

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 21, 1983

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

The meeting was called to order at 9:10 a.m.

APPROVAL OF BILLS

Commissioner Aud moved, seconded by Commissioner Arnold to approve payment of the bills as submitted. Motion unanimously carried.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, June 7, 1983 as submitted. Motion unanimously carried.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Special Meeting of the County Commissioners held Friday, June 17, 1983. Motion unanimously carried.

NATURAL RESOURCES CAMP

Present: Timothy Frink, Soil Conservation Service
Marianne Chapman, Environmental Education
Students from the Natural Resources Camp

Mr. Frink opened the session by introducing the Commissioners' to the students and explaining the activities planned for this camp's session. He stated that the students will be participating in a land planning game whereby they will be divided into different interest groups to decide the "planning" of the Sotterly property. At this point Mr. Frink requested each of the Commissioners to give his views on land planning in order to give the students a broad outlook on zoning. After each Commissioner spoke, the students had an opportunity to question the Commissioners on various zoning, and land use procedures.

In conclusion the Commissioners thanked the students for attending their meeting and wished them well during their camp session.

BUDGET AMMENDMENTS

The County Administrator presented the following Budget Amendments for the Commissioners' review and approval as recommended by the Director of Budget and Data Services:

No. 83-65 - Housing Authority - For acquisition of personal computer equipment.

No. 83-66 - Various Departments - To adjust budget authority in line with cost to date and projected outlays as of June 30, 1983.

No. 83-67 - Various Departments - To adjust budget authority in line with costs to date and projected outlay as of June 30, 1983.

BUDGET AMMENDMENTS (Continued)

No. 83-68 - County Engineer, Purchasing - Secretarial Work center for staff person.

No. 83-69 - Various Departments - To adjust general fund budget and capital fund in line with approved budget and subsequent increases and decreases in authority and revenue elsewhere in budget and other funds.

No. 83-70 - County Engineer - To close out RC&D project and transfer project balance to Willow Run Project (Tubman Douglas)

No. 83-71 - St. Clements Museum - Intra-department transfer to repair and maintenance work on vessel Tolerance.

Commissioner Dean moved, seconded by Commissioner Aud, to approve Budget Amendment Nos. 83-65 through 83-71 as set forth above. Motion unanimously carried.

RESOLUTION NO. 83-15
CHANGE NO. 6
MANUAL OF PERSONNEL POLICIES AND PROCEDURES

Having approved the proposed changes to the Personnel Manual on May 31, 1983, Commissioner Dean moved, seconded by Commissioner Aud, to sign referenced Resolution No. 83-15 along with the Forward Page to the Manual. Motion unanimously carried.

ADMINISTRATION OF STATE TESTING

The County Administrator presented a memorandum dated June 8, 1983 from the Personnel Officer with correspondence from the State Training and Employment Office commending Evelyn Wood for her efforts in administering the state tests for the Southern Maryland area and requesting that she be allowed to use approximately three hours per month of county time to administer the tests for the next year.

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

PERMANENT PART-TIME POSITION
OFFICE ON AGING - RSVP PROGRAM

The County Administrator presented a memorandum dated June 8, 1983 from the Personnel Officer advising that the Senior Services Coordinator is requesting conversion of a temporary part-time position to permanent part-time in order for the incumbent to take advantage of the fringe benefits available to county employees. The position is funded by the RSVP grant and funds for the fringe benefits are available from the grant. It was the recommendation of the Personnel Officer that this conversion be approved so that the advertising process can be initiated.

Commissioner Sayre moved, seconded by Commissioner Arnold, to grant this request, pending review and approval by the Director of Budget and Data Services. Motion unanimously carried.

LEASE AGREEMENT
TRI-COUNTY YOUTH SERVICES BUREAU

The County Administrator presented a Lease Agreement dated May 31, 1983 between the County Commissioners of St. Mary's County and Tri-County Youth Services Bureau. Said Agreement extends the lease for one-year period at their current location at Charlotte Hall.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign said Lease Agreement. Motion unanimously carried.

CLEARINGHOUSE PROJECT
HISTORIC PRESERVATION FUNDS

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs, or objectives. The Commissioners gave their concurrence.

SOMERSET VS. HORNBECK
(SCHOOL SYSTEM DISTRIBUTION OF FUNDS SUIT)

The County Administrator advised that there is being planned a meeting in Annapolis with the Boards of Commissioners of St. Mary's, Caroline and Somerset counties to discuss the above referenced legal matter. To date Baltimore City, who was also a party to the initial suit, has not responded as to whether a representative would attend. Mr. Cox advised that he would keep the Commissioners informed as soon as the specifics for the meetings are developed.

BOARDS COMMITTEES AND COMMISSIONS
(APPOINTMENTS)

Commissioner Aud moved, seconded by Commissioner Arnold, and unanimously carried, to make the following appointments to Boards, Committees, and Commissions:

SPOUSE ABUSE TASK FORCE

Joseph R. Densford (Asst. Co. Atty.)
Lynn Fitrell (St. Mary's Women's Center)
Dorothy Barclift (Commission for Women)
Ila Rogers (Nurse, St. Mary's Hospital)
Ann Marie Abell (NOW)
Florence Ballingee (State's Attorney's Office
Victim Witness Program)
Ragina M. Chikar (Margaret Brent Business &
Professional Women's Club)
Ruth Combs (NAS, Family Service)
Rev. Joseph Hoopengardner (Clergy)
Carolyn Stolhand (Golden Beach Women's Club)
Marvin Kaminetz (Juvenile Master)

HUMAN RELATIONS COMMISSION

TERM TO EXPIRE

Sherrie Bly

June 30, 1986

PLUMBING BOARD

Tom Garner

June 30, 1986

BOARDS, COMMITTEES AND COMMISSIONS (Continued)

<u>ST. MARY'S COUNCIL ON CHILDREN AND YOUTH</u>	<u>TERM TO EXPIRE</u>
Dr. C.W. Duncan	December 31, 1985
<u>SOCIAL SERVICES BOARD</u>	
Eva Lentz	June 30, 1984
<u>TRI-COUNTY COMMUNITY ACTION COMMITTEE</u>	
Charles Louis Clements	June 30, 1986

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) LONDONTOWNE/CORONADO VILLAGE
DRAINAGE PROJECT

Mr. Norris advised the Commissioners that there are several matters that require action by the Board concerning the referenced project:

a) Easements-Mr. Norris stated that the developer has been unable to acquire certain easements from property owners where some of the work is to be done. Therefore, Mr. Norris recommended that the Commissioners authorize that if easements are not obtained, the properties be condemned.

b) Revised Agreement-Mr. Norris indicated that inasmuch as the total project costs has increased to \$72,000, the agreement with the developer and the County should be revised to reflect the change and that the developer's share will now be \$34,000. The Director of Budget & Data Services has advised that an appropriate Budget Amendment would need to be prepared.

c) Public Works Agreement and Irrevocable Letter of Credit-Mr. Norris requested approval from the Board to authorize Commissioner President Aud to sign the Public Works Agreement and Irrevocable Letter of Credit when submitted for Londontowne upon completion of Item b).

d) Bids on Catch Basin-Mr. Norris presented the bid talley sheet and requested the Commissioners to acknowledge the lowest bidder, Aubrey Gatton, in a the amount of \$17,550 and upon budgetary authorization issue a purchase order to Mr. Gatton.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, that the Board of County Commissioners take whatever steps necessary to secure the drainage easements for the construction project; that the appropriate budgetary process be initiated to increase the project to \$72,000; that Commissioner President Aud be authorized to signed the revised Agreement between the developer of Londontowne and the County establishing cost percentages; that Commissioner President Aud sign the Public Works Agreement and Irrevocable Letter of Credit for the construction of streets and roads in Londontowne Subdivision and that upon budgetary authority the Commissioners authorize the County Engineer to award the contract for the construction of storm drainage inlets to Aubrey Gatton in the amount of \$17,550. Motion unanimously carried.

OFFICE OF THE COUNTY ENGINEER ITEMS (Continued)

2) Lexington Park Storm Drainage Improvements
Title Sheet - Project No. SM 81-1-2

Mr. Norris presented the title sheet for the referenced project and requested authorization for Commissioner President Aud to sign same. In discussing the project, Mr. Norris requested that the Commissioners authorize the use of the Wilson T. Ballard Company for inspection services for this project and others needed, with funds to come from the Airport Project Account.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the Title Sheet for the Lexington Park Road and Storm Drainage Improvements dated June 1983 and further that the County retain the Wilson T. Ballard Company to inspect the project and that the costs be charged to the Airport Project. Four Commissioners voted in favor, with Commissioner Millison abstaining. Motion carried.

3) Mechanicsville Pond

Mr. Norris advised that proposals were solicited from two firms to place fill in the county-owned Mechanicsville Pond to the extent that there would be no standing water and would drain properly. Bids were as follows:

B.F. Asher	- \$11,750
Lester Mattingly	- \$10,974

Mr. Norris recommended that the Commissioners award the contract to the lowest bidder, pending identification of source of funds from the Director of Budget & Data Services.

Commissioner Arnold moved, seconded by Commissioner Dean, to accept the County Engineer's recommendation. Motion unanimously carried.

PATUXENT ASSOCIATES LIMITED PARTNERSHIP
INDUSTRIAL REVENUE BONDS (CLOSING RESOLUTION)
RESOLUTION NO. 83-14

Present: Jefferson Mitchell, Piper & Marbury
John Barr, Attorney for Patuxent Associates
Joseph Densford, Assistant County Attorney

Mr. Mitchell presented the proposed Resolution providing for the issuance and sale of Maryland Economic Development Revney Bonds (formerly Industrial Revenue Bonds) for the purpose of financing the costs by Patuxent Associates Limited Partnership of an office building and related improvements, renovations, furnishings, equipment and machinery, to be located at MD Rt. 235 and Maple Road in Lexington Park, St. Mary's County, Maryland. Said facility is to be leased to Dynamac, Inc. for use as a research and development facility. The maximum aggregate principal amount of the bonds to be issued will be \$1,350,000. Closing date for the issue will be Friday, June 24, 1983.

During discussion it was pointed out that the County would not be held liable should the applicant default on the loan.

After discussion, Commissioner Dean moved, seconded by Commissioner Millison, to approve and sign Resolution No. 83-14 - Patuxent Associates Limited Partnership - Industrial Revenue Bonds. Motion unanimously carried.

In closing, Mr. Barr advised the Commissioners that there will be a groundbreaking ceremony on Friday, July 8, 1983 to which the Commissioners are invited. Mr. Barr will provide more details as soon as they are available.

COMMUNITY DEVELOPMENT BLOCK GRANT
HOUSING IMPROVEMENT FUNDS

Present: Joseph Mitchell, Director, Co. Dept. of Economic and Community Development
Frank Gerred, Director, Office of Planning & Zoning

Mr. Mitchell explained that the U.S. Department of Housing and Urban Development will be accepting applications up to July 1 for Community Development Block Grants. The County will be submitting a competitive application for the single purpose of improving housing conditions in St. Mary's County. The grant will provide low interest loans for a number of projects including: loans for well installations, septic system installations, sewage connections and necessary home improvements. Some funds will be put into the Southern Maryland Credit Union for low interest loans for mobile homes. The credit union will be required to reimburse the loan to the County.

Mr. Mitchell requested the Commissioners' approval of the concept of the application and to authorize Commissioner President Aud to sign the grant application next week in the amount of approximately \$491,000.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the concept as proposed and to authorize Commissioner President Aud to sign the application for the Community Development Block Grant. Motion unanimously carried.

STATE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
BOND ISSUE FOR LOW RATE MORTGAGES

Present: Joseph Mitchell
Frank Gerred

Mr. Mitchell advised that the State is going out on two bonds issues, one in August and one in November for the purpose of single family mortgage revenue bonds to make low interest rate mortgage loans available. Mr. Mitchell stated that St. Mary's County will be applying for \$1,000,000 to be used for new homes (maximum \$60,000) and existing mortgages. He stated that there are several restrictions, income levels, etc. and pointed out that the County has the right to withdraw from the program up to the last minute.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign a letter to the State Department of Economic and Community Development expressing the County interest in the mortgage revenue bond program. Motion unanimously carried.

ZONE # 8100163: MAYJACK, INC., AMBER MEADOWS

CONTINUATION OF HEARING FROM MAY 31, 1983

Commissioners present: George R. Aud, Richard D. Arnold, and David F. Sayre. Commissioner members Ford Dean and Larry Millison abstained from participation. Staff present included: Frank Gerred and Anita Meridith of the Office of Planning and Zoning and Joseph R. Densford, Assistant County Attorney.

Other members of the audience included: Robert Gray, Joseph Norris, Penny Beasley, Bob Miedzinski, J. Claude Jarboe, G.T. Daugherty, Thomas Dobry, R. M. Fleming, Beverly Lohwater, Thomas G. Wheeler.

Application requesting rezoning and approval of a concept development site plan for approximately 52 acres. located off Maryland Route 235 & Chancellor's Run Road in the 8th Election District, on Tax Map 42, Block 6, Portions of Parcels 18, 51, & 71. Request rezoning from R-2, Residential, to MH, Mobile Home Park.

Mr. Gerred, Director of the Office of Planning and Zoning, advised that the dual purpose of the reconvening of the hearing was to receive into the record any additional written comments anyone might want to present. Since the initial hearing, correspondence was received from: Mary Irene Raley, Robert L. Gray, Thomas Wheeler, and James Dobry. Copies of said correspondence, all noting opposition, have been made available to each of the Commissioners.

Staff advised that the applicant did not choose to submit any further material and staff chose not to make any additional reports.

The second reason for continuation of the hearing, was to offer an opportunity for cross-examination or rebuttal for said written testimonies received. Mr. Gerred felt that it would be appropriate, at this point, to call upon the applicant, since all written submittals were opposing comments.

Mr. Thomas Daugherty, counsel for the applicant, stated that he did not wish to cross-examine any of those submittals nor make any additional remarks.

Mr. Gray was provided the opportunity for summation remarks.

Mr. Gray stated he wished the record to reflect the fact that he had briefly discussed with Mr. Densford, Assistant County Attorney, his appearance on behalf of the Commissioners. he reflected that Mr. Densford had acted as attorney for the applicant in the initial case; however, Mr. Gray felt that since there was no testimony to be given at this date, he noted, on behalf of his clients, that they would have no objections to his (Mr. Densford) sitting in at the advice of the County Commissioners.

Mr. Gray related that the most significant piece of evidence which was submitted during the comment period was not an actual submittal but rather, a lack of submittal, i.e., up-dated staff report. Recalling former testimony given by Mr. Frank Gerred, Director of the Office of Planning and Zoning, Mr. Gray noted that Mr. Gerred has stated that he was not sure that the staff report was current or whether the conditions surrounding this application had changed and he was uncertain as to the validity of the report, at that time, pending his evaluation of the testimony to be given at the rehearing. In view of the fact that staff now noted that there would be no further report or recommendation Mr. Gray stated, "The only thing that I think you can argue from a lack of submittal, is that they go back and rely on their initial report. Now, as you all have read the report or the opinion of Judge Woods concerning that, I think it is crystal clear that Judge Wood's found fault with the report. The staff report also talked to the issues such as mistake and we can only assume that the staff again thinks that there has been a mistake, even though there has been no testimony to that effect. Given that type of presentation, I think that you have to discount all staff reports..." Mr. Gray stressed, "Absent a staff report, I would submit to you that you can not proceed, can not go forward on this case; you have no in-house, professional comment from either the Planning Commission or from the staff itself." Secondly, Mr. Gray reiterated former argument to the Board relative to the "staleness" of the former staff report, i.e. was prepared two years prior, as well as all TEC reports and lack of up-to-date traffic analysis, absent current school population and current storm water analysis. With respect to the latter, Mr. Gray stressed that former testimony, submitted by Mr. Ellison, Engineer, had revealed that part of the storm water system proposed for this development, was to be located "off the property, that was going to be on part of the property that was not subject to the rezoning." Mr. Gray offered that he would strongly urge, that in the lack of any sort of current professional comments from staff and from the Planning Commission, you are required, as a matter of law, to have a recommendation from the Planning Commission and we would argue that a recommendation, two years old, based on information, we don't know whether it's correct or not, is not a valid Planning Commission report on which you can base your considerations. We would therefore, ask that you remand this to the Planning Commission to get the current information before you, so that we can have a legitimate hearing..."

Commissioner Aud questioned whether anyone else had any comments. There being no response the hearing was closed, with the chair advising that the Board would render decision in the near future.

Hearing closed.

DECISION/DISCUSSION

ZONE # 82-1164: ORIE P. BEASLEY

Request rezoning of approximately 11.209 acres, located on Rue Purchase Road, 8th Election District, Tax Map 43, Block 3, Parcel 209, From R-1, Rural-Residential, to R-15, Multi-Family.

The full complement of the Board of County Commissioners was present during the ensuing decision/discussion relative to the following rezoning considerations.

Commissioner Dean proffered his prepared written comments with respect to the Beasley application, and the members paused to review same. Said preparation, following listing of findings of fact, recommended denial of the application, based on what Commissioner Dean stated was, "Simply a matter of where the applicant has not demonstrated, sufficiently, either change or mistake."

Commissioner Dean moved, seconded by Commissioner Sayre, to deny the application for the reasons as set forth in his written comments.

Discussion followed, with Commissioner Millison taking issue with the definition of what constituted change in the neighborhood. He differed with the definition/boundary of the neighborhood and felt that rather than 1/2 mile, the neighborhood should constitute 1 mile. He spoke to the numerous changes which had occurred in this area over the years, citing examples: Patuxent Inn, Hickory Hills Shopping Center, Burch Oils Gas Station. Commissioner Millison stressed that having lived his entire life within two miles of this subject site, he could personally testify as to the many changes which had occurred, both in terms of new development, increased population and increased traffic counts. Commissioner Millison felt that while tremendous development had occurred within 1/2 mile of this property, he felt that it was reasonable to consider a 1 mile radius for this neighborhood with the roads constituting the boundaries for the delineation of this neighborhood. Commissioner Millison expounded on surrounding developments which he felt ultimately impacted this entire area, citing development on the P.N.A.S. which he emphasized "probably had experienced the greatest growth since 1974 of any Federal installation in the world." Commissioner Millison stated that he saw no harm in approving this request, which would enable development of 13 apartment dwellings on this 11 acre parcel. Commissioner Millison stressed, "Because of these drastic changes in the neighborhood, I believe there is reasonable grounds for a change in zoning." Commissioner Millison cited other changes which had occurred in the area, such as the numerous large housing developments, change in the zoning of the Dobry property, change to a piece of property he owned (less than 1 mile from the subject property), several large office buildings presently under construction and the ADF Bingo Hall. He concluded, "There's probably been more change in that neighborhood than virtually any other neighborhood in Lexington Park or St. Mary's County that I know of."

Commissioner Arnold stated that he wanted to reiterate his feeling that it would be proper to designate the neighborhood as 1 mile rather than 1/2 mile. He agreed with Commissioner member Millison regarding the numerous changes which has occurred in the neighborhood and cited the following list of changes: 1974-Joseph Tennison from R-1 to C-1,

2/20/75-Burch Oil Company from C-1 to C-2, 1979-James Lanham from R-2 to C-1. Commissioner Arnold noted that he was opposed to the motion and felt that the application should be granted, based on a defining of the neighborhood as one mile, noting the numerous changes which had occurred in the area.

The Chair called for the vote, with Commissioner members Sayre and Dean voting in favor of the motion to DENY and Commissioners Millison, Arnold, and Aud opposed. Motion failed.

Commissioner Arnold moved to approve Zoning Case # 82-1164 for Ori P. Beasley and the resolution to incorporate a defining of the neighborhood as one (1) mile, noting those changes previously referenced i.e. 11-6-74 Joseph H. Tennison from R-1 to C-1, 10-17-79 James Lanham from R-2 to C-1 and 2/20/75 Burch Oil Company from C-1 to C-2.

Commissioner Millison seconded the motion and offered an amendment to the motion to include additional changes which had occurred in the neighborhood, citing: Rezoning of the California Lounge, the rezoning on the corner of Mr. Tennison, for a 20,000 sq. ft. office building, recent rezoning of the former Holiday Inn site, the rezoning of the Patuxent Inn, the rezoning of the ADF Building, rezoning of the Lanham property, rezoning of the the Daugherty property (shopping center) rezoning of the Dobry property where 200 to 300 townhouses are proposed rezoning of the Millison property, and citing the changing pattern of the neighborhood, with emphasis placed upon the growth of the P.N.A.S. and the fact that there was an existing emergency situation due to the lack of housing.

Commissioner Arnold agreed to the amended motion, noting for the record, that those three rezonings which he cited were, in fact, within the one mile defined are, he could not speak for those amended additions provided by Commissioner Millison.

Commissioner Dean felt that it would be inappropriate to include those rezonings cited by Commissioner Millison, as they did not fall within the defined neighborhood area of this subject property. Commissioner Millison differed and felt that people residing in this neighborhood, would definitely use the schools, parks and the various facilities mentioned via those referenced rezonings.

Commissioner Sayre, reflecting on the Planning Commission's designation of the neighborhood as 1/2 mile, noted that he was familiar with this area and felt that the neighborhood constituted just the area within Rue Purchase Road. Commissioner Sayre stated, "It seems to me, that when you go outside Rue Purchase Road to Rt. 235, I would say, if I were living there, it wouldn't be my community." He felt that the probability existed that the majority of those persons living along Rue Purchase Road, had settled in that area simply to get away from the commercialization and density found along Route 235 and from within the Lexington Park area. Consequently Commissioner Sayre offered that he did not feel that there had been a change within this defined community.

Commissioner Arnold stated that he did not feel that a rezoning of this property would cause any hardship to the residents in the area. He spoke to the critical shortage of housing in the area, more specifically to military personnel and reflected that were it not

for the P.N.A.S., Many of the County's residents would be without employment and a livelihood. Mr. Arnold stressed that he simply would not vote against an application that would provide "merely thirteen (13) little apartments for thriteen (13) people, when the need is what it is."

Commissioner Arnold stressed, "... the area is beautiful; I went down there and looked. I didn't sit here and vote on this thing without looking. I drove down there with my wife and looked all around that place. It's beautiful down there. Thirteen (13) people certainly is better than somebody later on, down the road, years later, filling that place full of houses which might not be as beautiful as this property is, in its present state. This property had the opportunity, under this application, I think, to be as beautiful as this property is, in its present state. This property has the opportunity, under this application, I think, to be a beautiful place, with open spaces all around it."

Commissioner Aud commented that before he called for the vote, he wished to offer a further amendment to the motion to restrict 8 acres of the property to open space, leaving three acres under R-15. Commissioner Arnold and Millison agreed to said amendment.

Vote was called with Commissioners Sayre and Dean opposed and Commissioners Arnold, Millison and Aud in favor. The motion passed by a vote of three (3) to two (2), thus approving the rezoning application of three (3) acres to an R-15 designation with preservation of the surrounding 8 acres as open space, to provide buffer from the contiguous properties; the Commissioners thereby instructing the County Attorney to prepare the appropriate resolution as outlined in these minutes and amended motion, for further review and adoption of the Board.

ZPUD #83-0273: HUNTING QUARTER

Requesting rezoning from AR, Agricultural-Residential, to PDR. 92, Planned Development Residential. The property contains approximately 95 acres and is located on Maryland Route 5, Callaway, Tax Map 50, Block 16, Parcel 89, Second Election District.

Commissioner Dean led the discussion, noting that in this case, it was not incumbent upon the Board to find evidence of change or mistake, as the application for a PUD (Planned Unit Development) and said purpose of the PUD being to enable lots to be clustered to preserve more open space and to make it feasible to put in central water. He felt that those were worthy considerations with respect to application of this proposal and was therefore, in favor of granting this rezoning request, provided that prior to the actual signing and adoption of the resolution (assuming the Board voted favorably on this request), that the details regarding the maintenance arrangements regarding the roads be resolved.

The applicant, Mr. Al Watson, present this date, provided that each cluster would form their own individual home owners association, through which the maintenance of the roads would be ensured. Staff added that there were samples for home owners association projects in the office, which could serve as a model.

Following a brief discussion concerning the street design (main streets would be public with arterial streets coming under the jurisdiction of the home owners association, i.e. two homes to be served by public road and five by private streets, for a total of 7 residences within each cluster), Commissioner Dean moved seconded by Commissioner Arnold, and unanimously passed, to authorize the County Attorney to prepare the resolution, approving the development plan and the zoning amendment, as requested, subject to the three (3) conditions, imposed by the Planning Commission and subject to the identification and the setting forth of the procedure by which the private roads would be maintained.

ELMS PROPERTY REPORT

Present: Frank Gerred, Director, Office of Planning & Zoning

Mr. Gerred advised the Commissioners that the Elms Property Management Committee has learned that the Department of Natural Resources has approved a forest management plan and timber sale which will bring \$5,000 into the County. The Committee has recommended that these funds as well as the \$10,000 received from the MD Legislature for management purposes be equally divided between the two programs at the Elms Property; Environmental Education and Recreation and Parks. The Committee further recommended that in the future funds received be evenly split between the two programs.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to approve the equal sharing of the \$5,000 received from the timber operation between the Environmental Education Program and Recreation and Parks and that the regular management funds received annually be equally divided. Motion unanimously carried.

SITE PLAN
SPSP 83-0738
CEDARVILLE GRAVEL

Present: Frank Gerred, Director, Office of Planning & Zoning

(Requesting site plan approval to place a trailer for office use on property located off of Maryland Route 235, California. The parcel formerly the site of Dean Construction Company, contains approximately 13 acres and is zoned I-1, Industrial, on Tax Map 34, Block 9, part of Parcel 292, Eighth Election District.)

Mr. Gerred presented the referenced site plan and stated that it has received all appropriate agency approvals and it is recommended for approval by the Planning Commission.

Commissioner Aud moved, seconded by Commissioner Sayre, to approve Site Plan SPSP 83-0738. Motion unanimously carried.

CARDIAC RESCUE TECHNICIAN VEHICLE

Commissioner Dean advised that the EMS is in the process of receiving a grant for a CRT vehicle; however, because manufacturers are not accepting orders for 1983 models, EMS must wait until the 1984 models are available. Inasmuch as this will be a several month wait and the vehicle is needed, the EMS is requesting the County to fund up to \$3,000 for the purchase of a used vehicle to be used in the interim. When the new vehicle is obtained, the used vehicle will be sold with the proceeds being returned to the County.

After due consideration, Commissioner Dean moved, seconded by Commissioner Aud to grant this request and that the Director of Budget & Data Services be directed to locate the sources of funds from FY'83. Motion unanimously carried.

EXECUTIVE SESSION

Commissioner Dean moved, seconded by Commissioner Sayre to meet in Executive Session with the County Administrator to discuss consideration of appointments to Boards, Committees, and Commissions. The Session began at 1:40 p.m. At 2:30 the Commissioners continued in Executive Session with Reed Mcdonagh of Maryland Environmental Service, Larry Petty of Metropolitan Commission and Walter Raum of Health Department to discuss a matter of potential litigation. The Session ended at 3:15 p.m.

(Commissioner Millison returned to the meeting during Executive Session at 2:20 p.m.)

REVISED GRANT APPLICATIONS
WALDEN COUNSELING CENTER
SIERRA HOUSE

The County Administrator presented for the Commissioners' review and approval the Revised Grant Applications for two projects (1) Walden Counseling Center and (2) Sierra House, for FY'84 to be submitted to the Drug Abuse Administration.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign the referenced Grant Applications. Motion unanimously carried.

REQUEST FOR WAIVER OF BUILDING PERMIT FEE

The County Administrator presented correspondence dated June 14, 1983 from Charles County Community College requesting a waiver of the building permit fee for the relocation of a moveable building from Calvert County to the Community College at St. Mary's Great Mills campus.

In a memorandum dated June 21, 1983, it was recommended by the Director of the Office of Planning and Zoning to grant this waiver as it is in compliance with the County's Resolution No. 75-53.

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

BUDGET AMENDMENT NO. 83-72
COUNTY ENGINEER

The County Administrator presented Budget Amendment No. 83-72 recommended for approval by the Director of Budget & Data Services. Justification for Amendment: Based on FY '84 budget decision requiring \$75,000 in current authority to be carried forward to FY ' 84 plus \$143,521 to construct highway maintenance facility.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve Budget Amendment No. 83-72. Motion unanimously carried.

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CORRECTION OF MAY 31, 1983 MINUTES

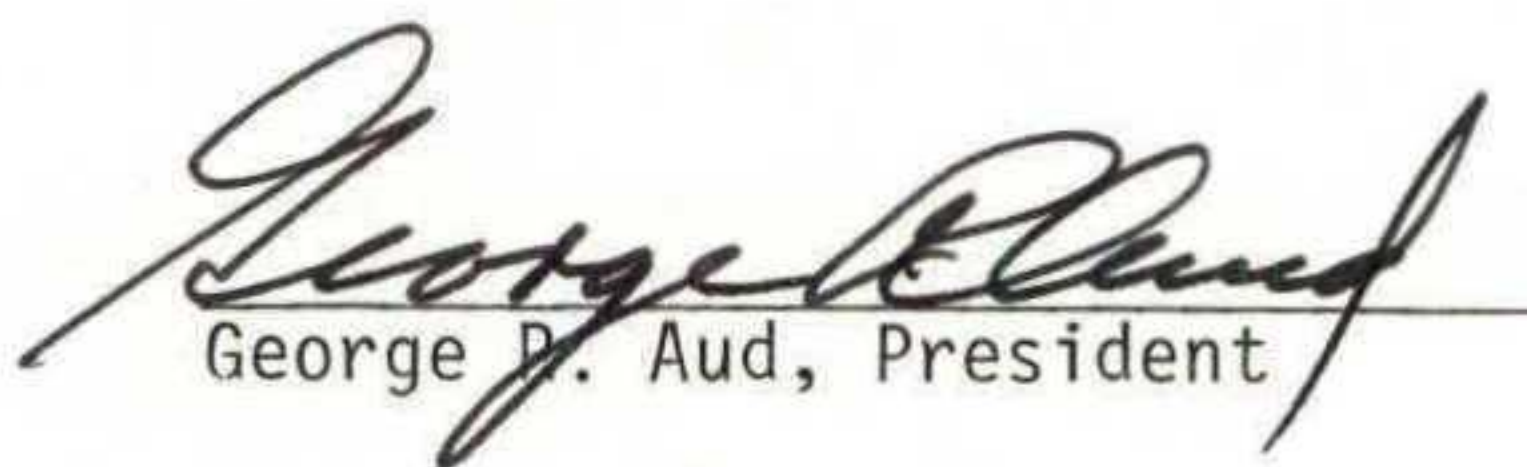
Regarding Item No. 17 of the proposed Changes to the Manual of Personnel Policies and Procedures, the secretary pointed out that the minutes read that the State's policy regarding overtime for emergencies be adopted. It should read that the Commissioners agreed to keep the county's current policy on this matter.

Commissioner Dean moved, seconded by Commissioner Aud, to approve this correction. Motion unanimously carried.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.

Approved:


George P. Aud, President