

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 10, 1987

Present: Commissioner Joseph P. O'Dell, President
Commissioner W. Edward Bailey
Commissioner Robert Jarboe
Commissioner John G. Lancaster
Commissioner Rodney Thompson
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 8:35 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, March 3, 1987. Motion carried.

APPROVAL OF BILLS

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

FY '88 BUDGET REVIEW

Present: Charles H. Wade, Jr., Director of Finance

Mr. Wade referred to his memorandum of March 9 to the Board which identified expenditures for which funds were not included in the FY '87 budget at a total of \$439,000. Because of the difficulty in identifying a source of funds, Mr. Wade requested that the Commissioners not approve any further intra-account transfers, and that department heads find funds within their own budgets for increases in expenditures. He stated that there is a possibility of a need for a supplemental appropriation for FY '87.

The Commissioners indicated their concurrence.

Relative to FY '88 Capital Budgets, Mr. Wade advised that there will be a review session in Room 14 at 8:00 a.m. on Wednesday, March 11, 1987. He also requested a three hour working session with the Commissioners on Tuesday the 17th of March. The purpose of the session is to establish guidelines for developing a proposed budget.

The Commissioners gave their concurrence for the proposed schedule.

EXPORT DEVELOPMENT PROGRAM

Present: David W. Morgan, Economic Development Coordinator
Gary Hodge, Director, Tri-County Council

Mr. Morgan explained that the previous Board of Commissioners had committed the expenditure of \$7,000 for the County's share of a matching state export program grant which includes a series of activities designed to improve the agriculture industry. \$7,000 was pledged by each of the Southern Maryland counties and the other 50% would be funded by the State for a total amount of \$42,000. Mr. Hodge explained that the State had modified the proposal and reduced the total amount from \$42,000 to \$29,000. Mr. Hodge advised that the County had been kept informed of the grant modifications and that at no time was there an indication that the County's commitment of \$7,000 would not be honored, until recently when a call from his office to the County DECD revealed there was concern at the county level.

Inasmuch as the Program had been modified and reduced to \$29,000, each of the Southern Maryland counties share would be \$4,833. Mr. Morgan indicated that there were no funds in DECD's budget for the match. However, Mr. Hodge is requesting the full \$7,000 so that the difference of \$2,200 could be used by the Extension Service for publication of a crop diversification fact sheet, and the County DECD did have funds for that purpose. Therefore, the County was being requested to allocated the \$4833.

The Commissioners informed Mr. Hodge that they would review this matter thoroughly and make a decision next week.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BOND REFUNDING ISSUE

The County Administrator presented correspondence dated February 25, advising that Moody's Investors Service, Inc. has requested the Commissioners to instruct the Escrow Deposit Agent under the Escrow Deposit Agreement to reinvest any cash in the Escrow Deposit Fund only in United States obligations. The Agreement permits investment of excess cash in certificates of deposits and time deposits so long as they are fully collateralized by direct obligations of United States. Mr. Cox requested confirmation for action taken by three Commissioners last week to authorize Commissioner President O'Dell to sign the letter of instructions.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner President O'Dell to sign the letter of instructions. Motion carried.

2) PERSONNEL TEMPORARY PROMOTIONS OFFICE ON AGING

The County Administrator presented a memorandum dated March 9, 1987 from the Personnel Officer setting forth the requests for temporary promotions until a permanent replacement is found by the recently vacated position of Fiscal Director:

<u>Name of Employee</u>	<u>Current Position Title/Grade</u>	<u>Temporary Promotion to Pos. Title/Grade</u>
Quade, Elizabeth	Neighborhood Activity Center Director Grade 7-0, \$13,619	Fiscal Director Grade 8-0, \$14,513
Hollin, Pamela	Typist Clerk III Grade 4-0 \$6.10/hr.	Neighborhood Activity Center Director Grade 6-0, \$12,782
Justice, Susan	Fiscal Clerk I Grade 5-2, \$13,316	Fiscal Clerk II Grade 6-2, \$14,231

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve the temporary promotions as set forth above. Motion carried.

3) PROJECT TRANSITION

The County Administrator presented correspondence prepared for the Board's signatures to the Charles County Community College expressing appreciation for the Project Transition. The project is a service for adults in transition, displaced homemakers, single parents.

Commissioner Thompson moved, seconded by Commissioner Lancaster to sign and forward the letter as presented. Motion carried.

4) BUDGET AMENDMENT NO. 87-28
COUNTY ADMINISTRATOR

The County Administrator presented the referenced Budget Amendment for the purchase of a word processing unit in the County Commissioners' Office. The Amendment has been recommended for approval by the Director of Finance.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner President O'Dell to sign the Amendment as presented. Motion carried.

LEAGUE OF WOMEN VOTERS

Present: David W. Morgan (Economic Development Coordinator), Kay Reed, Pat White, Charlotte Ashby, Bertha Bernheisel, Mary DePackh, Ruth Dishmon, Eileen Hislop, Grace Horton.

The referenced individuals appeared before the Commissioners to present the second printing of the "Know St. Mary's County" booklet, which is a result of a joint effort between the County and the League of Women Voters.

The booklet was first published in 1976, and it was felt that it was time for a revised edition. The booklet will be placed at various locations such as the museum, St. Mary's City, Christmas Country Store to provide newcomers information on the County.

The Commissioners thanked the League and the County's Department of Economic & Community Development for their efforts in the preparation of the booklet.

DEPARTMENT OF RECREATION AND PARKS

Present: John V. Baggett, Director

1) ST. CLEMENTS MUSEUM BOAT

Mr. Baggett appeared before the Commissioners to advised that he had solicited bids for the provision of passenger service to St. Clement's Island. He stated that the Museum Board is in support of the service and has worked to get it established. Mr. Baggett advised that the State has indicated a willingness to provide funds in FY '88 in support of the boat service in the amount of \$31,000.

Mr. Baggett explained that he had distributed Requests for Proposals and received two bids. Upon review of the bids, Mr. Baggett stated he recommended that the Commissioners award the contract to Fishing Parties, Inc. He stated that Fishing Parties, Inc. was willing to take tour groups to the Island at their own expense during the month of April.

During discussion, the Commissioners advised Mr. Baggett that there were too many loose ends and requested that he develop in writing more information relative to the operation, county support, projected revenues and expenditures. This information should be evaluated and reviewed by the County Attorney and Director of Finance after which Mr. Baggett should return with a more concrete proposal.

2) WICOMICO SHORES

Mr. Baggett advised that he solicited proposals to have a feasibility study for the Wicomico Shores Golf and Country Club, which will cover staff levels, operation of restaurant. It will address such things as to whether the facility should be leased or self-operated, how to maximize revenues. He stated that two bids were received and that the Chaptico Recreation Association will be meeting on March 16 in order to develop a recommendation for the Commissioners.

3) EXECUTIVE SESSION

Present: John Baggett, Director, Recreation and Parks
Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, 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 10:40 a.m.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) TALL TIMBERS SHORE EROSION PROJECT

Mr. Norris explained that correspondence had been received from the Army Corps of Engineers requesting the County to remit the balance of the local share of funds (\$233,722.40) for the referenced project. The County had previously remitted \$71,000.

Because certain work has not been completed with the Meatyard and other properties, Mr. Norris suggested that the County not forward any additional funds at this point.

Commissioner O'Dell suggested that the Commissioners make contact with Congressman Dyson on this matter before any action is taken.

2) SNOW STORM SUMMARY

For the Commissioners' information, Mr. Norris presented a summary of expenses for the four snow storms to date from January 22, to February 23, 1987.

3) FUEL TANKS AT AIRPORT

Mr. Norris informed the Commissioners that water has leaked into the fuel tanks at the Airport and no gas service is being provided at the Airport at this time. The cost for installation of new tanks is \$35,000, and Mr. Norris indicated that the only source is from the combination of capital projects within the Airport budget. However, those projects are offset by revenues up to 95% from federal or state sources.

Mr. Norris discussed methods of providing a temporary service to fuel airplanes at the Airport including securing equipment from other states at an estimated cost of \$3,000 plus \$500 monthly rental. He stated that his department is looking for other ways to provide some type of temporary service.

The Commissioners indicated that they would need to know the County's legal obligation and requested Mr. Norris to investigate the matter further.

4) LEXINGTON PARK STORM DRAINAGE PROJECT

With regard to discussion at last week's meeting, Mr. Norris advised that a funding source for the design of the referenced project would be from existing drainage projects: Chancellors Run Drainage Project (\$15,000); Timber Valley Court (\$5,000); and/or Morris Drive (\$5,000).

As a follow up to action taken by the majority of the Board last week, Mr. Norris is to request the Director of Finance to prepare the appropriate Budget Amendment.

5) BRIDGE OVER CORNFIELD HARBOR ROAD

Mr. Norris discussed the needed repairs to the Cornfield Harbor Road bridge and displayed pictures indicating the work that needs to be done. He stated that weight restrictions have been placed on the bridge which do not allow emergency vehicles to cross. Mr. Norris indicated that solutions have been investigated to expedite this project, and one solution was to remove the steel deck and use timber members.

Mr. Norris requested the Board's concurrence in going forward with the project using the County's rental contract and with the County purchasing the necessary materials.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to use the rental contract as requested. Motion carried.

6) NURSING CENTER SITE WORK
STORM WATER MANAGEMENT

Mr. Norris displayed the site plan for the referenced project and explained the storm water management project for the new nursing center and adjacent county properties. Mr. Norris pointed out that the Building Authority Commission is requesting that the County fund the projected increase to the storm water management facility in the amount of \$54,000.

The Commissioners directed that Mr. Norris wait until the April-June 1 timeframe because the full project costs would be more established by then and the County would know what the actual costs would be.

350TH CELEBRATION COMMITTEE

Present: J. Patrick Jarboe, Chairman
Burt Kummerow, Director, St. Mary's City Commission
Michael Whitson, Committee Member

The referenced individuals appeared before the Commissioners to present an update of the planned activities for the 350th Birthday Celebration of the founding of St. Mary's County. Dr. Jarboe distributed the Calendar of Events and highlighted various activities beginning with March 25 - Maryland Day. On that day there will be a wreath-laying ceremony at St. Clements Island and in Annapolis, there are several events planned including a parade.

During discussion the following were discussed:

- a) Mattapany Road - Mr. Kummerow indicated that the Committee would like, with signs and through the media, to make the public aware of the historic nature of this road and to encourage that there be no littering.
- b) Use of School Bus - Dr. Jarboe inquired whether the county's school buses could be used to transport people from the County to Annapolis on Maryland Day. The Commissioners advised the Committee to contact Dr. Lorton, Superintendent of Schools.
- c) Temporary Sign - Dr. Jarboe advised that the Committee will be putting a temporary sign over the "Welcome to St. Mary's County" sign at the entrance to the County which reads: "A Life Worth Preserving."

The Commissioners thanked the Committee members for their presentation and indicated their support and participation in the various activities of the Celebration.

ST. MARY'S COUNTY ARTS COUNCIL

Present: Betty Wilson, Chairperson

Mrs. Wilson appeared before the Commissioners to explain the Arts Council, its role in the community, and to request Designation of the Council by the Board. She advised that the Council is a 15-member board, with a goal to foster and promote public appreciation of the various forms of art in the County. It is a subsidiary of the Maryland State Arts Council.

In closing Mrs. Wilson requested the Board to give consideration for Designation of the Council by local government, possibly through a Resolution which would indicate the County's support and endorsement.

The Commissioners thanked Mrs. Wilson for the presentation and agreed to give consideration to the request.

PROCLAMATION
YOUTH ART MONTH

Present: Ellen Duke Wilson
Elementary School students

The Commissioners presented the referenced Proclamation designating the Month of March as Youth Art Month in St. Mary's County.

TOUR OF COMMUNITY SERVICES FACILITIES

At this time the Commissioners left to tour various Community Services facilities.

(The Commissioners resumed their regular meeting at 6:30 p.m.)

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director

- 1) PUBLIC HEARING
ZONE #85-1579
NORTH INDIAN CREEK ESTATES

Commissioners present: Joseph P. O'Dell, W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, and Anita M. Meridith, Recording Secretary.

Members of the audience included: Henry Trentman, W. H. Wessells, Richard Burger, Allan Bussler, F. Williams, Mary Handley, Genevieve Howell, Theresa F. Clemente, C. G. Clemente, John M. Shick, Any Bentley, Pat Croson, J. T. Croson, Elaine Williams, Thomas M. Williams, Clarence J. M. Davis, Glenn A. Ruggles, Virginia Disclafami, Leonard B. Thomas, Louis P. Eberle, James A. Forrest, Thomas Fean, Jay Guy, Calvin Guy, Margaret Rutt, James Gibbons, James E. Thomas, Mary Guyther, Russell R. Frazier, Mary B. Frazier, Barbara Hayden, Ben Burroughs, Jr., Harry S. Lancaster.

ZONE # 85-1597: OLIVER R. GUYTHER

Requesting rezoning of 3.62 acres from AR, Agricultural-Residential to C-2, Commercial. The property is Lot 500-19, North Indian Creek Estates in the Fifth Election District; shown on Tax Map 1, Block 16 as part of Parcel 98. The applicant is also requesting to alter the 1979 Agreement stipulating that Parcel 98/B-2 (proposed Lot 6, North Indian Creek Estates, containing eight acres) will be used for multi-family purposes only. The requested change would permit C-2, commercial development on the site.

Mr. Gerred read the public hearing notice aloud into the record, as published in "The Enterprise" Newspaper, a publication of general county-wide circulation, in the Friday, February 20, 1987 issue.

At this point, Mr. Gerred formally entered the complete record of the Planning Commission hearing, including numerous exhibits of record, into the Commissioners' public hearing.

Mr. James A. Kenney, III, noted his appearance as counsel for the applicant. Entered into the record, marked Applicant's Exhibit No. 1, were the postal receipts from the certified mailings sent to all contiguous property owners. Counsel called upon Mr. John Elliott, who came forward and testified that he had personally posted the placard, as provided by the Office of Planning and Zoning, on the well house, located on the subject site.

Commissioner O'Dell asked whether anyone in the audience objected to the notification process. Mr. William H. Wessells, Lot 18, North Indian Creek Estates urged that the well house in question was not located on the subject property. Following lengthy discussion, the owner of contiguous property, Mr. Calvin Guy came forward and noted that the indeed the well house was located straddling both his parcel and the subject property.

Applicant's Exhibit No. 2 - Listing of exhibits accepted into the record at the public hearing held by the Planning Commission on April 14, 1986.

Entered into the record by counsel, marked Applicant's Exhibit No. 3, was a prepared exhibit identified as the resume of Mr. David Jenkins of the D. H. Steffens, Co. Mr. Kenney urged that the purpose for entering said evidence was to provide the Board with Mr. Jenkins' educational and professional background, as he was being asked to testify as an expert witness.

Applicant's Exhibit No. 4 - Zoning Report, entitled, "North Indian Creek Commercial Center, Case No. 85-1579, March, 1987". Having prepared this report, Mr. Jenkins spoke at great length to the various aspects of the rezoning proposal and explained how he had derived the many of the specifics of the case, e.g. defining of the neighborhood.

A large plat of the property was posted with Mr. Jenkins identifying the 3.62 acres (denoted in dark green) and remaining 8+ acres in light buff coloring which would be limited to multi-family. The property is accessed by Mohawk Drive, a 80 ft. county right-of-way and Potomac Way, a 50 ft. county road. Mr. Jenkins provided orientation of the subject site in relation to contiguous properties (zoning classifications) and landmarks.

Mr. Jenkins defined the neighborhood, a map of same included in Applicant's Exhibit No. 4, as follows: Bounded on the north and west by the boundary of Charles County; on the southern boundary by Oaks-Cooksey Swamp Road; on the east by the PEPCO right-of-way line. Mr. Jenkins urged that this definition of the neighborhood was accepted under previous zoning hearing by both staff and the Planning Commission.

Mr. Jenkins spoke to the issues of change/ mistake, noting that there had been one rezoning change within this neighborhood, i.e. the zoning case known as Lighthouse Liquors which was rezoned to C-2 in 1979. Other changes in the character of the neighborhood were cited as population growth/increase of 5.2 percent or 390 persons in the 1980 to 1985 period; 190 residences constructed since 1975; 15 commercial building permits issued within the 5th District in the 1974 to 1985 period. Applicant's Exhibit No. 4 further provides: "These items indicate a change from primarily agricultural or vacant land to single family residential. This residential growth, in turn, results in a need for neighborhood and community type commercial services as envisioned by the original concept plan of the subject property, dated December, 1975. That concept plan designated a commercial center serving the Indian Creek and North Indian Creek subdivisions totaling approximately 30 acres in size.

Traffic has increased along this portion of Maryland Route 5 from 13,725 vehicles per day in 1981 to 20,475 vehicles per day in 1985. This is an increase of 49% or 6,750 per day. Taking together these various factors, population change, residential building construction, commercial building construction and traffic increases, demonstrates a change in the character of the neighborhood." With regard to the issue of mistake, Exhibit No. 4 continues: "It can also be argued that the original residential zoning for the site was in error for not properly anticipating the residential growth and resultant need for neighborhood and community type commercial services within the general neighborhood of this portion of the County."

Mr. Jenkins spoke at length to the issue of compatibility with the surrounding land uses and property as well as compatibility with the County's 1974 Comprehensive Land Use Plan.

Mr. Jenkins emphasized that the applicant sought this requested zoning change in order that he could provide service-type commercial uses, those specific types of services that would be needed within this type community and which would be of benefit to the residents. Mr. Jenkins urged that the petitioner did not "intend to propose for the parcel under question tonight, such high intensity commercial uses such as a McDonald's or a fast-food convenience store, 7-11, a laundromat or a car wash...his intention is to propose service type commercial uses such as a warehousing type, low intensity type commercial uses versus retail uses that presently exist across Mohawk Drive." Mr. Jenkins urged that this proposed rezoning/use was completely compatible with the existing area and neighborhood, i.e. that service-type commercial uses were compatible with the surrounding neighborhood, further defining same as a transitional zoned area. Mr. Jenkins furthered that the proposed uses would be utilizing existing County roads and would not impact the existing traffic patterns.

With regard to adequacy of public facilities, Mr. Jenkins noted that the property was located within the W-3D category for water service (immediate priority category). The existing commercial area (north of this site) is currently served by an existing well. The petitioner proposes to tap into that source and also drill an additional well to provide water service to this subject property, subject to MetComm approval. Sewer falls under the SW-4D category (service within 3 to 6 years). The applicant proposes private septic system, septic/drainage fields to be located on the 3.62 acres parcel, subject to approval of MetComm.

Other areas were discussed, as highlighted in the zoning report prepared by D. H. Steffens, i.e. impact on public facilities, access, open space/recreation landscaped buffer, etc.

Mr. Kenney referenced various exhibits previously presented and included in the Planning Commission file (various photographs of the subject property) and proffered other photos, which were accepted and marked as follows:

Applicant's Exhibit No. 5 - 8" X 10" black and white photograph evidencing planting of 52 White Pine trees along southern border of the property.

Applicant's Exhibit No. 6 - 8" X 10" photograph inscribed, "Frank Gerred looking north from N. Indian Creek."

Applicant's Exhibit No. 7 - 8" X 10" photograph inscribed, "Wessel home" (contiguous property owner).

Counsel referenced other applicable documents and exhibits of record, such as Planning Commission Exhibit No. 10 which he identified as the original concept for this property (proposed commercial use for the entire property).

Entered into evidence, marked Applicant's Exhibit No. 8 - (Included in the Planning Commission's record as Applicant's No. 7) Map prepared by the applicant in conjunction with the Assessment Office showing the actual assessed values based on commercial properties in existence. Counsel urged that this exhibit related to the issue previously addressed, i.e. impact on county services looking at the cost benefit from the standpoint of taxes vs. services required.

Mr. Kenney referenced correspondence provided to each of the Commissioners prior to the hearing from Messrs. Gillen and Grace, requesting that their comments be entered and made part of the record; also, a series of petitions relating to the shopping center as it exists today, the need for expansion, tax base issues and employment statistics for those existing commercial enterprises.

Counsel presented for the record, a series of statistics for the three tri-county jurisdictions, prepared by Alex, Brown and Sons, Inc. relative to income, tax base and bond ratings, which were correspondingly marked: Applicant's Exhibits No. 9 - Charles County; 10 - St. Mary's County; 11 - Calvert County.

NOTE: While this exhibit was addressed and noted, a copy of same was not made available until March 16, 1987.

Applicant's Exhibit No. 12 - Concept Plan/Plat stamped, "St. Mary's County Zoning Administrator, March 16, 1987, Accepted for Processing."

Commissioner O'Dell asked that in the future, any reports or statistical data used as evidence or basis for factual findings in rezoning cases, provide the basis/verification or source of that information.

Counsel advised that this concluded their presentation and deferred to the Chair. The Board having no questions of Messrs. Kenney or Jenkins, Commissioner O'Dell opened testimony for public input, asking that individuals limit their comments to five minutes.

Mr. William H. Wessels came forward and noted on the displayed plat, the location of his property in relation to this site. He emphasized that originally a road had been provided in the plan which provided access to South Indian Creek Estates, that the 3+ acre parcel denoted on the plat was originally a 5 acre parcel. He noted visually those areas which were currently used as septic area which had not been rezoned to commercial and specifically asked staff whether a commercial zoning of this property was necessary in order to make use of that parcel for septic field. Mr. Gerred responded negatively. Mr. Wessels urged that this was exactly his point, that a septic area did not require commercial zoning and thus, he questioned the need for rezoning of that tract. Mr. Kenney called Mr. Wessel's attention to the fact that the plat included the notation that this tract had been designated utilities/parking. Mr. Wessel stated that in order to engineer this property for proper parking, extensive grading and bulldozing of a 12 -15 ft. high hill would require leveling. In said event, he urged, "This hill runs down. When they level this ground, water's gonna run on me." Mr. Kenney urged that the issues raised by Mr. Wessels were more appropriately addressed at the site plan stage. The Chair urged that if the Commissioners were so inclined to consider an approval of this rezoning, that they certainly could attached a condition to the rezoning which would afford some protection to the contiguous property owners in terms of storm water run-off. Mr. Wessels voiced concern with the fact that there was only one access to the residents of this community, which he felt posed serious concern when considering access for emergency vehicles, school buses, etc.

Mr. Tom Croson, resident of North Indian Creek, advised that he lived "in McKay's back door." He stated that there were many zoning violations realized on this property. He opposed the rezoning, voicing concern with increased traffic. He urged, "This zoning was all planned for Oliver and McKay,

I think it was a favorite son thing....it's kind of ridiculous to add more traffic..."

Mr. Ben Burroughs, Jr. spoke in favor of the application. As owner of extensive commercial properties within the 5th District, none of which were for sale, he cited the "need for commercial property here." He emphasized that he personally would rather see eight or nine commercial lots on this site and reap the income and tax base for the County, as opposed to apartment houses which could contain over a hundred families, requiring extensive public services and facilities. Speaking to the issue of water flow, Mr. Burroughs stated that wherever the water now ran, it had a right to run there later on, after the proper stormwater management. Mr. Burroughs noted that this commercial entrance had been designed with a medium strip with a 85 ft. right-of-way, which he urged provide ample access for emergency apparatus, that this site was an ideal place to sell an acre commercial lot.

Mr. Glen Ruggles, resident of North Indian Creek since 1976, stated that he wished to address two points. The first dealt with the issue of mistake in zoning. He felt that the mistake was that the applicant used the fact that low income housing was needed in St. Mary's County to get this property rezoned and "was a way to get this whole package approved." Mr. Ruggles acknowledged that in 1974 there was a dire need for multi-family housing in the county, however, he questioned the urgency of that at this point in time. His second point, regarded change in the neighborhood. He urged that when he moved into the County, he was aware of the zoning in the County, and even though the area was largely agricultural with a few homes, he recognized that in time, it would be developed with residential properties. He concluded, "We knew what the zoning was and that's all we're asking is that we uphold the zoning that was in existence when we bought our property. The fact that the houses were built doesn't mean it's gonna change the neighborhood, that's my only point."

Mr. Clarence Davis of Lot 10-C on Mohawk Drive, advised that Indian Creek ran through his property. He noted that he was restricted from building a bridge across it or any construction near same, due to possible pollution of the creek which eventually ran to the river. He cited the fact that there were several industrial uses near this creek, that pollution ran "right through the parking lot...right into Indian Creek." He urged that to his knowledge, there had never been an environmental impact study conducted of the potential pollution. He continued, "You can see the difference now. I've been there four years and you can already see the difference in the color of the water that's coming down. He urged that the Commissioners require that an environmental impact study be conducted, prior to their rendering decision.

Mr. Tom Fean of North Indian Creek Estates, urged that absolutely no testimony had been provided thus far in terms of water usage, or impact upon the water level or the proposed sewage system. He recalled former testimony of Mr. Oliver Guyther who had advised that the land would only perc for approximately 15 townhouses, a fact which he offered was "a far cry from 120." Mr. Fean advised that he lived directly behind the battery warehouse and auto body shop and he welcomed the Commissioners to come visit this site to see for themselves the on-going pollution which was occurring on those sites. Mr. Fean noted that there had been discussion of a UPS establishing on one of these proposed commercial sites and he urged that such a facility would result in traffic accessing the site day and night. Mr. Fean urged, "There should be no more commercial development up there, absolutely none. There's plenty up there now. Mr. McKay's got six stores that have been empty for over a year that they can't rent...."

An unidentified individual commented that he wished to follow up on the proposed UPS facility. He noted that he understood that 90 employees would be employed from this site with servicing of 75 trucks. He urged that each vehicle was washed nightly, a dramatic impact upon the water supply.

At this point, an emergency medical situation arose, and the public hearing was momentarily stayed.

Commissioner O'Dell reconvened the public hearing and publicly complimented several members of the audience for their valiant and life-saving efforts.

Mrs. Pat Croson of North Indian Creek commented that while she appreciated all of the studies that had been conducted for this property, she urged that the Board require a further survey on the impact of this commercial development upon the existing residents.

Other concerns were voiced by various individuals including: impact of increased commercial lighting to the contiguous residential neighborhood, increased pedestrian traffic, legal issue regarding restriction of certain uses permitted within specific zoning classifications, lack of zoning enforcement (e.g. buffering, set-backs).

Voicing concern with the dangerous traffic situation in this area, Mr. Sam Disclafami posed the question, "Are we getting ourselves in the same predicament as in Lexington Park."

Mr. Floyd Williams of Mechanicsville, Maryland, felt that the Board should be aware of the fact that this rezoning resulted from a plea bargain with Mr. Guyther and the County Commissioners, i.e. the applicant agreed to put residential buildings back in this area if they would allow commercial on the remaining portion. Now, because of problems with percability of the land, multi-family housing is not feasible. Mr. Williams urged that this property would accommodate one acre residential development. Mr. Williams urged that indeed, the applicant restricted himself when he agreed to the residential development and he did not think the County should go back on the original compromise.

Mr. Kenney provided closing remarks, noting that correspondence was included in the record from the Health Department. He also urged that restriction of the buffer was enforceable from this level.

Mr. Gerred asked counsel whether the applicant would be willing to specify what would be planted within the buffer. Mr. Kenney responded that he would consult with his client, however, he felt certain that Mr. Guyther would be amenable to providing that information for the record.

Hearing no further commentary, Commissioner Bailey moved, seconded by Commissioner Jarboe, and unanimously passed, to close the hearing.

2) ACQUISITION OF EQUIPMENT/PERSONNEL

Mr. Gerred presented a memorandum dated February 18, 1987 requesting the Commissioners' consideration for transfer of funds for the acquisition of equipment for the Office of Planning and Zoning and for a full-time Clerk-Typist.

The Commissioners deferred a decision at this time.

3) ST. CLEMENTS SHORES ISSUANCE OF BUILDING PERMITS

In response to a request by the Commissioners, Mr. Gerred presented a memorandum dated March 9, 1987 setting forth a chronology of events leading to adoption of Resolution No. 84-22 which restricts the sewer use in St. Clements Shores. Residents of the area have raised questions recently regarding the issuance of building permits on some of the lots in the area, and Mr. Gerred explained that permits had been issued for certain lots prior to the adoption of the Resolution 84-22. Mr. Gerred further pointed out that there is currently no building code or criteria requiring adequate drainage prior to the issuance of permits.

PUBLIC FORUM

At this time the Commissioners opened the meeting for public comments and questions from the audience. A number of opinions and questions were heard.

COUNTY ADMINISTRATOR ITEMS (P.M. SESSION)

Present: Edward V. Cox, County Administrator

5) CHAPTICO RECREATION CORPORATION ADVISORY COMMITTEE

Commissioner Lancaster moved, seconded by Commissioner Bailey, and motion carried, to appoint the following individuals to the Chaptico Recreation Corporation Advisory Committee:

James Banagan
James Beavan
Harold Bishop
Cuthbert Fenwick
Pat Hardin
Mike Heimer

6) MARYLAND ASSOCIATION OF COUNTIES
LEGISLATIVE COMMITTEE

In that Commissioner O'Dell is unable to attend the Legislative Committee meetings on Wednesdays, Commissioner Thompson moved, seconded by Commissioner Lancaster to appoint Commissioner Bailey as the County's representative on the MACo Legislative Committee and Commissioner Jarboe as alternate. Motion carried.

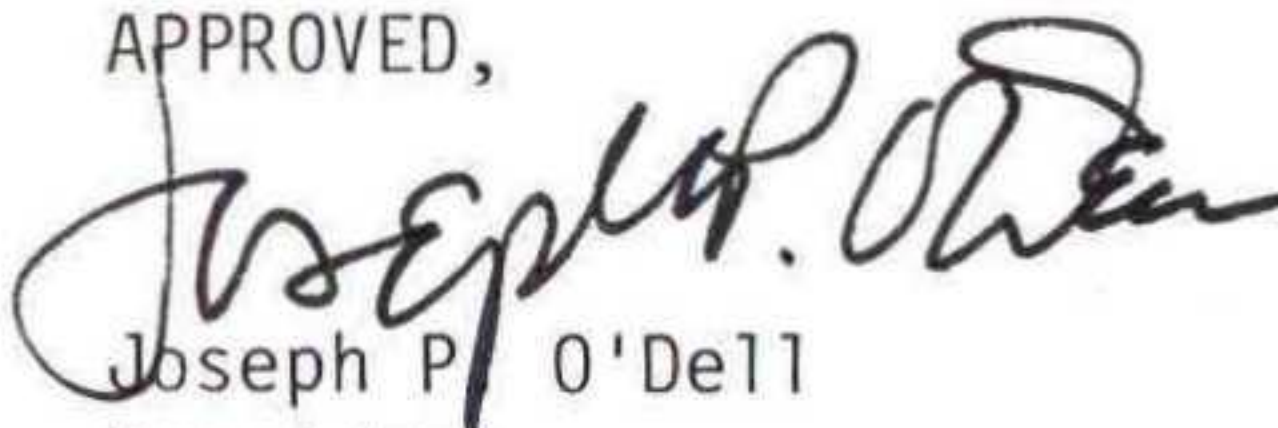
7) COMPREHENSIVE PLAN ADVISORY COMMITTEE

Commissioner Lancaster moved, seconded by Commissioner Bailey, and motion carried, to appoint the following individuals to the Comprehensive Plan Advisory Committee: Jesse Hawes, John Hall IV, and Elizabeth Dufresne.

ADJOURNMENT

The meeting adjourned at 9:45 p.,m.

APPROVED,


Joseph P. O'Dell
President