Applicant/Contract purchaser Michael Hewitt and legal representative, Karen Abrams. Entered into evidence, marked Applicant's Exhibit No. 1, find postal receipts from certified letters of notification sent to all contiguous property owners. Counsel verified that the property had been legally posted.

Ms. Abrams advised that the subject property was the site of the former Chevron Station, now known as the Hewitt's Service Center, located on the corner of Chancellor's Run Road and Rte. 235. Counsel distributed to each of the Commissioners, copies of a tax map, depicting the various zonings and uses in the area through various color codings. As previously defined, the neighborhood was identified as running along the corridor of Route 235 from the ADF Bingo Hall to Tennison's Grocery and Bar.

Ms. Abrams advised that the application was based on both legal theories of mistake in the original zoning of the property and change in the character of the neighborhood. With regard to mistake, she urged that this particular property had housed a gas/service station on this site since 1974, a service/commercial enterprise categorized as a C-2 use. Counsel spoke at length to case law relative to nonconforming uses and their relationship to a particular neighborhood. In this instance, she urged that this use was a long established service and had proven it's durability as a strong and viable business, substantiated by the fact that a service/gas station operation had existed on this site for over twenty years. Addressing change in the character of the neighborhood, counsel stated, "there has been a tremendous change in this neighborhood. There have been rezonings, upgradings to commercial that was already there, rezoning to commercial of some of the residential properties that were there and alot of development....Dynamac Building....Hickory Hills Shopping Center....we're talking about the edge of the urban Lexington Park area....this particular property is not going to go back to some use that fits in a C-1 category, it's never going to go back to a residential use and I think that the changes in the character of the neighborhood and the intense design of the commercial uses and the intensifying of the commercial zoning category indicates that this should be a C-2 use as well. It's a very well traveled corner and it's a good use for it." In summation, counsel submitted that the legal basis had been provided to support the rezoning as well as showing that the community would benefit by upgrading and improving this heavily accessed service.

Mr. Hewitt stated that he wished to renovate and update this somewhat outdated service station and in an effort to become more competitive, he hoped to add on an automobile parts store both for his own use and for retail sales to the public. Additionally, he planned to rerarrange the gas pumps located in the front of the building to effect a more orderly flow and access to and from the site. Mr. Hewitt reflected that at present, this property presented a somewhat awkward situation, "cause it was kind of piecemealy done year by year and I'd like to redo the whole thing, but I can't attract part store oriented people with a franchise or anything unless I have the proper zoning."

The Chair opened the hearing for public comment.

Hearing nor response, the Chair noted that the public hearing would be closed and the matter taken under advisement.

ZONE # 85-0171: JOSEPH ABEL CLARKE

Requesting rezoning of 11 acres from R-1, Rural-Residential, to CM, Commercial Marine. The property is located off Abell's Wharf Road in the Third Election District, shown on Tax Map 48, Block 4, as Parcel 204, and Part of Parcel 123.

The applicant, Mr. Joseph Abel Clarke, came forward, accompanied by legal representative, Karen Abrams.

Ms. Abrams offered the postal receipts into the record, marked Applicant's Exhibit No. 1, and verified that the property had been legally posted.

Counsel familiarized the Commission as to the location of the property. The neighborhood was defined as the on-going gravel mining operation (Maryland Rock Industries), a site which was open and visible for miles in each direction. The subject's residential property is located adjacent to the former restaurant/tavern/marina known as Abell's Wharf, located adjacent to the County Commissioners public landing on Breton Bay.

Ms. Abrams stated that the rezoning was based on both legal theories of mistake and change. She emphasized that the tavern and marina had been in existence in 1974, in addition to the adjacent gravel/processing plant operated by Maryland Rock Industries and that it would appear that it was a mistake not to have included the subject property in "one or the other categories because this is part of that whole operation and part of what is basically industrial and commercial marine." Counsel also noted that the area formerly used as commercial marine had not been properly zoned CM, Commercial and constituted yet another zoning mistake. Ms. Abrams stressed that since 1974, the Maryland Rock operation had proceeded bit by bit to buy up more property in this immediate vicinity for their gravel mining operation, which had changed this neighborhood into a heavy industrial area. Thus, she reflected that this community could no longer be considered a "nice, quiet, little residential neighborhood." Counsel felt that this proposal posed unique possibility to the County, in that an approval of this application would be taking advantage of the waterfront and ideally situated residence (to be converted into clubhouse facility) which would ultimately benefit the community. Counsel offered that the applicant's intention for this property was to develop his residence into a club house/yacht club and provide additional slips. She noted that the eleven acre tract was adequate to provide for sufficient septic system for public restrooms and pump out stations to service boats and potential customers.

Ms. Abrams referenced a report contained in the record from Dr. Christopher F. D'Elia, Marine Biologist, who at the applicant's request, had conducted a study of the property (particularly with respect to the marine areas and the natural habitat). Dr. D'Elia's report concluded that the proposed use of this property would not negatively impact the wildlife or the bay. Dr. D'Elia's report contained a series of recommendations, which counsel noted had been included in the staff's analysis and report.

Mr. Guyther noted that the property was situated in a critical area and thus, the applicant was required to provide an environmental analysis of the property. Staff affirmed that Dr. D'Elia's analysis had indicated that this proposed use would not have an adverse impact upon the bay, provided certain conditions were adhered to, e.g. no new buildings within 100 ft. of the water, 50 ft. buffer maintained around the existing pond, etc. Mr. Guyther specifically asked the applicant whether he was amenable to the conditions imposed by the Planning Commission. Mr. Clarke responded that the only concern that he had concerned the existing pond. He explained that the property had originally contained three ponds, two of which had subsequently dried up. He felt that there was the possibility that the existing pond may at some point do the same and he questioned what affect that may have on the set-back stipulation. Staff advised that at such time that the pond ceased to exist, the Planning Commission would certainly take that into consideration. Counsel felt that the key issue relative to the pond was Dr. D'Elia's concern that the pond not be disturbed and the applicant would certainly agree to same.

Mr. Guyther elaborated on the other issues and conditions addressed in the Planning Commission's recommendations which addressed set-backs of buildings, buffering, limited to 50 boat slips, requirement for individual waste tank pumpouts connected to an onshore disposal system approved by the Health Department, etc. Commissioner Millison felt that in order to extend the applicant every possible opportunity to make this a viable operation, there should not be any restriction imposed as to the number of boat slips.

The Chair asked whether anyone present wished to speak either for or against the proposed rezoning.

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

ZPUD # 84-1307-A: J. I. KNOTT

Requesting rezoning from CP, Camper Park and AR, Agricultural-Residential, to MH, Mobile Home Park, to permit establishment of a 300 unit mobile home park ("Take-It-Easy Ranch Village"). The property contains over 200 acres and is located off Tank-It-Easy Ranch Road, in the Second Election District, shown on Tax Map 57, Block 6 as Parcels 10, 22 and 23.

NOTE: Commissioner Millison excused himself from participation in this matter, explaining that since he did business with the applicant, he felt that this could possibly constitute a conflict of interest.

Mr. Guyther provided up-date, reminding the Commissioners that they had formerly considered this application some six months previously for 750 mobile home units. The Planning Commission recommended that the original application be denied and the Commissioners subsequently remanded the matter back to the Planning Commission for additional study relative to possible reduction in the number of units. The applicant revised his application, the number of units being reduced to 281 mobile home units to be served by a public sewer line to be extended from Great Mills to this area. Following reevaluation of the reduced plan, the Planning Commission issued a further recommendation for denial based on the following:

1. The project is not consistent with the Comprehensive Land Use Plan. Development of this plan would create a high density "island" in a rural area and would be likely to lead to more development in the immediate area.
2. The project is not consistent with the Water and Sewer Plan. The current designations in the plan are W-6 and S-6 which provide for "No Planned Service."
3. The development would remove almost 10% of the sewage capacity from the Lexington Park area.

Mr. James A. Kenney, III, Esq., noted his appearance as legal representative for his client and contract purchaser of the property, Mr. Morgan Wayson, Jr., also present. Counsel provided for the record, the returned postal receipts from the certified mailings sent to all contiguous property owners (marked Applicant's No. 1). Mr. Kenney verified that the property had been legally posted.

Mr. Kenney requested that both cases be consolidated into this hearing for purposes of inclusion of all testimony, reports and evidence of record. Mr. Kenney introduced Mr. Bill Higgs of McCrone, Inc., who provided the particulars of this amended application as follows: The proposed park contains a total of 236.38 acres, 223 acres being zoned CP, Camper Park and the remaining acreage zoned AR-2, Agricultural-Residential. The property is located off Maryland State Route 249, approximately .9 miles from Maryland State Route 5 in Callaway. The proposal has been designed to allow for maximum screening from adjoining property while utilizing the existing benefits and conditions of its previous use as a camper park and providing for minimum adverse effect on its natural features. The park's layout is designed to utilize the existing road patterns and the managed wooded areas of its previous use as a camper park wherever possible. Additional street layouts were designed to provide safe vehicular traffic flow with minimum disturbance to the sites existing environment. The park will incorporate the construction of a central water system and a sewer force main, connecting to the Pine Hill Run facility.

The park provides for 281 - 5,000 sq. ft. to 7,000 sq. ft. lots. Each unit will be provided with off-street parking, walkways, outdoor living area and landscaping or screening, as needed. The existing trees will be utilized whenever possible.

The park is divided into 3 villages:

LAKE VILLAGE - is composed of 140 units within close walking distance of the passive recreational open space area. Lake Village will be designed to provide for a tranquil environment catering to senior citizens.

OAK VILLAGE - will be centrally located, and convenient to all areas of the development. This area will be designed to incorporate all of the existing oak trees, providing an attractive neighborhood for 71 units for singles and couples without children.

PINE VILLAGE - consists of 70 units east of the recreation center. This area will be readily accessible to all recreation areas while still creating small communities for couples with children.

Mr. Higgs explained that the initial development would consist of Pine Village, the easterly end of Oak Village and the westerly side of Lake Village, comprising approximately 281 units. Construction is expected to commence upon approval and would include the construction of the sewer force main and pumping station, well and pump house and all appropriate sewer and water line, fire hydrants and street and storm drain construction, ending in 1988-'89. Of the total 236.38 acres, 63.38 acres will be utilized for the development of the 281 units. The remaining 173 acres will remain in open space for use by the residents of the village. The open space will feature natural wooded recreation areas, including lakes and natural walks. The developed recreation will include a clubhouse, swimming pool, ballfield, playground and picnic area (majority is presently existing). The open space areas will be maintained by the owners and will remain available to all of the parks occupants.

The park is served by a direct access to Maryland State Route 249, which is a secondary highway, .9 mile south of Maryland State Route 5, the latter being one of three primary highways serving the County.

It was further noted that the interior street layouts were designed to utilize the previous street pattern whenever possible and to minimize disturbance to the sites natural features. Mr. Higgs advised that it was the developer's desire that the streets remain private with no maintenance cost to the County. The streets will be designed utilizing both rural and urban sections with a combination of open and closed stormdrain systems.



The proposed development will require the construction of a central water system, as directed by the St. Mary's County Metropolitan Commission and the Maryland State Health Department. Mr. Higgs explained that this would be a deep well that would be drilled to the Aquia Aquifer, as opposed to the Nanjemoy Aquifer, that water source tapped for standard domestic service. The park is planned for sewerage service by the Pine Hill Wastewater Treatment Plant. This connection to Pine Hill would be made by constructing a forcemain which would run from this property out to the gravity line along Maryland State Route 5, north of Great Mills. The property presently has a water and sewer classification of W-6 and S-6, which plans for no planned service. These services outlined would require a change of those classifications to allow for the proposed construction. All other utilities, i.e. telephone, electric, etc. are readily available. Refuse disposal will be the responsibility of the owner and the cost for same will be included in the lot rent.

Mr. Higgs noted that the proposed development would be done in a manner to dispose of stormwater in accordance with the newly adopted standards and specifications for infiltration practices, which comes under the Maryland Department of Natural Resources - Water Resources Administration and the St. Mary's County Zoning Ordinance.

The applicant is proposing to use the existing lakes and also construct some additional areas for stormwater management and infiltration structures to minimize the adverse effect on the wildlife and tributaries of the County.

The development would be served by the Piney Point Elementary School, Esperanza Middle School and the Leonardtown High School. Based on 70 family units, as outlined in the Pine Village, the predicted enrollment would be 14 - 30 students to the Piney Point Elementary, 5 - 6 students to the Esperanza Middle School and 5 - 9 students to the Leonardtown High School.

Addressing recreation and community facilities, Mr. Higgs noted that as described in the open space area, a variety of developed recreation would be provided by the developer to include a clubhouse, swimming pool, ballfield, playgrounds and picnic areas for the use of the residents, as well as all of the undeveloped areas. In addition, it was noted that this development is situated within 1.5 miles of the proposed Second District Community park, presently being planned by the Department of Parks and Recreation.

Mr. Higgs spoke to the need and demand for new mobile homes in the County and noted that the development of this park would provide numerous employment opportunities. The construction expenditures for this development were estimated at \$ 3 million with the possibility of new mobile home sales of \$ 5 to \$ 7 million.

Discussion ensued and it was noted for the record that Mr. Morgan Wayson is the contract purchaser, Mr. J. I. Knott property owner. Proposed lot rents were projected at \$160 to \$200 per month. It was further noted that the applicant owns the right-of-way from Route 249 back to the property.

A large development map was displayed and Mr. Higgs offered a visual presentation relative to topography, street design, location of stormwater drainage/management, etc. A typical lot was given as 50' - 60' wide and 100' to 120' deep. The proposal would provide for both single and double wide units. Each unit would conform to the 10 ft. building restriction line and would incorporate two off-street parking spaces, private patio and paved walkways.

In response to question by Mr. Kenney, Mr. Higgs emphasized that the contemplated sewer facilities would be separate as the proposal would require the development of a separate force main, not the line running to Piney Point (visual presentation provided as to the utility right-of-way). Counsel asked how many camper sites could be accommodated under the existing zoning status of the property. Staff responded that if the camper site were totally developed, it could conceivably service 400 - 500 camper units. Counsel asked Mr. Higgs to elaborate on the topography of the property in terms of evaluation of the site for cluster development. Mr. Higgs noted those areas on the plat that were currently managed wooded areas, cleared and undisturbed sites. He advised that wooded areas incorporated the steepest slopes on the property. Mr. Higgs emphasized that the main reason that the applicant had chosen this pattern of proposed development was in order to use the existing utilized area and not disturb any of the wooded areas which could possibly cause adverse affect on the natural habitat.

There was discussion relative to the sole access to the site. It was also noted that there would be no accessability to Flat Iron Road from this site.

Mr. Guyther noted that both the Planning Commission and staff agreed that this was a very well designed plan, however, it was the location that caused major concern.

Mr. Kenney recalled former testimony and report submitted into evidence during the former hearing by Mr. Friedrich E. von Schwerdtner, which he emphasized was a favorable report, based on the initial density figure (750 units). Counsel explained that the figures incorporated in the amended plan had been derived following deliberate analysis of a "cluster development on a shear max basis of the 230 acres plus 20%....you would be approaching over 300 units and that's how we arrived at this particular number....we think that the conclusions that would have worked in Mr. von Schwerdtner's report for the 750 more than work in terms of the reduced density as the project is now outlined." Said report resubmitted into evidence and marked Applicant's Exhibit No. 2. Correspondingly resubmitted, marked Applicant's No. 3, was Compatibility Review Analysis, submitted by Mr. Charles M. Merkle, who provided former testimony and report/appraisal on the compatibility of the proposed development on surrounding area. Counsel addressed the legal issues, noting that the plan was submitted on the "floating zone principle." Thus, a primary issue involved that of compatibility and was reason for resubmittal of the two aforereferenced exhibits.

Mr. Kenney emphasized that the major issue was not one of "mobile homes" but rather one of density. He stated that in reviewing the structure of the Ordinance, it was evident that the County was leaning more towards the clustering concept, and this plan was "a mobile home cluster development....with the way your ordinance is designed, the density is greatly reduced under this proposal and thus the ability to use the infrastructure and use the facility that is basically, at this point, a camper park, stays intact. You would have less number of units than you would potentially have as camper sites...." Mr. Kenney spoke to the issue of sewer capacity and debated staff's analysis which derived that the proposal would use 10% of the sewage capacity from the Lexington Park area (he urged that a more accurate figure was closer to 3% of actual capacity). He also felt that another key issue was the question of whether the County would continue to locate mobile home parks on major highways. He emphasized that in this proposal, the County was being extended the opportunity to "enclose in an existing facility, a park that is not on your main highways and separated a good distance from view into that, from those highways."

Mr. Kenney introduced the applicant, Mr. Morgan Wayson, Jr., who spoke to the management practices that would be employed in maintaining the

separateness of the individual "villages."

Commissioner Aud opened testimony to public input.

Mr. Arthur Beauverd, President of the Tall Timbers Citizens Association, reminded the Commissioners that during the initial hearing (consideration of the higher density), a petition had been presented by numerous residents in the Tall Timbers area opposing the trailer park. He wished the record to reflect this date, that those same residents were still opposed to this amended proposal "even with the modifications set forth." Mr. Beauverd challenged several of the comments offered this date, e.g. school enrollment/impact projections and felt that the applicant's testimony was "a little bit of a blue skys approach." He urged that should the Commissioners "seriously consider this petition" a study be conducted to ascertain: a) the impacts upon the school system, b) traffic analysis of Routes 5 and 249, and c) the need for additional mobile home lots/pads. With emphasis on the later, Mr. Beauverd asked that the record reflect his sentiment that "mobile home parks that are in this County today are not operating at 100% capacity."

Mrs. Betty M. Robrecht read a prepared statement aloud into the record, marked Opponent's Exhibit No. 1.

Mr. Pat O'Donnell stated that he, too, was opposed to the creation of a mobile home park at the entrance to the Second District. He felt that an approval of this development would in effect, be creating the largest single community in this district, which would change the character of the area and seriously impact the ground water level/aquifers. In conclusion, Mr. O'Donnell stated that he wished to echo the Planning Commission's stance and recommendation.

Mr. Jack Witten, President of the Potomac River Association, asked what was the committed remaining capacity of Pine Hill Run. Mr. Guyther responded that there were 2,200 EDU's remaining. He further that irregardless of how the numbers were calculated with regard to the flow figures, the State Health Department had determined that an EDU was computed as one unit, irregardless of how many gallons per day were used. Thus, each unit had been counted as a single EDU. Mr. Guyther emphasized, "Now that the EDU's have been used, we're down to the point where we're using over 10% of what's available." Mr. Witten asked to what standard the roads would be constructed within this development. Mr. Higgs responded that the roads would be built to private standard, they would be paved roads with standard stormdrain systems, similar to that of the County, however, they would be maintained by the owner. Understanding that 113 acres/residue would remain, Mr. Witten asked how that property could "potentially" be developed. Staff noted that the 113 acres was designated as passive recreation/open space, however, the applicant could bring the plan back at a later date and ask for a change/amendment to the plan. Speaking on behalf of the Potomac River Association, Mr. Witten spoke in opposition and urged the Commissioners to deny the application, noting that "St. Mary's is second only to Anne Arundel County in it's volume of trailer parks. St. Mary's County has traditionally experienced extreme difficulty in enforcing its regulations in mobile home parks and applying the current tax laws to trailers in the mobile home parks." Mr. Witten recognized that while there was a shortage in the County of lower priced homes, he urged that mobile homes were not the answer and were probably "the most unsatisfactory way to solve those problems. They're unsatisfactory to the buyer, they're unsatisfactory to their neighbors, they're unsatisfactory both to the social and economic health of the community....they are a social affront to those who are enticed into buying them."

Mrs. Nancy Pilkerton voiced concern with the possibility that this private road may at some point in the future, be linked and extended over to Flat Iron Road. Following lengthy discussion relative to the topography of the property which would financially restrict such through access (steep topography and existing stream bed), Commissioner Aud noted that should the Commissioners act favorably on the application, a restriction could be imposed and attached to the permanent land records which would restrict access.

Mr. William Hebb asked what the policy was with regard to sewer allocations and commitments. Mr. Guyther advised that an EDU allocation was not approved until such time that the site plan was approved by the Planning Commission. Thus, while other on-going projects had received preliminary approvals, their EDU's had not been subtracted from the total remaining capacity at this point. Mr. Hebb felt that the remaining 2,200 figure would be seriously impacted by this proposal and he noted, "It seems to me that this trailer park might be taking up an awfully lot more of the remaining sewage capacity of Pine Hill Run than what we're really discussing." Mr. Hebb stated that he wished to go on record, as a "member of that neighborhood" as being opposed to this project.

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

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) LEONARDTOWN BY-PASS

For the Commissioners' information, Mr. Norris displayed and reviewed the revised alignment plans for the Leonardtown By-pass.

2) LEWIS CREEK DREDGING PROJECT

Mr. Norris advised that the referenced project will be be shortly and authorization is needed for the President of the Board to sign the plans. Commissioner Sayre moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign the plans. Commissioner Dean abstained. Motion carried.

3) BICENTENNIAL QUILT

Mr. Norris advised that his department has been requested to frame the Bicentennial Quilt and that it be placed under glass at a cost of \$900.

Commissioner Millison moved, seconded by Commissioner Sayre, to authorize this expenditure and that the Budget Director identify a source of funds and prepare the appropriate Budget Amendment for the Board's signature. Motion carried.

4) PROJECT NO. SM86-1-9  
ASPHALT OVERLAY

Mr. Norris presented an Agreement dated April 15, 1986 by and between Board of County Commissioners and Arundel Asphalt Builders, Inc. for Bituminous Concrete Overlay and Related Construction Items within St. Mary's County.

Commissioner Dean moved, seconded by Commissioner Sayre, to sign the Agreement as presented. Motion carried.

5) REQUEST FOR INFORMATION ON BRIDGES

Mr. Norris advised that correspondence was received from school children in Montgomery County requesting information on bridges in St. Mary's County, and he has prepared a response forwarding this information. The Commissioners gave their concurrence.

6) QUALITY ASPHALT PAVING AWARD

Mr. Norris requested authorization for Michael Mattingly of his office to attend the Annual County Engineer's Association Spring Meeting in Hagerstown on May 1 and 2 in order to accept the Quality Asphalt Paving Award for the County. The Commissioners gave their concurrence.

7) FEDERAL AID PROGRAM  
BRIDGE STRUCTURE DESIGN

Mr. Norris presented a Federal Aid Program Application for the design of two county bridge structures--Cornfield Harbor Road and Dellabrooke Road at a total cost of \$270,000 (80%-20% funding). He stated that the County currently has \$192,000 in federal fund for bridge replacements. The design is for both structures and construction for the most critical structure.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the Application. Motion carried.

8) RUBBLE LANDFILL

Mr. Norris brought the Commissioners up to date with regard to the rubble landfill. As of March total receipts were \$8,987.60; 50 haulers, and 280 tickets.

9) SOLID WASTE PROGRAM  
PROJECT NO. SM 6-5-3

A. Engineer Proposal

Mr. Norris presented a proposal in the amount of \$72,332 from Gannett Fleming Environmental Engineering, Inc. for (a) preparation of a waste-to-energy plan; (b) preparation of design documents for Clements Landfill and (c) evaluation of St. Andrews Landfill and requested authorization to award the contract. Mr. Norris stated he would have to review the economics of the project and requested authorization for Commissioner President Aud to sign the contract when it is prepared.

Commissioner Sayre moved, seconded by Commissioner Dean, to grant this request. Motion carried.

B. Grant Agreement

Mr. Norris presented a Grant Agreement by and between Maryland Environmental Service and the Board of County Commissioners in the amount of \$44,625 for the performance of geotechnical investigations and surveys for the purpose of expanding and replacing the Clements Sanitary Landfill.

Commissioner Dean moved, seconded by Commissioner Millison, to approve and sign the Grant Agreement. Motion carried.

10) LEXINGTON PARK TRANSPORTATION PLAN

Mr. Norris presented a contract with The Wilson T. Ballard in the amount of \$142,006 for the following aspects of the Lexington Park Transportation Plan: 1) Design of Peggs Road extended from Chancellors Run Road to Jarboesville Run; 2) Preliminary Plan on Peggs Road extended and 3) Preliminary Plan on FDR Boulevard to Chancellors Run Road.

Commissioner Dean moved seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the appropriate documents with The Wilson T. Ballard Company. Commissioner Millison abstained. Motion carried.

11) AIRPORT PROPERTY EASEMENTS

Mr. Norris stated that payment had previously been authorized to Mr. and Mrs. Hill for easements around the County Airport; however the payment was shy \$120.15 because of the forester's evaluation of the trees. Therefore, Mr. Norris requested that payment to Mr. and Mrs. Phillip Hill be increase by \$120.15. The Commissioners gave their concurrence.

12) AIRPORT EASEMENT ACQUISITION

Mr. Norris presented and Easement with Bobby Ted Brown for Parcel 12 for the Airport Easement project for obstruction removal and requested authorization for Commissioner President Aud to sign the easement in the amount of \$2,538.52. The Commissioners gave their concurrence.

13) ADDENDUMS TO PUBLIC WORKS AGREEMENTS  
WILDEWOOD SUBDIVISION

Mr. Norris presented the following Addendums to Public Works Agreements for the Commissioners' approval:

a) Addendum to Public Works Agreement by and between Paragon Builders, Inc. extending the deadline for completion of Scotch Pine Court, Neighborhood Three, Cluster Two, to June 1, 1986, which is covered by an Irrevocable Letter of Credit with Maryland Bank and Trust in the amount of \$10,125.

b) Addendum to Public Works Agreement by and between Paragon Builders, Inc. extending the deadline for completion of Wildewood Parkway, Neighborhood Three, Cluster Two, to June 1, 1986, which is covered by an Irrevocable Letter of Credit with Maryland Bank and Trust in the amount of \$15,000.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the Addendums as presented. Commissioner Dean abstained. Motion carried.

14) ACCEPTANCE OF DEED  
"T" TURNAROUND - HOLLY HILL - WILDEWOOD

Mr. Norris presented a Deed dated May 7, 1984 by and between Paragon Builders, Inc. and the St. Mary's County Commissioners for the Holly Hill "T" Turnaround in Wildewood.

Commissioner Sayre moved, seconded by Commissioner Millison, to accept said Deed. Motion carried.

15) CENTER GARDENS - LEXINGTON PARK  
(RENNELL AVENUE)

Mr. Norris advised that the Navy currently has a contract for the demolition of a section of the Center Gardens Apartments along Rennell Avenue and the end of Chinlee Drive. Mr. Norris suggested that the the retention of Rennell Avenue and the storm drainage system be investigated with the Navy in that it provides the only means of connection with Willows Road and Rt. 235 south of the Base. The Commissioners concurred with this suggestion.

16) PROJECT STATUS REPORT

Mr. Norris presented the Project Status Report for the Department of Public Works for the third quarter for the Commissioners' information.

17) ADULT DETENTION CENTER  
STATE OFFICE BUILDING

In order to bring the Commissioners up to date, Mr. Norris reviewed the plans for the Adult Detention Center and the State Office Building to be located at the Governmental Center.

AIRPORT COMMUTER SERVICE

Present: John Paradis, Chairman, Airport Commission  
Joe Mitchell, Director, Economic & Community Development  
David W. Morgan, Economic Development Coordinator

On behalf of the Airport Commission, Mr. Paradis appeared before the Commissioners to present a proposal with regard to the airline commuter service at the County Airport. He stated that Atlantic Airways (current operator of the commuter service) has been losing money and may be removing the service from the Airport. Atlantic currently has flights to B.W.I., National and Dulles and Norfolk was recently added.

Mr. Paradis indicated that in conversations with representatives of NAS and Navy contractors that the ticket price (\$50-\$60) was too high. Atlantic Airways would be agreeable to reducing the price if there could be a guarantee of 8 seats per flight.

Therefore, Mr. Paradis proposed that the following funding sources be used to support the commuter flights to make up the difference of less than eight per flight: the remaining funds in the Airport budget, rental money taken in at the Airport plus the 3% of sales. In addition, Mr. Paradis requested that the County provide a line of credit be given the Airport Commission on an as-needed basis for a certain period of time (3-6 months).

After discussion, Commissioner Dean moved, seconded by Commissioner Millison, to authorize the Airport Commission to develop a program to continue the Atlantic Airways commuter flight service at the County Airport for three months at a cost not to exceed \$25,000, and further, that funds are to come from the Airport Commission budget, monthly rentals plus 3% of sales, and funds determined to be necessary from the County (sources of funds to be determined by the Budget Director).

Public Relations with Navy and Contractors

After the above discussion, the Commissioners discussion with Mr. Paradis the possibility of him acting as liaison or lobbyist with the Navy, Department of Defense agencies and contractors to assist in promoting the NAS and NESEA. The Commissioners requested Mr. Paradis to develop a proposal and return to the Board with suggestions.

SHERIFF'S DEPARTMENT

Present: Sheriff Wayne Pettit

Sheriff Pettit appeared before the Commissioners to request a transfer of funds due to forced overtime situations and to meet the mandate of the Fair Labor Standards Act relative to overtime compensation. The Sheriff submitted a memorandum dated April 14, 1986 requesting a transfer of \$20,000 from regulation Law Enforcement Salaries to Law Enforcement.

Overtime and \$15,000 from Correctional Regular Salary Account to Correctional Overtime Account.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve this request. Motion carried.

SHERIFF'S DEPARTMENT  
OFFICE SPACE - CHARLOTTE HALL

Present: Sheriff Pettit

Sheriff Pettit advised that Mr. Brookbanks of the Charlotte Hall Veterans Home has offered office space at the house located on the Veterans Home property. The only cost to the county would be telephone installation of \$67 and monthly telephone charges of \$21.49. The house be used as a guest house for the veterans home and if so, the County would have to pay its share of the fuel bill in the Winter. If at any time the State would like to have the House, the Sheriff's Department could vacate within a day's notice.

The Commissioners gave their concurrence.

RECREATION AND PARKS

Present: John Baggett, Director,

1) BIDS ON PORTABLE TOILETS

Mr. Baggett advised that two bids were received for the placement of portable toilets at public facilities and school sites as follows:

Johnny On The Spot, Inc. in Bryantown - \$5,290

Banagans Portable Toilets in Avenue - \$5,400.66.

Mr. Baggett recommended accepting the bid from Banagan's even though the price is \$110.66 higher because of past experience with them and because they are local. The Commissioners gave their concurrence.

2) COUNTRY WESTERN FESTIVAL

Also Present: Claude Clarke

Mr. Baggett advised that the purpose of the meeting was to bring the Board up to date with regard to the Second Annual Country/Western Festival which will be held June 7 and 8 at the St. Mary's County Fairgrounds. Contracts have been finalized with the stars including: Louise Mandrell, Razy Bailey, The Whites, Bill Arnold and the Virginians, The Kendalls, Marshall Tucker Band, and Roy Clark. Posters are being distributed and radio and television spots purchased. Mr. Baggett went on to describe the specifics of the Festival and stated that RC Cola is the official cola, Budweiser the official beer, and WKIK the official radio station.

The Commissioners thanked Mr. Baggett and Mr. Clarke for the presentation and wished them success in this venture.

BUILDING CODE TASK FORCE

Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously carried, to appoint the following individuals to the Building Code Task Force:

Carl M. Loffler, Jr., Chamber of Commerce representative  
Jeffrey Errington, So. Md. Homebuilders Assoc. representative  
Amos Ripple  
James A. Kenney  
James T. Tennyson  
Robert Garner

COUNTY ADMINISTRATOR ITEMS (AFTERNOON SESSION)

Present: Edward V. Cox, County Administrator

(COMMISSIONER MILLISON LEFT MEETING - 4:30 P.M.)

8) ZONING AMENDMENT RESOLUTION NO. 86-05  
J. L. MILLISON

Application to rezone approximately 12.07 acres of land on the west side of Md. Rt. 235 in Lexington Park opposite Millstone Landing Road, from C-1, Commercial, to C-2, Commercial. Property is located in the 8th Election District on Tax Map 43, Block 8, Parcel 221.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. Z86-05 GRANTING the requested rezoning subject to the condition that access to the subject property shall be restricted to MacArthur Boulevard. Motion carried.

(COMMISSIONER MILLISON RETURNED TO MEETING - 4:35.)



9) SMALL CITIES BLOCK GRANT CLOSEOUT

On behalf of the County's Department of Economic & Community Development, the County Administrator presented correspondence dated April 8 from the U. s. Department of Housing and Urban Development enclosing the closeout Agreements for the Small Cities Block Grant (Project #B-82 DH-24-9037 and #B-83 DH-24-0037).

Commissioner Dean moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign the agreements. Motion carried.

10) RESOLUTION NO. 86-10  
CDA FUNDING FOR HOUSING DEVELOPMENT  
SWAREY BUILDERS, COUNTRY SIDE

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 86-10 for the endorsement of the construction and operation of a 59-unit rental housing development, Country Side, for Swarey Builders, which is to be financed through CDA funding. Commissioner Dean abstained. Motion carried.

11) BUDGET AMENDMENT NO. 86-44  
WALDEN/SIERRA

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification: To settle pending litigation case concerning Walden/Sierra.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Budget Amendment. Commissioner Aud abstained as he was not present during the Executive Session held earlier in the day. Motion carried.

12) STATE GRANT MODIFICATIONS

The County Administrator presented Modifications to State grants for Walden Counseling Center (Project No. DA0310DF) and Sierra House (DA015RE3) for the Board's approval.

The Commissioners gave their concurrence to authorize Commissioner President Aud to sign the Budget Modifications as presented.

13) OFFICE ON AGING ITEMS

On behalf of the Director of Area Agency on Aging, The County Administrator presented the following:

a) County Transportation System

Memorandum dated April 15, 1986 from Mrs. McGaharn recommending certain modifications and/or additions to the Transportation System for the current grant year ending June 30, 1986.

Commissioner Millison moved, seconded by Commissioner Sayre, to accept the recommendations. Motion carried.

b) Notification of Grant Award  
Older American Volunteer Program

ACTION Notification of Grant Award for the Retired Senior Volunteer Program (RSVP) in the amount of \$33,000.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the NGA as presented. Motion carried.

c) Surplus Sheriff's Department Vehicles

Memorandum dated April 15, 1985 from Mrs. McGaharn request two vehicles that have been declared surplus by the Sheriff's Department to be used to support transportation services to the elderly. The County Administrator noted that there are certain costs associated with maintaining and operating the vehicles, and if approved by the Board, that funds for this should come out of Office on Aging's current grant or allocations.

Commissioner Dean moved, seconded by Commissioner Millison, to grant the request. Motion carried.

EXECUTIVE SESSION

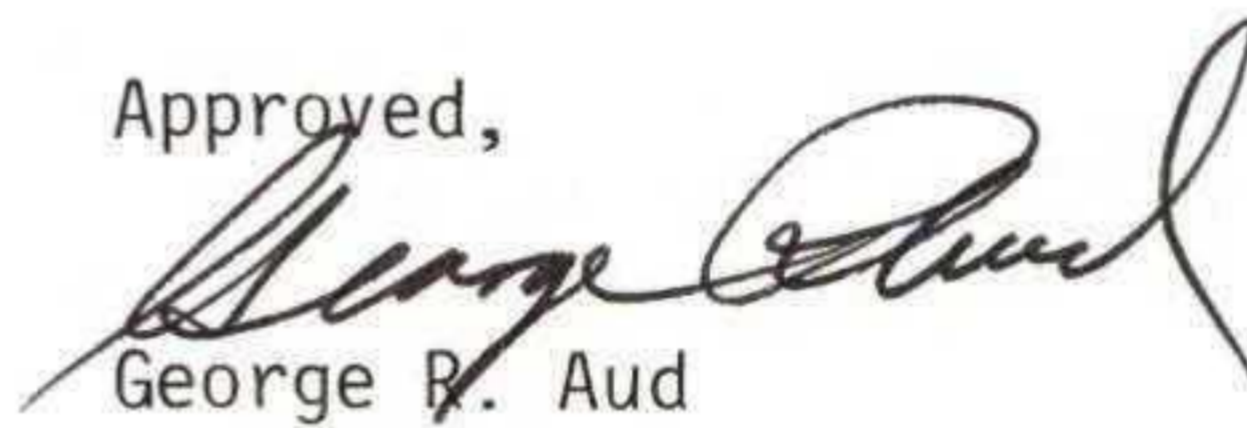
Present: John Norris, Director, Department of Public Works

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of personnel. Motion carried. The Session was held from 4:45 p.m. to 5:00 p.m.

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

Approved,



George R. Aud  
President