

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 13, 1986

Present: Commissioner Larry Millison, Vice-President  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

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

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, May 6, 1986. Motion carried.

APPROVAL OF BILLS

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

TALL TIMBERS SHORE EROSION DISTRICT

Present: John Norris, Director, Department of Public Works

Mr. Norris appeared before the Commissioners to advise that the Corps of Engineers has informed us yesterday, May 12, that St. Mary's County must submit a written commitment for the additional \$116,829 above the cost for the total project otherwise the County would come under the new procedures and would have to pay 20% or approximately \$220,000. Mr. Norris stated that there has been no effort to use the easements in the existing Tall Timbers Shore Erosion District which could save substantial dollars.

Mr. Norris requested authorization for the Vice-President to be able to make a decision acknowledging on behalf of the Board based on the results of a meeting tomorrow with Corps of Engineers, County Attorney and contractor. Mr. Norris stated that he would indicate to the contractor the willingness of the County to grant the right to construction easements along the existing shore erosion district property frontage. Another issue is whether or not it would be prudent for the County to acquire by condemnation the frontage of other property outside the district.

Commissioner Dean suggested that Mr. Norris indicate at tomorrow's meeting to the Corps that we would like the right to delay a portion of the project and if delayed, the project would be under the \$1 Million Dollar COE limit, and the County may add it back only if a funding mechanism is developed. The Commissioners agreed that Mr. Norris should get direction from the meeting and contact the Commissioners to get a consensus on how to proceed.

(COMMISSIONER AUD ENTERED THE MEETING - 9:55 A.M.)

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Billye McGaharn, Area Agency on Aging Director

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 9:55 a.m. to 10:10 a.m.

TAXPAYERS' ASSOCIATION

Present: Marylynn Whetstine  
Claude Jarboe  
Betty Robrect  
Robert Jarboe  
other interested citizens

Ms. Whetstine, on behalf of the Taxpayers' Association, presented a letter to the Commissioners supporting retaining the tax rate at \$1.99 and requesting that prior to next budget year that the budgetary and spending practices of each department be reviewed.

Claude Jarboe suggested that the County find another source of revenue in the County.

Robert Jarboe, on behalf of the County Farm Bureau, expressed support in holding the tax rate at \$1.99, and that other sources of revenue should be investigated.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Gerda Manson, Personnel Officer

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 10:30 a.m. to 11:00 a.m.

BUDGET REVIEW - FY 1987

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

As a follow up to last week's discussion, Mr. O'Dell presented a memorandum dated May 7, 1986 setting forth tentative recommended capital budget as suggested by Commissioner Dean. The Commissioners reviewed the capital project list and took the following positions:

- 1) Detention Center (Commissioners Aud, Dean and Sayre in favor; Commissioner Millison oppose)
- 2) Tudor Hall Restoration (Because of the timeframe for the Historical Society to raise funds, the Commissioners agreed to defer inclusion of this item until next fiscal year, after contact with legislators.)
- 3) Asphalt Overlay (Commissioners Dean and Sayre in favor the \$200,000 from general fund transfer if needed, if not should be eliminated. Commissioners Millison and Aud in favor of \$200,000 being funded by bonds if it is needed. Voted 2 - 2)

- 4) Surface Treatment (All in favor)
- 5) Slurry Seal (All in favor)
- 6) Lexington Park Elementary School (All in favor)
- 7) 8th Dist. Elementary School (All in favor)
- 8) Halfway House (All in favor)
- 9) Peggs Road Extended (All in favor)
- 10) FDR Blvd. Extended (Commissioners Aud, Dean and Sayre  
in favor; Commissioner Millison abstained.)
- 11) Spring Ridge Middle School (All in favor)
- 12) Office Space Study (Commissioners Aud, Dean Sayre in  
favor; Commissioner Millison oppose)
- 13) Maintenance Storage (All in favor)
- 14) ALS (All in favor)
- 15) County Mapping (All agreed to defer)
- 16) Gas Pump Relocation (Commissioners Aud, Dean, Sayre in  
favor; Commissioner Millison oppose)
- 17) Roadside Obstacles (All in favor)
- 18) Peabody Street (All in favor)
- 19) Derelict Boat Removal (All in favor)
- 20) Tanners Creek Dredging (All in favor)
- 21) Long Neck/Deep Creek Inlet (Commissioners Aud, Dean, Sayre  
in favor; Commissioner Millison abstained)
- 22) St. Andrews Landfill (All in favor)
- 23) Clements Landfill (All in favor)
- 24) California Park (All in favor)
- 25) Great Mills Tennis Courts (All in favor)

The following were added to the list with actions as indicated:

- 26) Hewitt Road (\$247,500 - Commissioners Aud, Dean and Sayre  
in favor, with Commissioner Millison  
abstained.)
- 27) Dellabrooke Road - Horse Landing Bridge (\$165,000 -  
Mr. Norris is to get additional  
information; design funds may be  
funded in FY '87)

Operating Budget

Mr. O'Dell submitted memoranda dated May 6, 1986 and May 7, 1986 listing the request for restoration of funds to the general fund budget. The Commissioners reviewed each item and took the following positions:

Page 22, Line 43 - County Attorney Salaries - Restoration of \$16,500 (Commissioners Aud, Dean, Sayre in favor, Commissioner Millison oppose.)

Page 23, Line 25 - Misc. expense (Hold)

Page 23, Line 42 - Circuit Court New Position (previously approved by Bd.) Commissioners Aud, Dean, Sayre in favor. Commissioner Millison opposed.

Page 24, Lines 3, 4, 11 - Circuit Court ( All in favor)

Page 24, Line 32 - State's Attorney (Commissioners Aud, Dean and Sayre in favor; Commissioner Millison oppose.)

Page 25, Lines 3, 41 - State's Attorney. All in favor to add \$23,800 and to eliminate \$4,120.

Page 25, Lines 23, 24, 25, 27, 28 - Elections. All in favor of restoration. Line 33 - reduce to \$2,000.

Page 25, Line 42 - Finance (All agreed to restore \$5,000 for part time position.)

(All requests for reclassifications will be considered at a later date.)

The Commissioners agreed to continue discussion of the operating budget on Saturday, May 17, at 8:00 a.m.

PROCLAMATION  
FOSTER PARENTS MONTH

The Commissioners presented the referenced Proclamation designating the Month of May as Foster Parents Month in St. Mary's County.

(COMMISSIONER AUD LEFT THE MEETING - 12:00 NOON.)

REZONING HEARINGS  
PUBLIC HEARINGS  
ZONE #85-1682: ALDRIDGE, ET AL/EM INVESTMENTS  
ZPUD #85-1677: WILDEWOOD PUD

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

Members of the audience included: Todd B. Morgan, Nigel Gardener, Earl Alexander, Fred Bishopp, Estelle Bishopp, Shirley Gurtler, V. Volk, Terrie Blair, J. B. Collier, Sr., Karen Brooks, Ingrid Hebb, John J. Gallagher, Robert Sloan, Jr., Sylvia Briscoe, Joseph R. Densford, Karen Abrams, Jan Barnes, Rex Eagen, Phyllis Kaplan, Bruce Kaplan, Linda Emback, John T. Knox, Jim Kenney, Ron Harney, Bill Hebb, Meg Ross, J. A. Clarke, John D. Crellin, Maria Crellin, Sr. Agnese Neumann, Frances Eagan, Richard Marks.

Notice of the public hearing(s) appeared in a publication of general County-wide circulation on Wednesday, April 23, 1986, providing legal advertisement for the following:

ZONE # 85-1682: LEWIE ALDRIDGE, ET AL/EM INVESTMENTS

Requesting rezoning of 1.13 acres from R-2, Rural-Residential, to C-1, Commercial. The property is located on Maryland Route 246, Great Mills Road (across from Amber House Nursing Facility) in the Eighth Election District, shown on Tax Map 51, Block 2, as Parcel 4.

Ms. Karen Abrams, counsel for the applicant, came forward and presented for the record, marked Applicant's Exhibit No. 1, several photographs depicting visual evidence of the posting of the property. Correspondingly entered, marked Applicant's Exhibit No. 2, were the returned postal receipts from the certified letters of notification sent to all contiguous property owners.

Mr. Robin Guyther, Planner, Office of Planning and Zoning, formally entered the complete Planning Commission record into the record of these proceedings.

Ms. Abrams explained that the application was made by a group called EM Investments, the contract purchasers of the subject parcel of land, located on Great Mills Road in Lexington Park, currently owned by Lewie Aldridge, et.al. Counsel distributed copies of the tax map of the subject property and surrounding area, color coded to depict the various zoning categories (subject parcel denoted in red).

The neighborhood was defined as "several hundred feet to either side of Great Mills Road, beginning at the north end of what's designated as....Suburban Trailer Park and then coming down to what's the northern boundary of Great Mills High School." Counsel reflected that this neighborhood was inclusive of a "fairly dense activity of commercial, C-1, C-2, the mobile home parks and R-15, which is townhouse development."

Ms. Abrams advised that the application was based on change in the character of the neighborhood, as evidenced by numerous rezonings of residential properties to various degrees of commercial zoning, large residential properties being rezoned to higher densities (townhouses) all of which had created "a nice little urban center with high density housing and a mix of commercial throughout that area." Counsel reflected that the remaining residential properties, which had not been rezoned in this area, were no longer suitable for the original large lot type of residential development. In conclusion, Ms. Abrams submitted that the character of this neighborhood had changed substantially enough to warrant the requested rezoning.

Counsel distributed copies of the concept site plan for the property and introduced the corporate partners of EM Investments present this date: John J. McAllister, Todd B. Morgan and Rex Eagen. Ms. Abrams advised that these individuals had formed this small business for the purpose of taking on contracts which would provide support/consulting services with the Navy. The concept site plan included a proposal for a small office building which would house the staff for this proposed service. Mrs. Abrams emphasized that the Planning Commission had issued a positive recommendation on the rezoning application, based on the finding that there had been a substantial change in the character of the neighborhood and the fact that this project would benefit the community and the County as a whole.

In reviewing the records of this case, Commissioner Dean noted that there had been some discussion at the Planning Commission's hearing regarding the dedication of land to allow for the future expansion/widening of Great Mills Road. He asked whether the applicant had given any consideration to that recommendation. Ms. Abrams responded that it was apparent to the applicants that Great Mills Road would eventually be upgraded/dualized and that the applicants were willing to set aside the right-of-way which would eventually be dedicated to the County. Counsel affirmed that if the rezoning were approved, the site plan would incorporate a building set-back of at least 24 ft. from the present right-of-way.

Commissioner Millison inquired whether anyone present wished to speak either in favor or opposed to this rezoning. Hearing no response, the hearing was closed and the matter taken under advisement.

ZPUD # 85-1677: WILDEWOOD PLANNED UNIT DEVELOPMENT

Requesting rezoning of approximately 33 acres from I-1, Industrial, PD-SC, Planned Development Shopping Center, and PDR 3.5, Planned Development Residential to I-1, PD-SC and PDR 5.0, modifying some of the density and category boundaries. The property is located off Maryland Route 235, California, in the Eighth Election District, shown on Tax Map 34, Block 15, as Parcel 79.

Commissioner Millison addressed the audience and explained that Commissioner Arnold had been ill for several months and was unable to attend the public hearing this date and Commissioner Aud had just been released from the hospital and was not able to attend. Commissioner Millison advised that both he and Commissioner Dean, for different reasons, were going to abstain from participation in this case, leaving only one Commissioner member to hear the case. As one member did not constitute a quorum and in fairness to the applicant and those present, the Commissioners agreed to grant Mr. Joseph R. Densford, Assistant County Attorney, the authority to sit as a Hearing Officer, thereby allowing this application and public hearing process to move forward.

Accordingly, Commissioner Dean moved, seconded by Commissioner Sayre, and unanimously passed, to appoint the Assistant County Attorney, Mr. Joseph R. Densford, Esq., to sit as the Hearing Officer for zoning case ZPUD # 85-1677.

Mr. Densford explained the nature of his role as Hearing Officer and rules of procedure for the hearing: State Law provides that in specific cases, the County Commissioners have the authority to appoint a Hearing Examiner who would hold and conduct public hearings on rezonings. Mr. Densford noted that his function this date, would be to hold the public hearing on the Wildewood application and following same, he would prepare a written recommendation to the County Commissioners, who would subsequently hold a public meeting at some time in the future and make a decision on the application. Mr. Densford emphasized that his primary role was to gather as much evidence from both the proponents and opponents; that his written report would be based on the testimony and evidence presented this date, in conjunction with the record prepared by the Planning Commission and OPZ staff. Mr. Densford provided that the procedure for this hearing would allow the applicants to make their presentation, comments and questions from members of the public would then be allowed and then comments in opposition would be heard.

Mr. Densford asked whether there were any questions relative to the procedure.

Mr. Robert Sloan, Jr., 11 Laurel Hill Drive, asked whether the County Commissioners would be voting on the matter at a later date. Mr. Densford responded affirmatively and explained that in order to vote on the application, they would have to state for the record, during a public meeting, that they were familiar with the evidence that would be collected by the Hearing Officer during this proceeding. In addition, the Commissioners would avail themselves of the taped recording of this public hearing, in conjunction with all other evidence and documentation presented. Mr. Sloan asked whether the Commissioners were required to state for the record their reasons for abstention. Mr. Densford advised that they did not.

Ms. Vicki Volk asked whether the conflict of interest that prevented two of the Commissioners from not sitting on the hearing would also not prevent them from voting on the final decision. Counsel responded that in his opinion, it would prevent them from voting.

Mr. John Gallagher asked whether the next public meeting would be for the decision making process only or would there be additional presentation. Mr. Densford emphasized that there would be no further testimony taken. However, he reflected that should the Commissioners, after reviewing his recommendation, find that there was a "gap in the evidence presented to them, so that they would be unable to fairly render a decision in the matter," they could, possibly, refer the matter back for further hearing. In conclusion, Mr. Densford felt that if the Board had enough evidence to render a decision, they would do so at that public meeting.

Ms. Volk asked when the public could expect a decision. Mr. Densford explained that he could not project a time frame and he explained that the rules governing this particular section of State Law, did not require that he prepare his written recommendation within any specific time frame, however, he urged that he would do his best to prepare same within two weeks. Ms. Volk asked whether the Commissioners were required to act within a certain time frame. Mr. Densford responded that he was somewhat uncertain regarding the Commissioners' responsibility to that end.

Mr. Fred Bishopp commented that he felt that it was strange that some notice of this postponement had not been issued. Mr. Densford stated that the matter was not being postponed, that the whole purpose for the Commissioners' rather "unique" action this date (in appointing himself as Hearing Officer), was to allow the matter to move forward. Mr. Bishop stated, "It seems to me that the County Commissioners would be able to get more information here than out there, more than you could relate to them, so this seems like a rather strange procedure."

Sister Agnese Neumann stated that she concurred with Mr. Bishopp in that it would seem that the County Commissioners realized before hand that there was a conflict of interest, as this application had been in process for some time. She stated that she was somewhat disconcerted by the fact that this information would be conveyed to the County Commissioners second hand. Mr. Densford acknowledged Sr. Neumann's concern and emphasized that he was hopeful that today's procedure would be kept to a minimum. He urged that were it not for the use of this procedure, the hearing would not be possible today, and that quite possibly, the matter could have been delayed for some time. Counsel urged, "This is the only mechanism by which we can move forward today and I think it is really the best way to do it."

Ms. Volk asked whether there was precedent in State Law for this procedure. Mr. Densford advised that many of the larger counties used this procedure routinely.

Mr. Robin Guyther, Planner, Office of Planning and Zoning, advised that this public hearing was duly published in a paper of general County-wide circulation, appearing in the April 23, 1986 issue of the "Enterprise" Newspaper. Ms. Karen Abrams, counsel for the applicant, affirmed that the property had been legally posted with the placard as provided by the OPZ staff. The postal receipts from the certified mailings to all contiguous property owners was proffered for the record, marked Applicant's Exhibit No. 1. Mr. Guyther formally entered the complete Planning Commission record into the hearing.

Ms. Abrams explained that the subject application was for a modification of the Planned Unit Development Plan formerly approved for the Wildewood project. She elaborated that as the Wildewood project had evolved, some of the road alignments slightly changed necessitating slight changes/modifications of the zoning for those small effected parcels. Additionally, the application contained a request for an increase in the acreage for the shopping center. She urged that the modification procedure, as addressed in the Zoning Ordinance, identified minor and major changes, with only the latter requiring public hearing and County Commissioner approval. Ms. Abrams advised that the Planning staff had determined that the majority of the changes contained in the subject application were minor changes that could have been handled administratively by their staff and the Planning Commission and that the major change, and most controversial issue before the Board was the increased acreage to be added to the shopping center site.

Counsel addressed the legal aspects of the application, advising that a PUD was a floating zone and did not require evidence of change/mistake, only that the development would be compatible with its neighboring uses and would provide benefit to the community and to the County. Ms. Abrams added that she would like to call attention to Wildewood's "track record" which she felt would help substantiate the applicant's intent.

Mr. Mike Wettengel briefed the members on the particulars of the proposed changes which were necessary due to the natural topography and road adjustments. A series of large colored maps was displayed and used in Mr. Wettengel's presentation (marked Applicant's Exhibits A through D) as follows:

Exhibit A - Map of property, prior to Comprehensive Zoning in 1978 (shown in green and pink), which included industrial and residential zoning.

Exhibit B - Color coded map of property following 1978 PUD zoning (Included Neighborhoods I, II and III), indicating various densities of residential (single family detached, townhouses, garden apartments), industrial, commercial, and open space. Neighborhood I - Larger homes on 1 acre lots; Neighborhood II - 5 units per acre (townhouses/condos); Neighborhood III - 3.5 units per acre (small patio homes).

Exhibit C- Map showing those small pieces/slivers of land to be realigned, so as to effect a modification of some of the category boundaries and density.

Exhibit D - Map showing the property, following the realignment and modifications requested.

Ms. Abrams introduced Mr. Edmund Wettengel, one of the corporate applicants and major shareholders of Paragon Builders, Inc. and Wildewood Builders, Inc., whom she advised would address the need for the requested shopping center acreage. Mr. Wettengel explained that he had a ten minute slide presentation on the history of the Wildewood development which also addressed the key element of this application, i.e. the shopping center/proposed mall.



Mr. Wettengel referenced the original PD-SC zoned parcel and oriented Mr. Densford as to the location of the additional 16.75 acre parcel to be added to that shopping center site (located towards the rear). Mr. Wettengel advised that since the buffers, traffic access, etc. had all been addressed via the Planning Commission stage and were included as part of the record he would not repeat that testimony, however, he would be glad to answer any question. He emphasized that approximately 2/3 of the proposed mall would be housed on the existing site and in order to construct the size mall that would attract the larger quality anchor tenants, the additional acreage was needed. Mr. Wettengel provided a visual presentation, noting the situation of the mall on the site, parking area, set-backs and buffered areas. With regard to the latter, Mr. Wettengel distributed copies of a drawing depicting a typical berm which would be constructed around the shopping center and advised that if one were standing on one of the parkways (coupled with the 75 ft. undisturbed natural area from the road to the berm), that the height of the berm insured that all buildings were shielded from view and noise. He urged that all lighting had been scaled down to the point where there was no visual or audible contact, thus insuring the privacy of the neighborhood. The existing lake and natural roadways will provide natural physical buffers. Mr. Wettengel emphasized that there was no intent of any access from any of the new zoning areas onto any roadways.

Mr. Densford commented that he was sure that the majority of those present were concerned about the impacts that this proposal would have on their properties, visual impacts to their properties, from the roadway and impact on the existing traffic patterns. He asked that the applicant elaborate on those concerns. Mr. Mike Wettengel advised that the applicant had gone through the review process with the OPZ, the Planning Commission and having sought community input, derived a list of recommendations which had been addressed (e.g. lighting, buffering, access, percentage of retail space, etc.) and incorporated in the staff's report. In response to direct question by Mr. Densford, Mr. Mike Wettengel advised that they were in agreement with all of the recommendations contained within the April 4, 1986 staff report and recommendations. Mr. Edmund Wettengel injected that what Mr. Densford must keep in mind was that there was already some 30+ acres zoned shopping center, that this application only addressed the requested additional 16+ acres.

Mr. Mike Wettengel commented that a lot of time and money had been invested towards developing the plan and he emphasized the fact that the larger, more desirable "anchor" tenants mandated an acreage minimum and that without expanding the site to approximately 50 acres, those types of clients simply would not be attracted to this site, thereby insuring the development of a large, quality type mall. Mr. Wettengel urged, "I think you will find that we have a 100% good intent, we're willing to work with staff, we're willing to work with the Planning Commission, County Commissioners and the public." Mr. Wettengel advised that he had personally discussed the plan with several of the homeowners' associations and considered all input towards developing the plan. He urged, "Without the ability to increase that center, we cannot draw the high quality people that we're looking to draw and we will end up with a strip center...."

Mr. Guyther advised that the Planning Commission had addressed the plan in two sections. The first related to the minor changes which had been effected due to minor realignments in the road, etc., resulting in the recommendation that those categories be changed, as requested. The second and major issue addressed pertained to the additional 16+ acres of land to be devoted to the PD-SC (recognizing that there was already an existing 30+ acres of PD-SC zoned property, having its own entrance off Wildewood Boulevard). Thus, the list of recommendations developed by the Planning Commission only address the new PD-SC section. Mr. Guyther expanded on the following list of recommendations developed by the Planning Commission, as follows:

1. The applicant must determine the exact size of each area for which a change in category designation is requested.

2. The proposal for buffers, as attached, be adopted for newly designated PD-SC areas. This proposal includes an area 75 ft. wide, measured from the Wildewood Parkway and Boulevard edge of right-of-way, in which there will be no clearing or grading and construction of earthen berms at a height sufficient to obscure all buildings from view of the Parkway and Boulevard.
3. There shall be no entrances from the Parkway or Boulevard to the new PD-SC area, except the small area along Maryland Route 235, currently zoned Residential and Industrial.
4. Nighttime light intensities from the new PD-SC areas shall not exceed .5 foot candles at Wildewood Parkway and Wildewood Boulevard. Shield lighting to prevent direct glare. Light standards shall not exceed 24 ft. in height in the new PD-SC areas.
5. Development in the PD-SC area (16 acre parcel) is limited to the following:
  - a. Professional office buildings are allowed with the provision that no more than 25% of each building be allocated for retail or professional services.
  - b. Restaurants, excluding fast-food operations.
  - c. Parking facilities.
  - d. Part of the primary retail center may be located in the new PD-SC area; however, no more than 33% of the total retail space may be located in the new PD-SC area.
  - e. The southwest corner, at the lake and Wildewood parkway, is an area of visual concern. Buildings visible across the lake must be situated so that the back of the buildings are not visible from the Parkway. Some landscaping should be provided in the low area between the lake and road. No buildings should be constructed within a triangle defined with sides running 300 ft. along the lake from the parkway, 300 ft. from the lake culvert, east along the Parkway, with the third side connecting the 300 ft. sides. No buildings should be constructed within 200 ft. of Wildewood Parkway.
  - f. Office buildings and restaurants shall be in keeping with the character and scale of the nearby residential areas.

Ms. Abrams provided closing remarks, urging that based on the legal basis made earlier in her presentation, the discretion of the County to grant the application would be based on whether or not the proposal was viewed as a benefit to the neighborhood and community. She emphasized that it was important that the Commissioners consider Wildewood's earlier "track record" and the kind of development that had been incorporated via retainment of the natural features, etc. Counsel urged that this proposal would provide the County it's first "quality" shopping facility. Considering those aspects, Ms. Abrams ventured that this proposal was a definite benefit to everyone in St. Mary's County.

Mr. Densford opened testimony to public comment for those wishing to speak in favor of the proposal.

Mr. Fred Bishopp asked why the buffer of trees along Wildewood Boulevard and Wildewood Parkway had been cut from 150 ft. to 75 ft. Mr. Guyther answered that the Planning Commission had recommended a buffer of 75 ft. Mr. Edmund Wettengel injected that to his knowledge there had never been any other proposal. Mr. Bishopp asked whether an individual would be able to see the lights from the shopping center from the homes along the Parkway. Staff responded that depending on where a person was standing, that they might possibly be able to see over the berm.

Mr. Densford advised that he would entertain other questions.

Mr. Ron Harney inquired what would be the increase in parking, i.e. specific number of spaces for this additional commercial tract and projections in terms of increased traffic. Mr. Wettengel responded that while he did not have the specific numbers, the Zoning Ordinance required 5 spaces per 1,000 ft. of floor area. Ms. Abrams noted that a specific plan for the shopping center had not been presented and was the reason why the number of parking spaces could not be defined at this point.

Mr. Robert Sloan asked for a clarification regarding the exact size of the existing and proposed commercial tract, as he had heard several figures mentioned. Staff explained that the existing commercial acreage included some 31+ acres and that if this zoning were approved, it would add an additional 20+ acres for a total of 50 acres (5 acres comprise the lake).

Mr. Mark Hanson asked whether any change would be made to the existing Wildewood Boulevard entrance. Mr. Wettengel responded that there were three entrances - via Airport Drive (access to the St. Mary's Airport and Industrial Park), via Route 235 in the vicinity of the mall site and the third on Wildewood Boulevard, opposite White Oak Park (in the vicinity of the Barley Office Building). Mr. Hanson asked whether any rezoning was proposed for the area to the left (residential area) of Wildewood Boulevard. Staff advised that the only change would be a rezoning from commercial to residential (triangular piece of property currently zoned commercial). Mr. Hansen noted that he was particularly interested in that property which served as the buffer area between the White Oak Condominium project and Wildewood Boulevard. Mr. Wettengel advised that said property was not included in this rezoning/amendment proposal.

Ms. Phyllis Kaplan asked how the buffer had been determined; whether any survey had been conducted relative to same; whether the derived buffer was a "minimum" and whether the buffer would be maintained throughout the entire parkway area. Mr. Guyther responded that the buffering would only apply to the new PD-SC area; that the proposed buffering - a 75 ft. set-back and berm only applied to the 16+ acres in the rear of the property, along the parkway and the boulevard.

Mr. Ron Stone asked whether the petitions formerly entered into the record during the Planning Commission's public hearing process would be made available to the Commissioners as part of their public hearing process. Staff responded affirmatively. Mr. Densford stressed that while a petition was oftentimes a gauge of public/neighborhood sentiment and was part of the record, it was not a very useful document unless it specifically addressed the concerns of the opposition.

In response to question posed by Mr. John T. Knox, Mr. Wettengel stated that the vehicle capacity of the parking lot was 2,000 to 2,500. Mr. Knox inquired whether a traffic study had been conducted relative to the projected traffic patterns for the shopping center. Mr. Wettengel responded affirmatively and emphasized that studies had been done on every entrance, every acceleration/deceleration lane, etc. He furthered that the boulevard entrance had been set in conjunction with the design criteria (has been constructed) - 100 ft. wide with two lanes in and two lanes out and that there was no plan to widen same. Mr. Wettengel urged, "I really need a lot of support not to have very much traffic on Wildewood Boulevard, Wildewood Parkway and Airpoer Drive so that the State will do us a corss-over in the middle of 235."

Mr. Knox stated that he was concerned for the safety of the children who frequently traveled along the Boulevard. Mr. Wettengel urged that he too, shared the same concern and again reiterated his desire to establish a cross-over.

Mr. Nigel Gardener inquired whether there would be a exit directly onto Rte. 235 accessing north. Mr. Wettengel responded affirmatively and explained that one must exit via Airport Drive or out Wildewood Boulevard.

Mr. John Knox asked whether the main entrance was envisioned as a controlled intersection. Mr. Guyther advised that while a traffic light was not proposed at this time, the State ultimately made those types of decisions, based on the traffic flows.

Mr. Bishopp reflected that while the State had not at this point approved the median cross-over from 235 into the proposed shopping mall, he asked what the process and chances were for an approval of same. Mr. Wettengel reiterated that citizen support was a tremendous help, however, this was an issue that was normally addressed at the site plan stage.

#### COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) RECREATION AND PARKS  
GROUNDS MAINTENANCE WORKER

The County Administrator advised that the Recreation and Parks grounds worker and the Public Highways Maintenance workers are the same classification and grades; however, public works maintenance work a 40 hour week and R & P maintenance works a 35 and a half hour week. Mr. Cox recommended that as of July 1, 1986 to require the grounds maintenance workers to work a 40-hour week, which would be consistent with the County's policy.

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

2) GRANT PROPOSAL  
COMPREHENSIVE ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM

The County Administrator presented the referenced grant for the period July 1, 1986 through June 30, 1988 and requested authorization for Commissioner President Aud to sign the Grant proposal.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner Aud to sign the Grant proposal as submitted. Motion carried.

3) BLESSING OF THE FLEET  
REQUEST FOR USE OF COUNTY LABOR AND EQUIPMENT

The County Administrator presented correspondence dated April 10, 1986 from the Seventh District Optimist Club requesting the assistance of landfill equipment and labor for the annual Blessing of the Fleet to be held September 28.

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

4) NOTIFICATION OF GRANT AWARD  
OFFICE ON AGING - GARVEY SENIOR CENTER

The County Administrator presented the referenced NGA in the amount of \$7,247 for the Garvey Senior Center for the grant period January 1, 1980 through June 30, 86 and requested authorization for Commissioner Vice-President Millison to sign.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner Millison to sign the NGA (ST86-146). Motion carried.

5) HOMELESS SERVICE PROGRAM  
AMENDMENT TO AGREEMENT

The County Administrator presented the Department of Human Resources Homeless Service Program Amendment to Agreement between Maryland State Department of Human Resources and St. Mary's County Commissioners, effective April 25, 2986. The amendment is occasioned by the Gramm-Rudman-Hollings Act.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner Vice-President Millison to sign the amendment. Motion carried.

6) PATUXENT RIVER NAVAL AIR STATION HOSPITAL

As suggested by Commissioner Millison at last week's meeting, the County Administrator presented correspondence addressed to the Department of Navy expressing opposition to the downgrading of the Patuxent River Naval Air Station Hospital.

7) PERSONNEL

The County Administrator presented the following personnel items for the Board's consideration:

a) Janitor I  
Public Works

Memorandum dated May 12, 1986 from Personnel Officer requesting authority to fill the Janitor I position in Public Works.

b) Construction Inspector I  
Department of Public Works

Memorandum dated May 12, 1986 recommending the reassignment of William B. Buckler, Jr. to Construction Inspector I, Grade 7, from Motor equipment Operator III; and promotion of James S. Gass to Construction Inspector I, Grade 7, from Motor Equipment Operator II, effective date to be established.

c) Promotion of Correctional Officers

Memorandum dated May 13, 1986 from Personnel Officer recommending the promotion of William M. Wood, Jr to Correctional Officer II, Grade 11, effective May 19, 1986.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve the referenced personnel items. Motion carried.

8) AGREEMENT FOR SERVICES  
SENIOR CITIZENS LUNCH PROGRAM

The County Administrator presented an Agreement by and between St. Mary's Public Schools and St. Mary's County Office on Aging at a cost of \$2.25 for each lunch served through June 30, 1987.

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and authorize Commissioner Vice-President Millison to sign the Agreement. Motion carried.

9) INSURANCE INVESTMENT POOL  
MARYLAND ASSOCIATION OF COUNTIES

The County Administrator advised that MACo is proceeding with the liability insurance study for which the County had committed itself to contribute \$1,000. He stated that MACo is requesting the County to designate a county official to serve on the committee and recommended that Harris Sterling, Director of Finance be so designated.

Commissioner Sayre moved, seconded by Commissioner Dean, to designate Mr. Sterling as recommended. Motion carried.

PUBLIC HEARING  
SHERIFF'S DEPARTMENT RETIREMENT PLAN

Present: Sheriff Wayne Pettit  
Gene Pellillo, Sheriff's Department  
Stanley Williams, "  
Albert Pike, Edward H. Friend & Co.  
Gerda Manson, Personnel Officer

The Commissioners conducted a public hearing to present the proposed St. Mary's County Sheriff's Department Retirement Plan including the Plan Document and the Trust Agreement.

The secretary read the Notice of Public Hearing.

The County Administrator stated that the General Assembly in 1984 by House Bill 813 granted authority to the Board of County Commissioners to adopt a separate retirement plan for certain officers of the Sheriff's Department. Mr. Cox distributed a copy of the proposed Resolution approving the plan including a Plan Document, a Trust Agreement, and a formal comparison of the State Retirement/Pension System versus the proposed Retirement Plan, and stated that there have been public meetings with the Sheriff's Department on the Plan.

Mr. Pike went on to explain the Plan stating that it would provide retirement for the Sheriff's Department officers after 25 years of service at half pay. Employees will contribute 6%. The County will appoint trustees to administer the Plan and hold assets of the Plan.

After discussion Commissioner Dean moved, seconded by Commissioner Sayre to approve Resolution No. 86-11 - Retirement Plan - St. Mary's County Sheriff's Department. Motion carried.

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

LONGVIEW BEACH CITIZENS ASSOCIATION  
SPECIAL TAXING DISTRICT POLICY

Present: Dan Ichniowski, Department of Public Works  
Latrey Washington, Longview Beach  
Bernard Lucas  
John Dixon  
Other interested citizens

As a follow up to previous discussion relative to a Special Taxing District for road improvements in Longview Beach, the property owners appeared before the Board to get a determination from the Board for waiver of interest on the repayment of interest on the loan.

The Citizens Association is requesting improvement to the two main collector roads and that the taxing district would include the improved lots and the lots that abut the improved roads (about 523 lots). The property owners are also requesting an extension of the repayment period from 15 years to 20 - 25 years, which would required action by the Maryland General Assembly.

Mr. Ichniowski distributed copies of a summary of the County's taxing district history. He stated that Longview Beach wants to be put in the same category as Golden Beach Special Taxing District wherein the property owners did not pay interest. He stated that the record plat for Golden Beach indicated that the roads were to be built and dedicated to public use. Mr. Ichniowski pointed out that the plat for Longview Beach indicated that the streets were dedicated to the various lot owners for their use as was the case for Hollywood Shores which was required to pay interest on their loan.

Commissioner Millison stated that the residents of Longview Beach feel that this subdivision is in the same category as Golden Beach whereby the County forgave the interest.

Commissioner Dean reiterated that all those subdivisions with similar circumstances should be treated on a uniform basis. He stated that Hollywood Shores and Longview Beach are almost identical in their circumstances in that both were created as a private road subdivision prior to the County adoption of the subdivision regulations. Commissioner Dean further stated that when the County adopted the Special Taxing District policy in 1979, it was to address the problems that the County recognized existed all over the County. The policy was a mechanism to bring the roads up to standard. If the interest is forgiven for Longview Beach then the County should forgive the interest on other similar subdivisions. The County would then have to deal with requests from other subdivisions that would want to be treated in the same manner and the Commissioners should get a determination of the fiscal impact of this.

After discussion, because of the various questions and issues raised, the Commissioners agreed to review the matter further and meet with the Longview Beach property owners next week to give a determination.

STSP #85-1316  
CRYSTAL CAR WASH  
(TRUSTEES - BRISCOE, KENNEY AND KAMINETZ)

Present: Herb Redmond, agent for applicant  
James Kenney, attorney  
Keith Keister  
Harold Sadisky  
Robin Guyther, Planner, OPZ  
Dan Ichniowski, Department of Public Works  
Joseph Densford, Assistant County Attorney

(Request for waiver of public road requirement for property located on Rt. 235 adjacent and south of the Skate Station property in the Eighth Election District.)

Mr. Guyther explained that the applicant submitted to the Planning Commission a subdivision plat for the referenced case to create four lots. Two of the lots do not front on a public road which is required by the Zoning Ordinance. The applicant has proposed that there be a private street; however, the Planning Commission approved the subdivision on the condition that it be a public street. Therefore the applicant is appealing that decision to the Board of County Commissioners.

During discussion Commissioner Dean pointed out a provision in the Zoning Ordinance which allows waiver of dimensional requirements for commercial lots to be waived by the Planning Commission. Commissioner Dean offered a suggested change to the plat and recommended that the applicant submit a new plat to the Planning Commission with revised dimensions giving each lot some amount of road frontage on Rt. 235.

Mr. Kenney and Mr. Redmond agreed with this suggestion.

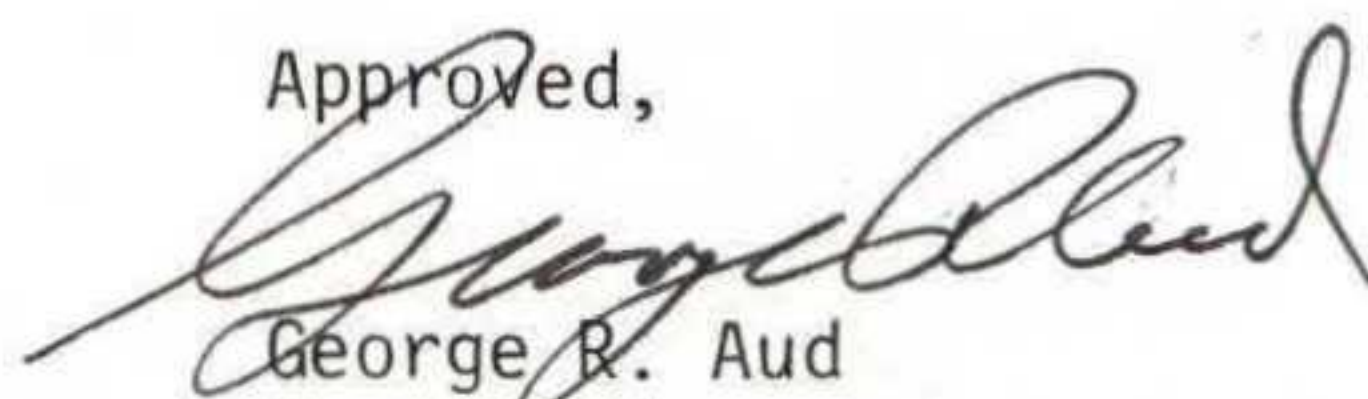
SPECIAL COUNTY COMMISSIONERS' MEETING

The Commissioners announced that they will be meeting on Saturday, May 17, 1986 at 8:00 a.m. in order to discuss the FY '87 Budget.

ADJOURNMENT

The meeting adjourned at 4:05 p.m.

Approved,



George R. Aud  
President