

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 18, 1989

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey
 Commissioner Robert T. Jarboe
 Commissioner John G. Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

(Commissioner Bailey not present at beginning of meeting.)

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

APPROVAL OF MINUTES

Commissioner Thompson, moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 11, 1989. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve payment of the bills as presented. Motion carried.

DESIGNATION OF FISCAL YEAR 1990 FUNDS

Present: Charles Wade, Director of Finance

Mr. Wade presented the following list of fund designations submitted to the Finance Office and requested the Board's approval, and stated that if approved, a public hearing will need to be held mid-year to appropriate the funds.

Cooperative Extension Service	\$ 7,635
Planning and Zoning	
Computer Analysis System	6,400
Summer Intern for Research Work	2,200
Zoning Ordinance Costs	12,400
Sheriff	
Medical Contract for Jail	29,400
Base Radio Station for Jail	10,058
Data Services	
Uninterruptible Power Supply and Halogen fire Suppression System	20,000
Charter Board	
Printing of Charter	9,000

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the designation list as presented. Motion carried.

(Commissioner Bailey entered meeting - 9:15 a.m.)

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) MILEAGE RATE

The County Administrator advised that the state has increased its mileage reimbursement rate from .21¢ to .23¢ per mile and recommended the Commissioners' approval that the County do the same.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to increase the mileage reimbursement rate for the County from .21¢ to .23¢, effective July 1, 1989. Motion carried.

2) CORRESPONDENCE TO BOARD OF EDUCATION
CAPITAL PROJECTS

The County Administrator presented correspondence addressed to the Board of Education advising that Public School Law of Maryland requires the County Commissioners to notify the Board of Education with reasons for not appropriating for capital projects and listing those projects and amounts not funded.

The Commissioners agreed to sign and forward the letter as presented. Motion carried.

3) CORRESPONDENCE TO ENTERPRISE NEWSPAPER

The County Administrator presented correspondence addressed to the publisher of the Enterprise Newspaper expressing appreciation for his gratuitous efforts in publishing the Charter.

The Commissioners agreed to sign and forward the letter as presented. Motion carried.

4) PLANNING COMMISSION - WAIVERS

As requested by Commissioner Loffler at last week's meeting, the County Administrator presented draft correspondence to the Planning Commission requesting clarification of the process by which major waivers are granted from adopted development standards. This procedure does not allow the public to be made aware and to comment. By copy of this letter Acting County Attorney Densford and Planning Director Grimm are requested to work with the Planning Commission to develop recommended resolution of this issue.

During discussion Commissioner Bailey recommended discussing the issue with the Planning Commission rather than sending a letter.

After discussion the Commissioners agreed to request Acting County Attorney Densford to have the matter placed it on the next available agenda and to advise the Commissioners of the date so that those who wished could attend.

5) DEEDS
PARK PLACE - TOWN CREEK
JANET LANE - FORREST PARK

The County Administrator presented the following Deeds for the Commissioners' review and approval:

Park Place - Town Creek

Deed between Board of County Commissioners and Frank J. Gerred and Rita Gerred;

Deed between Board of County Commissioners and Betty D. Dillow;

Deed between Board of County Commissioners and Ann P. Lawrence.

The Deeds convey land known as Park Place, which had been abandoned as a county road to the referenced individuals.

Janet Lane - Forrest Park

Deed dated July 17, 1989 between St. Mary's County and William Patrick Hardman conveying to Mr. Hardman a 40' strip of land (Janet Lane) in the Eighth Election District, Forrest Park Subdivision, reserving with the County a broad utility easement for the County's future needs.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Deeds as presented. Motion carried.

6) RECLASSIFICATION
STATE'S ATTORNEY'S OFFICE - LEGAL ASSISTANT

The County Administrator advised that there were ten appeals for reclassification consideration during and after budget deliberations and the referenced position is being recommended for the Board's positive action. He stated that the assignment of State's Attorney personnel to the various courts had not been taken into consideration in one of the State's Attorney's employee's classification review, and therefore, it is recommended that the position be upgrade from Grade 17 to Grade 18, Legal Assistant I, effective July 1, 1989.

Commissioner Jarboe moved, seconded by Commissioner bailey, to accept this recommendation. Motion carried.

7) PERSONNEL
MARCEY HOUSE DIRECTOR

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the appointment of Larry C. Harvey to the Director of the Marcey Housing, Grade 19, Step 4, as recommended in a July 6, 1989 memorandum from the Personnel Officer. Motion carried.

8) PUBLIC WORKS AGREEMENTS
ADDENDUM TO PUBLIC WORKS AGREEMENTS

On behalf of the Director of Public Works, the County Administrator presented the following Public Works Agreements for the Commissioners' review and approval:

PUBLIC WORKS AGREEMENTS

Chancellor's Village

By and between Harkins Associates, Inc. and St. Mary's County guaranteeing completion of:

Lexington Drive, Lexington Court, Foxchase Drive, and Village Court by July 5, 1990. The Agreement is backed by a letter of credit in the amount of \$373,500 with Federal Insurance Company.

St. Mary's Hangar Association

By and between St. Mary's Hangar Association, Inc. and St. Mary's County guaranteeing completion one year from date of issuance of building permit. The Agreement is backed by a letter of credit in the amount of \$126,500 with Maryland Bank and Trust Company.

ADDENDUM TO PUBLIC WORKS AGREEMENT

Carroll Manor Subdivision, Section I

By and between Sussex, Inc. and St. Mary's County extending the deadline for completion of roads to August 1, 1990. The Agreement is backed by a letter of credit with Fidelity Insurance Company in a reduced amount of \$29,000.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Public Works Agreements and Addendum as presented. Motion carried.

9) ROAD RESOLUTIONS

On behalf of the Director of Department of Public Works, the County Administrator presented the following Road Resolutions for the Commissioners' review and approval:

Hilton Run Subdivision

No. 89-08 - Posting roads in Hilton Run Subdivision at 25 miles per hour.

No. 89-09 - Designating Hilton Drive at its intersection with Willows road as a Stop Street.

Harrow Hills Subdivision

No. 89-10 - Posting roads in Harrow Hills Subdivision at 25 miles per hour.

No. 89-11 - Designating the following streets as stop streets:

Harrow Hill Court at its intersection with Mechanicsville-Chaptico Road.

Gardiner Court at its intersection with Harrow Hills Court.

Wildewood Subdivision

No. 89-12 - Posting Aspen Lane and Alder Lane at 25 miles per hour.

No. 89-13 - Designating the following as stop streets:

Aspen Lane at its intersection with Wildewood Parkway;
Alden Lane at its intersection with Aspen Lane.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Road Resolutions as presented. Motion carried.

10) VALLEY DRIVE

On behalf of the Director of Public Works, and as a follow up to last week's discussion, the County Administrator presented correspondence addressed to Oliver Guyther advising that if the developer would provide funds for the employment of an appraiser, the county would review the appraisal as requested.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the correspondence as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to meet in Executive Session to discuss matters of Personnel, Property Acquisition, and Litigation.

The Session on Personnel and Property Acquisition were held from 10:05 a.m. to 11:15 a.m.

The Session for Litigation, which was held later in th day, with Dan Ichniowski (Director, Department of Public Works, and Joseph Densford, Acting County Attorney) was held from 12:15 p.m. to 1:00 p.m.

MARYLAND STATE POLICE - LEONARDTOWN BARRACKS

Present: Capt. Richard Stufft, Region Commander
Lt. Leonard Potts, Commander, Leonardtown Barracks

Capt. Stufft introduced Lt. Potts to the Commissioners as the new Commander of the Maryland State Police Leonardtown Barracks. During discussion Capt. Stufft and Lt. Potts mentioned the shortage of manpower for St. Mary's County as well as the difficulty in recruiting individuals from the County.

U.S. SENATOR BARBARA MIKULSKI'S REGIONAL REPRESENTATIVE

Present: Maureen McCarron, Staff Assistant to Senator Mikulski

Ms. McCarron appeared before the Commissioners to introduce herself as the regional representative for Senator Mikulski. She encouraged the Commissioners to contact her should they have any questions or problems, and she would forward them to the Senator.

The Commissioners thanked Ms. McCarron for visiting and welcomed her as Senator Mikulski's representative.

OFFICE OF PLANNING & ZONING
ZONE #89-0103: LAND OF MARY H. MCKAY

Present: Vivian Marsh, Deputy Director
Barbara Midkiff, Recording Secretary

ZONE #89-0103: LAND OF MARY H. MCKAY

Owners Mary, Edwin & Alberta McKay and Joan Hayden. Requesting rezoning from R-1, Rural Residential to C-2, Commercial. The property contains approximately three (3) acres and is located along the northeast side of Maryland Route 235 at the intersection with Gunston Drive. Shown on Tax Map 35C, Block 17, as Parcels 19, 20 and 27.

Mr. Marsh stated that this public hearing was advertised, as required by law, for two weeks in The Enterprise, on June 28 and July 5, 1989. he stated that Mr. Jim Kenney was present for the applicant and would present the case.

Mr. Kenney stated that the property was properly posted and that the owner would provide us with photographs. Mr. Kenney offered as Exhibit A, for applicant, certified mailings giving notice of this hearing. Mr. Kenney called Mr. Herb Redmond, Jr. of D.H. Steffens Company, 100 Exploration Drive, Suite 1020, Lexington Park, MD.

Mr. Redmond stated that property was posted, a picture was taken, and photograph is in staff members camera. He stated that the property is on Maryland Route 235, on the North bound lane in the California, Maryland area. He stated that the property is approximately three (3) acres of land comprised of four (4) parcels, also on Gunston and Chestnut Drives, and containing three houses. He stated that the property is also bordered on the West side by the 7-11 store and the frontage along Gunston Drive is 140 feet, and the frontage along Maryland Route 235 is 440 feet. He stated that the property is elevated up from the road and sets rather flat. He added that the property does have proper drainage, and along the back is woods (Northeast side), also Town Creek Subdivision of which lots were never platted. On the Southeast side is Deedy Garner who runs in operation of a plumbing business and sales crabs. The property is zoned R-1. Property is very well situated with boundaries that are very well defined. He stated that this information was taken from actual plats and deeds. He stated that the property is a very valuable piece of real estate.

Mr. Kenney called Dave Jenkins of D. H. Steffens Company as an expert witness and offered Mr. Jenkins' resume as Exhibit B. Mr. Kenney also offered as Exhibit C, Zoning Report, dated July 18, 1989.

Mr. Jenkins again stated that the property is approximately three (3) acres in size and that there is a request of rezoning from R-1 to C-2. Mr. Jenkins stated that the boundaries of the property as follows: North side - Route 235 intersection with Rolling Road; South side - Route 235 intersection with Hewitts Road; East side - line parallel with Route 235, including Holly Road, Poplar Lane and Spruce Drive; West side - Hewitts Road, Norris Road to an unnamed stream to Rolling Road. He pointed out that this neighborhood has been accepted by the Planning Commission in at least two zoning cases previous to this case. He described the neighborhood as a commercial zoning and land use along both sides of Maryland Route 235 in varying distances, and beyond the commercial land uses is basically residential uses either in the R-1 or R-2 category. He stated that the property in question is located at the Northeast side of Maryland 235.

Photographs of the proper posting of the property were offered as Exhibit D.

Mr. Jenkins stated that the character change in the neighborhood is ongoing with development and active construction. He noted that the change has involved the following commercial facilities: Dynamac Office Building, L.K. Farrell Building, various warehouses, Patuxent Inn Motel, Hickory Hills Shopping Center, Super 8 Motel. He stated that the report shows 24 zoning changes that have occurred since comprehensive rezoning.

Mr. Jenkins brought out that an additional change to the neighborhood would be population change. He stated that the property is located in the Eighth District and since 1980 there has been a 6,800 person increase, or 33 percent. He also stated that in respect to housing units, they have increased on a 38 percent level and also that an additional 135 commercial building permits have been issued. From this Mr. Jenkins contends that there has been a change in the character of the neighborhood.

Mr. Jenkins stated that with respect to the public facilities that the property is presently designated W-1, and that the sewer system is designated as S-5, 5-6 to 10 years, with existing sewer lines along Town Creek Drive and also along the property of Deedy Garner.

In respect to access transportation, Mr. Jenkins brought out that it would be proposed to have an entrance subject to approval along Maryland Route 235 and it would be the alternative possibility of having an additional access point along Chestnut and Gunston Road to provide a means of distribution of traffic. This would also allow persons in the neighborhood to utilize the site without having to enter onto Maryland Route 235.

In terms of government services or facilities, Mr. Jenkins stated that the property is within the service areas. Mr. Jenkins then stated that there would be no change to the existing or future transportation patterns along Maryland Route 235.

Mr. Jenkins stated that in respect to the compatibility with existing and proposed developments, that the property is located in the proposed development district (Lexington Park). According to the Comprehensive Plan, this is where the county intends to channel most of the growth. He stated that he would contend that the property is consistent with the existing Comprehensive Plan as well as any proposed zoning map. He stated that there would be no impact on the county schools, and would provide an increased tax base for the county by providing a commercial area without a burden on the county with respect to county schools. Mr. Jenkins brought out that the rezoning would require a preparation of site plan and going through a review process with TEC as well as the County Planning Office. He stated that this will basically summarize his testimony as compiled in the Zoning Report.

Mr. Kenney stated that what was being placed in front of the Board is a transfer from residential property to commercial. He stated that this proposal meets the requirements of the new Comprehensive Plan. He stated that in looking at the history of rezoning in the area, that they have gone from a lower to a higher commercial use. Mr. Kenney added that the Board had before them a summary provided by Mr. Marsh with four (4) issues. He stated that there are no problems with one (1) and (2), and that the third requirement is frequently appearing in reports. Mr. Kenney stated, in respect to the planted buffer, that there is a natural buffer, and that the person should have the choice to protect what is there. He stated that there was one "island" of residential property left in the middle of a "sea" of commercial.

Mr. Loffler questioned the reference in relation to the adjacent residential property, that it was never going to be developed. They are platted lots, and at the discretion of the person who owns it, it could be sold, and houses built on the lots.

Mr. Kenney brought out that there are access roads that were plotted but never constructed.

Mr. Loffler pointed out a road off of Chestnut and questioned if you could drive back in to the land.

Mrs. Alberta McKay asked if she could comment on this road. She stated that the road was graded at one time but has since eroded and has grown over and that the maximum distance you could travel on the road with a vehicle is 100 feet.

Mr. Marsh stated that there was a question on number one of the Planning Commission Recommendations, and that we would be going over the minutes and tapes to review what the Planning Commission actually said. He also stated that in reference to number four, the Planning Commission did not have any maps showing the existing natural buffer. He also stated that we accept the fact that there has been a significant change in the neighborhood because of commercial development/rezonings, but that population and housing changes, in a commercial rezoning. In fact, increases in population and housing indicate that residential zoning is working as intended.

Mr. Loffler opened the hearing to public comment.

Ms. Viki Volk of The Enterprise requested that Mr. Marsh please read over the four recommendations from the Planning Commission.

Mr. Marsh read the recommendations as outlined on the County Commissioners' Staff Report.

There were no show of hands for further public question or comment. Mr. Loffler closed the portion of public comment.

Mr. Loffler stated that they will hold the record open for ten (10) days.

The meeting was closed at 1:40 p.m.

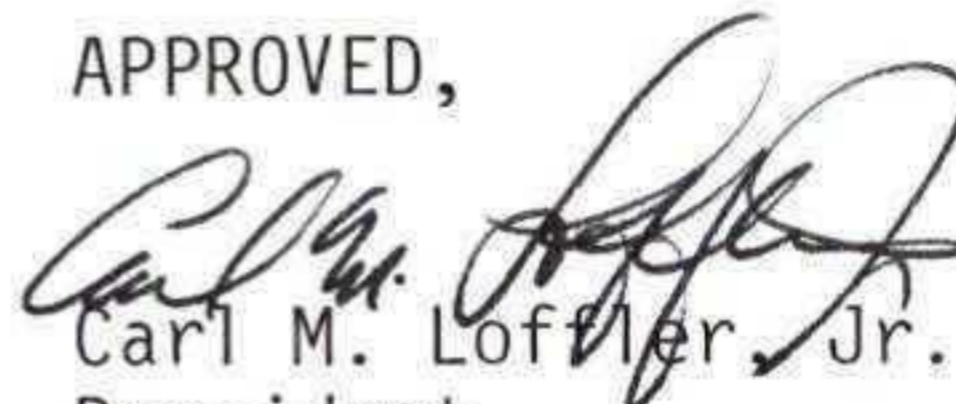
ST. MARY'S COUNTY ALLIANCE FOR ALCOHOL AND DRUG ABUSE PREVENTION

The Commissioners adjourned the meeting and left to chair the St. Mary's County Alliance for Alcohol and Drug Abuse Prevention meeting held at Leonardtown Middle School.

ADJOURNMENT

The meeting adjourned at 1:45 p.m.

APPROVED,


Carl M. Loffler, Jr.
President