

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 12, 1982

Present: George R. Aud, President
Richard D. Arnold, Commissioner
Ford L. Dean, Commissioner
David F. Sayre, Commissioner
Edward V. Cox, County Administrator
Margaret Nelson, Recording Secretary

(Commissioner Millison was not present)

CORRESPONDENCE PRESENTED FOR APPROVAL

Present: Edward V. Cox, County Administrator

1. Letter to Secretary James B. Coulter, Department of Natural Resources, congratulating two of their locally based personnel who are involved in the oyster propagation program for this area.
2. Letter to Robert M. Norris, Jr., Secretary, Potomac River Fisheries Commission, regarding the replenishing of the oyster in the waters under their jurisdiction.
3. Letter to Governor Hughes requesting that the recommendation he received from his redistricting committee be copied to the Board of St. Mary's County Commissioners in order that they may review and offer input and comments before a final decision is made.
4. Letter to the R. J. Reynolds Company requesting assistance with the "Pride in Tobacco" program for the St. Mary's County area.

REPRESENTATIVE TO THE SOUTHERN MARYLAND HEALTH SYSTEMS GOVERNING BODY

The County Administrator presented an application to the Board for their appointment of a representative to the Southern Maryland Health Systems Governing Body. Commissioner Dean moved, seconded by Commissioner Arnold to re-appoint Commissioner Aud to that position. Motion carried.

TRI-COUNTY COUNCIL REPRESENTATIVE TO TRANSPORTATION COMMITTEE

Mr. Gary Hodge, Executive Director, Tri-County Council for Southern Maryland was re-appointed to the Transportation Committee for a term to expire on December 31, 1984.

RESIGNATIONS FROM BOARDS, COMMITTEES AND COMMISSIONS

Correspondence to the following persons was presented for Commissioners' signatures, in appreciation for their donation of time and effort while having served on a Board, Committee or Commission:

Mrs. Betsy Barley - Walden Advisory Commission
Mr. Theodore P. Weiner - Social Services Board
Mr. John W. Levy - Emergency Medical Services Council
Mrs. Mary Frances Raley - Recreation and Parks Board
Mrs. Sylvia Briscoe - St. Mary's County Mental Health/
Alcoholism Advisory Council

RECREATION AND PARKS MASTER PLAN UPDATE

The County Administrator brought to the attention of the Board a letter from Mr. Baggett, Director of Recreation and Parks, who asked if the Board of Commissioners had any comment or changes to the Comprehensive Recreation and Parks Plan Update to please notify him in advance of the January 26, 1982 meeting.

After discussion, the Board was unanimous in agreeing that Mr. Baggett should proceed with the Plan as proposed.

SOCIAL SERVICES FEASIBILITY STUDY

The County Administrator presented a feasibility study agreement for approval whereas the study would be undertaken in order to ascertain the suitability of the property to provide adequate public access, the availability of water and sewerage services and the cost effectiveness of the project for the Social Services Department to be located at a central site. The cost of the study would be \$9,200 and payable by the State.

Commissioner Dean moved to authorize the President of the Board to sign the agreement as presented by the County Administrator. Motion seconded by Commissioner Sayre and carried.

LEGISLATIVE ITEMS

The Board of County Commissioners submitted correspondence to the Delegates and Senator Simpson regarding their position on the legislative items that have been submitted to date.

NATURAL RESOURCES CAMP - ELMS PROPERTY

The County Commissioners appointed the County Administrator as the County's liaison with the Southern Maryland Resource Conservation and Development Board for the administration of the agreement to conduct the Natural Resources Camp discussed previously on December 15, 1981.

VICTIM/WITNESS GRANT

The Governor's Commission on Law Enforcement and the Administration of Justice approved the request for financial assistance for the Victim/Witness grant with the total project cost being \$24,465.00. The local share is \$1,713.00; state share \$734.00; federal award \$22,018.00. All funds are to be obligated by September 30, 1982 and expended by December 31, 1982.

Commissioner Dean moved that the President be authorized to sign the Victim/Witness grant agreement. Motion seconded by Commissioner Arnold and carried.

PAYMENT OF BILLS

Commissioner Aud made a motion to approve payment of all vouchers as submitted by the Director of Finance. The motion was seconded by Mr. Sayre and carried.

PROJECT SM-81-1-7 WILLOW RUN SANITARY SEWER IMPROVEMENTS

Present: John Norris, County Engineer

The County Engineer presented the estimate of \$27,079.75 as cost of the sewer project and requested approval to sign the estimate.

Commissioner Dean made a motion that the President be authorized to sign the estimate as presented by the County Engineer. Seconded by Commissioner Sayre and carried.

TOWN CREEK SPECIAL TAXING DISTRICT
OVERCUP DRIVE AND HOLLY COURT

Present: John Norris, County Engineer

The County Engineer presented a report regarding the cost of building Overcup Drive and Holly Court in the Town Creek Special Taxing District. Because of an increase to \$64.82 per year over the initial estimate of \$57.67 per year as presented to the public in July, 1981, the County Engineer stated that he would explain the increase in costs to the Taxing District.

MAINTENANCE PAINTING

Present: John Norris, County Engineer

The County Engineer informed the Board that the janitorial staff of Messrs. Buckler, Ridgell and Klear agreed to sign a contract for authorization to do maintenance painting on their off-hours and requested the Commissioners' approval of their contracts. There was a unanimous agreement that their contracts be so authorized.

DEED FOR ACCEPTANCE OF CARTWRIGHT ROAD
PONDEROSA ESTATES SUBDIVISION

Present: John Norris, County Engineer

The County Engineer informed the Board that in June, 1981, the Board made a settlement with Ponderosa for \$4,000. The first check was returned for insufficient funds; a replacement check arrived in December, 1981. Mr. Norris presented the deed for the acceptance of Cartwright Road in the Ponderosa Estates Subdivision and asked that the deed be signed by the Board, with the County doing the follow-up in the Spring of 1982. There was a unanimous agreement of approval by the Board.

COUNTY MAINTENANCE CONTRACT

Present: John Norris, County Engineer

The County Engineer presented for the Board's approval those companies who submitted the lowest bids for maintenance in the following departments:

1. Electrical - Project No. SM-82-6-5 Owen's Electric Co.
2. Carpentry - Project No. SM-82-6-4 James L. Cooper.
3. Plumbing - Project No. SM-82-6-6 Steve Lacey. Because Mr. Lacey's bid was incomplete, Mr. Norris stated that he would require clarification from Mr. Lacey concerning his bid. Should Mr. Lacey's bid not be agreeable, the next lowest bidder was Mr. James H. Downs who would be offered the plumbing bid.

Commissioner Sayre moved, seconded by Commissioner Aud to accept the bids as presented by the County Engineer. Motion carried.

DISTRICT 5 OFFICE DEDICATION

Present: John Norris, County Engineer

The County Engineer informed the Board that there would be dedication ceremonies held for the District 5 Office on Thursday, January 14, 1982 at 2:00 p.m.

HEATING PROBLEMS

Present: John Norris, County Engineer

The County Engineer updated the Board on the areas where heating problems are presently a major concern. Those being: Health Department, Courthouse, Leonardtown Library, the Old Jail. Measures are being taken to correct the problems at each location.

WAIVER OF FEE
PINE HILL RUN WASTE WATER

Present: Frank Gerred, Director, Planning and Zoning

A request from the Metropolitan Commission was presented to the Board for the waiver of the Pine Hill Run Waste Water Fee. Commissioner Dean moved that the waiver be granted. Commissioner Arnold seconded the motion. Motion carried.

ELMS PROPERTY UPDATE

Present: Frank Gerred, Director, Planning and Zoning

The Director of Planning and Zoning updated the Board of the Elms Property monetary allocations and stated that there would continue to be the on-going \$10,000 assistance because of having the holding site for a future power plant on the Elms Property. He briefly discussed the programs being carried out on the property and recommended that the Board of County Commissioners endorse the program that the Elms Property Committee has endorsed. At a later date the County may apply for the \$25,000 for an overall management plan.

There was unanimous agreement with the Elms Property Committee's recommendations.

INDUSTRIAL REVENUE BOND REQUEST

Present: Frank Gerred, Director, Planning and Zoning
Robert Gabrelcik, Developer

The Director of Planning and Zoning and Mr. Gabrelcik presented plans to the Board and a proposal to construct a 14,000 sq. ft. office building on Great Mills Road in Lexington Park. Mr. Gabrelcik requested approval of an industrial revenue bond for the project and requested authorization for the execution of a resolution for authorization of the County's borrowing power.

The Board was unanimous in agreement that the appropriate resolution should be prepared for approval.

EXECUTIVE SESSION
BOARDS, COMMITTEES AND COMMISSIONS

Commissioner Aud made a motion, seconded by Commissioner Dean to go into executive session in order to make appointments to the various Boards, Committees and Commissions and discuss matters of personnel. Motion carried.

ZONING DECISION DISCUSSIONS

Present: Frank Gerred, Director, P&Z
Anita Meridith, Recording Sec.

ZONE #81-1150: PETER A. GRIFFIN & LESTER E. PIERCE

Requesting rezoning of property located on Md. Rt. 5, 2 miles north of Leonardtown in the 3rd Election District, containing approximately 3.5 acres, on Tax Map 32, Block 15, Parcels 276 and 344 from AR-2, Agricultural-Residential, to C-2, Commercial.

Commissioners present included: George Aud, Ford Dean, David Sayre and Dick Arnold.

Commissioner Dean distributed to the other members and staff, his prepared written considerations with respect to this rezoning request. Said findings of fact and recommendations included an approval of the C-2 request with "stipulations, as recommended by the Planning Commission and staff."

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize the County Attorney to prepare the appropriate resolution in accordance with said findings of fact.

Minor discussion among the staff and Commissioners ensued whereupon a slight amendment was superimposed to item No. 7 (b) (prepared findings of fact), i.e. "...boundary or such screening as may be mutually agreeable to the property owners, so as to not adversely effect the enjoyment and welfare of the residential property situated contiguous thereto."

The motion and second having been stated, vote was called and the motion passed unanimously.

ZONE #81-0606: JOHN YERKIE, JR.

Requesting rezoning of approximately 4.2 acres located at the west side of Md. Rt. 5, approximately 1 mile north of Md. Rt. 6, Turner Road, 5th Election District, Tax Map 4, Block 4, Parcel 85, currently zoned AR-2, Agricultural-Residential, to C-2, Commercial.

Commissioner Dean distributed his "position paper" amongst the members for their review. Said findings of fact and recommendation in conclusion outlined reasoning for the negative recommendation and denial of the C-2 request.

Commissioner Dean moved that the County Attorney be authorized to draft the appropriate resolution, consistent with the findings of fact as set forth.

Mr. Gerred reflected on the staff and Planning Commission's separate recommendations insofar as creating a buffer strip between the two parcels of differing dimensions and acreages.

Commissioner Dean stressed that counsel for the applicant had taken exception to those recommendations and had gone on record to state that said recommendation was illegal. Mr. Dean continued that he could not find basis for the approval of the application based on mistake. He felt that the County Commissioners' earlier decision and intent in connection with the rezoning of another piece of contiguous property was not to create any new commercial property but merely to change the classification from C-1 to C-2 to provide the full range of commercial uses to that property. He stated that the former property was more appropriately suited to highway commercial rather than neighborhood commercial.

The motion died for lack of a second. Commissioner Sayre suggested that the matter be deferred for one week in order to afford the Commissioners with additional time for consideration. Matter deferred.

CCAP #81-0765: CHARLES & SUSAN WISE

Application to appeal the decision of the St. Mary's County Planning Commission regarding the disapproval of a 3 lot minor subdivision around three existing structures, two lots being of substandard size. The property is located in Callaway on Tax Map 57, Block 11, a portion of parcel 168, contains 3.874 acres and is currently zoned AR-2, Agricultural-Residential.

Mr. Gerred gave a brief synopsis of the case and offered that there had been much confusion on "how what existed on the property got there..."

The Commissioners concurred that this item was one of long-standing and should be handled expeditiously. However, due to the nature of the matter, the Board felt that they should be rebriefed on the entire matter and that the staff would provide the plat for their further review. Commissioner Dean noted that he would personally see that each of the members received copies of the former minutes and pertinent correspondence prior to the Board's reconvenence and consideration of the matter.

The application was deferred until Tuesday, January 19, 1982, at which time, the Commissioners will review the matter in its entirety.

Deferred.

COOPERATIVE EXTENSION SERVICE
UNAPPROPRIATED FUNDS

There was an unappropriated fund surplus of \$893.63 in the Cooperative Extension Service budget as of June 30, 1981. The Cooperative Extension Service requested that those funds be transferred from State to the County as of January 1, 1982.

Commissioner Dean made a motion that the amount of \$893.63 be carried forward in 1982 and that the Budget Director, Mr. O'Dell be granted approval to incorporate those funds into the county budget system. Motion seconded by Commissioner Arnold and carried.

BAY INTERCEPTOR REVIEW COMMITTEE

Present: J. Frank Raley, Chairman, Planning Commission
Jack Andrews, Dean, St. Mary's College
Steve King, Metropolitan Commission
Al Bingman, NATC Representative

Mr. J. Frank Raley presented the Board of County Commissioners the Policy Plan for Lexington Park, providing the guidelines for development of the community, directing the growth and outlining the staging of public improvements. He requested the Commissioners' adoption of the Policy Plan that would guide the location of the land use and enhance the quality of the community's environment.

Mr. Raley presented eleven (11) policy recommendations, discussing each in detail with the Board. Those recommendations are as follows:

Policy No. 1 - "Concentrated Growth in the Central Business District of Lexington Park is encouraged. High Density Residential is Encouraged to the North, Low Density Residential is encouraged Further South, and the Supporting Public Works are Scheduled to Reflect This Policy.

BAY INTERCEPTOR REVIEW COMMITTEE (Cont'd.)

Policy No. 2 - "The improvement of Existing Transportation Networks for Both Auto and Pedestrian Traffic is Recommended for High Priority by the County."

Policy No. 3 - "Transportation Routes in and Around Lexington Park Should be Improved. Road Networks to Serve Major Traffic Generators are Recommended."

Policy No. 4 - "The Development of Recreational Areas and Public Access to the Waterfront is Encouraged. Provisions for Open Space and Parks Should be Coordinated Between the State and County."

Policy No. 5 - "The Historical Environment of St. Mary's City and the Educational Context of St. Mary's College Should be Protected from Intrusive Commercialization."

Policy No. 6 - "The Provision of Sufficient Housing Within a Range of Socio-Economic Criteria is Recommended to Retain the Viability of Lexington Park."

Policy No. 7 - "Programs to Diversify the Employment Base in This Area Should be Implemented by the County Using Available Government Incentives. It is Recommended that the County's Primary Economic Development Efforts to Expand Employment Opportunities be Directed Toward the Development of Support Services for the Existing Military, Contractor, and State Government Units at an Adequate High Quality Level."

Policy No. 8 - "The Adequacy of Portable Water Resources is an Identified Concern in Lexington Park and Aquifer Studies Should be Immediately Implemented."

Policy No. 9 - "The Preservation of the Community of Hermantown Should be Established Within a Growth Policy for Lexington Park."

Policy No. 10 - "The Development of a Flood Management Program at Comprehensive Level is Recommended as High Priority."

Policy No. 11 - "The County Should Implement the Expanded Capital Improvement Program for the Next 5 - 10 Years to to Assure Compatibility with the Policies Adopted by the County."

Mr. Raley commented that the Bay Interceptor Committee believes that the proposed policy is in the best interest of St. Mary's County and then asked that the proposal be adopted.

The Board thanked the Committee for the report and requested that the Policy Plan be presented to the Planning Commission for review and comment.

ADJOURNMENT

With no further business, the meeting adjourned at 2:30 p.m.

Approved,


George R. Aud
President