

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, July 26, 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
Judy Spalding, Recording Secretary

The meeting was called to order at 1:40 p.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, July 19, 1983 as corrected. Motion unanimously carried.

APPROVAL OF BILLS

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

PUBLIC HEARING

MARYLAND TRANSPORTATION BONDS

FIRST ISSUED, SIXTH SERIES

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

The public hearing was opened with Mr. O'Dell advising that the purpose is to consider the county's participation in the State's Consolidated Transportation Bond Issue and went to read the Notice of Public Hearing which was published in the Enterprise July 6 and 13, 1983. The Notice reads as follows:

"Notice of Public Hearing-Maryland Transportation Bonds-County Commissioners' Conference Room, Tuesday, July 26, 1983 - 2:00 p.m. The Board of County Commissioners will conduct a Public Hearing as referenced above to present a proposed Maryland Transportation Bonds Ordinance authorizing St. Mary's to enter into a Participation Agreement with the Department of Transportation of Maryland in the amount of \$665,000 for the purpose of securing the payment of principal and interest on bonds to be issued by the Department of Transportation pursuant to Sections 3-301 to 3-309, inclusive of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof, hereinafter, designated as Department of Transportation - County Transportation Bonds-First Issued, Sixth Series; and to authorize St. Mary's to participate in the proceeds of the Bonds; and to authorize the Commissioners of St. Mary's County to take such further action as may be necessary and proper to consummate the execution and delivery of the said Participation Agreement and the issuance and sale of Bonds.

PUBLIC HEARING
MARYLAND TRANSPORTATION BONDS
FIRST ISSUE, SIXTH SERIES (Continued)

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

Mr. O'Dell explained that the \$665,000 will be used as follows: \$138,150 will be used to match state and federal grants for the construction of the Lexington Park Storm Drainage System. The remaining \$526,850 will be used to asphalt overlay various county roads, which will be approved at a later date. The sale date is contemplated to be on October 25, 1983; proceeds will be made available on or about November 17, 1983; they are 15 year bonds, and the approximate annual debt service will be between \$85,000-\$90,000 per annum.

Commissioner Aud inquired whether anyone present wished to speak for or against the bond issue; hearing none, the public hearing was closed. The Commissioners will wait a period of not less than ten days before making a decision to sign the appropriate adopting Resolution.

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

CLEARINGHOUSE PROJECT NO. 83-7-848
FY '83 FEDERAL AID PROGRAM UPDATE #3

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.

BUDGET AMENDMENT NO. 84-9
BOARD OF EDUCATION

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Budget & Data Services as follows:

No. 84-9 - To adjust budget authority previously approved under June 21, 1983 letter to Superintendent of Schools

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Budget Amendment. Motion unanimously carried.

GRANT APPLICATION AND PLAN
JOB TRAINING PARTNERSHIP ACT PLAN
FOR SOUTHERN MARYLAND SERVICE DELIVERY AREA

The County Administrator presented the referenced Grant Application and Plan for the Job Training Partnership Act for the Southern Maryland Service Delivery Area for the period October 1, 1983 through June 30, 1984. Commissioner Arnold moved, seconded by Commissioner Millison, to approve and authorize Commissioner President Aud to sign said Grant Application and Plans and all related documents to be forwarded to the State Office of Employment and Training. Motion unanimously carried.

PERSONNEL ITEMS

1) Deputy Director
Office of Civil Defense

The County Administrator presented a memorandum dated July 22, 1983 from the Personnel Officer recommending the selection of Paul Wible to the position of Deputy Director, Office of Civil Defense, for a one year contract, effective August 1, 1983.

Commissioner Millison moved, seconded by Commissioner Aud, to accept this recommendation. Motion unaimously carried.

PERSONNEL ITEMS (Continued)

2) Patrolmen Positions (2)
Sheriff's Department

The County Administrator presented a memorandum dated July 25, 1983 from the Personnel Officer advising that it is recommended that Shelie Benjamin and Mickey Bailey be hired to the two Patrolmen positions in the Sheriff's Department, effective August 1, 1983.

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

TRI-COUNTY COUNCIL TRANSPORTATION STUDY
REGIONAL RIDE-SHARING PROGRAM

Present: Gary V. Hodge, Executive Director, TCC

Mr. Hodge appeared before the Commissioners to advise that the Tri-County Council has completed a two year Transportation Study of the commuter needs of Southern Maryland. One of the principal recommendations is the establishment of a regional matching service so that commuters who share the same destination, primarily in the Washington area, can form car/van pools. He stated that state funds are available from the Maryland Mass Transit Administration to initiate a regional ride-sharing program. The required local match will be provided by the Tri-County Council in the form of contributed services, and therefore, no commitment of local government funds are needed. Mr. Hodge requested the Commissioners authorization and endorsement of the Program in the form of a letter addressed to him.

After discussion Commissioner Dean moved, seconded by Commissioner Sayre, to endorse the Regional Ride-Sharing Program as presented by Mr. Hodge and directed the County Administrator to prepare the appropriate correspondence to that effect. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

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

Mr. Norris presented the results of the bid for the referenced project and advised that he would return at a later date with a recommendation.

2) Leonardtwn Library
Armory Renovations

Mr. Norris stated that during the renovations of the Armory for conversion to the Leonardtown Library, asbestos that was used in insulation was encountered. He advised that according to State regulations certain procedures must be used in removal of the material and therefore requested the Commissioners' concurrence to hire John L. Renshaw at \$25 per hour labor, \$30 per sample, and \$50 disposal cost per container. The materials are to be encased in steel drums and deposited in an area that can handle it. Costs are estimated to be less than \$4500.

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

OFFICE OF COUNTY ENGINEER ITEMS (Continued)

3) St. George's Creek Dredging Project

Mr. Norris advised that he has an Agreement by and between the United States of America Army Corps of Engineers and St. Mary's County for the referenced project; however, he still did not have the easement for the spoils area finalized. Therefore, in order to expedite the project, Mr. Norris requested authorization from the Board of County Commissioners President Aud to sign all appropriate documents.

CONTINUATION OF REZONING HEARING
PATUXENT RIVER FARMS ZONE ZPUD #83-0130

Requesting rezoning from R-1, Rural-Residential to PDR 2.83, Planned Development Residential, with Commercial Marine. The property contains approximately 211 acres and is located on Mill Creek, Town Point Farm, Eight Election District, on Tax Map 27, Block 24, Parcel 18.

Commissioner present and participating George Aud, Ford Dean, Richard Arnold and David Sayre. Commissioner Millison formerly noted his absentation, due to possible conflict of interest.

Staff present included: Frank J. Gerred, Robin Guyther, and Anita Meridith of the Office of Planning and Zoning.

Other members of the audience included: Ray Stott, Robert W. Perrygo, Norris Jay Hanks, Jack F. Witten, Oran R. Wilkerson, John F. Gardiner, Jr., Maria B. Gardiner, Virginia Hallock, Louis A. Hallock, Claudia Gondolf, Ann LeFaiure, Elizabeth Remington, Gene G. Keller, June Keller, Larry Duket, Leon Etzler, Gary V. Hodge, Chris D'Elia, Karen Abrams, Jim Kenney, Robert Manniello, Vincent Peritore, W. Buckley, Kirk R. Fones, Henry L. Dodson, Helen P. Dodson.

The Chair welcomed all present and advised that this meeting was a continuation of the June 28, 1983 public hearing which was extended in order that additional written documentation could be entered into the record.

Mr. Gerred, Director of the Office of Planning and Zoning, advised that entered into the record were numerous letters of opposition and support of this project; said correspondence will be copied and made available to each of the Commissioner members. Also submitted into the record was the RIFLE Model (Regional Impact Of Facility Location on the Economy) i.e. economic and tax revenue model with summary page which indicated tax revenues to the County and State and the costs to the County and State with respect to this project. In summary, the twelfth year would result in a tax surplus accrued to the State of \$836,959.00 and \$252,922.00 to the County.

As requested by the Commissioners, the staff entered an analysis of "the best location for the marina site." Mr. Gerred noted that following analysis of this concern, the staff would agree with the applicant, that the site chosen was the best site for the marina, however, it was probably the worsesite in terms of impact upon the neighbors.

REZONING HEARING(Continued)

The Chair opened the floor to questioning and cross-examination of these reports.

Mr. Norris J. Hanks asked whether the staff had run the referenced cost model and whether those figures were income to the County and State. Mr. Gerred responded affirmatively to both questions. Mr. Hanks inquired whether any out-go figures had been computed. Mr. Gerred advised that the figures derived were those of the income, after expenditures, i.e. the net income. Mr. Hanks asked whether the initial cost had been figured, e.g. cost to replace the sewer capacity. Mr. Gerred responded that the figures had not been run and he would hesitate to offer any sort of estimate, as the final figure would be dependant upon the fees charged by the Metropolitan Commission to the users.

Mr. Larry Duket of the Department of State Planning, asked the staff to provide him with a copy of the study proffered by staff. Mr. Duket advised the Commissioners that he would be glad to answer any questions that the Board may have regarding State Planning's report and recommendations.

OFFICE EXHIBITS - Received July 26, 1983

- # A-1 - RIFLE Model regarding tax revenues, etc.
- # A-2 - Staff report - analysis of location for marina
- # A-3 - Correspondence from Department of State Planning (Opposed)
- # A-4 - Correspondence from Patuxent River Commission

Mr. Jack Witten, representing the Potomac River Association advised that he wished to enter the association's position into the file (Marked Opposition's Exhibit #1). He questioned the actual location of the proposed sewer line to this project and the details considered in arriving at a recommended location. Mr. Gerred advised that the location had not been set at this time, however, there were two locations under consideration. The first traversed down North Town Creek, formerly Old Patuxent Beach Road, and the second went through the Robert Dean property (Dean Construction), directly to the site. Mr. Gerred reiterated that neither of these two proposals had been finalized and there could possibly be other considerations. Mr. Witten asked of the 17 recommendations made by State Planning in their April 26 statement, how many of those had been accepted. Mr. Gerred responded that he could only speak for the staff and Planning Commission's recommendations, as all of State Planning's recommendations had been accepted, except for the one which recommended disapproval. Mr. Gerred pointed out that the Planning Commission and staff's recommendations had been "greater safeguards and impositions than were recommended by the State."

Mr. Oran R. Wilkerson asked whether one of the considered routes for the sewer line was what was formerly known as the old McCeney property (G. Bowie McCeney, Parcel 6, Block 6, Map 34). Mr. Gerred affirmed that one of the locations discussed, was, in fact, that referenced property.

Mr. Hanks questioned whether there would be an environmental impact study conducted on the marina. Mr. Gerred responded that staff had recommended that an environmental background study be done, with a very limited marina allowed after the background study had been completed, and then a further study after the use had been in operation for a period of time to assess what affect that limited use would have upon the creek.

REZONING HEARING (Continued)

Jack Witten felt that the option existed that the Army Corps of Engineers could conduct an environmental impact study at such time that the applicant made application with them. Mr. Gerred stated that this was true, however, the County, under the staff's proposal (if accepted), would mandate that information "up front".

Mr. Hank Dodson asked when the cost advantages to the County were run, did the staff also include how the County would make out under the existing zoning. Mr. Gerred responded negatively but added that this could be added in the model.

Mr. Robert Perrygo remarked that the Administrator to the Environmental Protection Agency and the Governors of Maryland, Virginia, and Pennsylvania had spent the previous day boating on the bay, observing first hand, the condition of the bay. He remarked, "If St. Mary's County Board of County Commissioners go ahead with such projects as this, who could we expect any future voice in cleaning up our waters." Mr. Perrygo stated that this project would only add to the polluted condition of the bay. He felt that if the County wanted to broaden its tax base, then the Commissioners should seek to attract other firms into the County, which would not pollute the environment.

Mr. Jack Gardiner asked whether an environmental impact study would be conducted with respect to the potential increase in water traffic and resulting wave action which would effect erosion. He also questioned whether there would be a boat ramp provided for those people visiting the motel who might want to launch their boats from this site. Commissioner Arnold remarked that he had asked whether any additional boat ramps would be included at the previous meeting and had been advised that a single ramp would be provided adjacent to the slips. Mr. Gerred related that the wave action would be made a part of the impact of the marina.

Mr. Hanks inquired who would do the study. Mr. Gerred advised that an outside consultant would be hired.

Commissioner Sayre inquired whether there was any bulkheading around Town Point or running into Mill Creek or any beach area around this area. Mr. Gerred responded that erosion was presently occurring along the river side and that there were some shallow areas along the river side and an area of accretion where there was a narrow beach on the river side next to Kingston Creek.

Mr. Joseph Malcolm advised that he had personally spent between \$4,000 and \$5,000 for bulkheading of his property. He stated "With 400 more boats down there, I think a lot more people will suffer."

Mr. Oran Wilkerson, representing the Patuxent River Citizens Association, advised that while he had previously submitted his thoughts in writing concerning this proposal, he wished to note that he had "some reservations and second thoughts about it." Mr. Wilkerson pointed out that his previous comments to the Planning Commission were made without the benefit of the report of the Patuxent River Commission. He noted that regardless of the merits of the plan, "if it's not in harmony with the long-range plan of the Patuxent River Commission, I think that perhaps we should take a second look at it and not approve it at all."

Mr. Louis Eberle reflected that there appeared to be two major questions or concerns relative to this proposal, i.e. lack of a comprehensive market survey by a qualified and reputable association which would demonstrate a need for all or a portion of this proposed project; secondly failure of the applicant to indicate or provide a certified financial statement which would set forth the total amount of up-front money on hand to initiate the project and the amounts and sources of firm commitments of funds secured to insure completion of this project.

Mr. Robert Perrygo read an article which appeared in the Bug Eye Times, entitled "Oystering in the Patuxent." Said article included that the State of Maryland had reseeded 416,000 bushels of oysters this spring in Maryland waters. 143,000 bushels of those seed oysters were put in the Patuxent River, or 29% of the total reseeded operation. Mr. Perrygo noted that many loads of those seed oysters had been placed "within a couple of hundred yards of this proposed 450 room motel."

Mr. Jack Witten expounded on the concerns of the Potomac River Association (written submittal previously provided), noting that the basic concerns were those of lack of market survey and general lack of sufficient evidence on which a decisive decision could be made. Reflecting upon the applicant's submittal, to date, Mr. Witten voiced concern with the lack of proof/documentation regarding the applicant's financial stability. He felt that other insufficient data which required further in-depth analysis were those relative to storm water management, sediment control, site plan, road and sewer plans. Mr. Witten advised that following discussion of this project at a meeting of the Potomac River Associations' officers the previous week, the board had felt that there was a lack of "uniform application of restrictions on permits." The association also felt that the County lacked a comprehensive marina ordinance which control the maintenance of this proposed marina operation and consequently, he stressed that the County was very vulnerable in this respect. As an example, Mr. Witten questioned whether the marina could evolved into a "mini-community" wherein live-aboards would be permitted year-round. Mr. Witten stated, "Are we going to be vulnerable to what's happening in Washington D. C. where a townhouse on a barge pulls up and rents a space in a marina, then ties up and lives there forevermore?" Mr. Witten felt that a project of this nature would require a very innovative and unique set of agreements between the applicant, owner and County which should be set out very explicitly in such a manner that they could not be waived without approval of the County Commissioners. He felt that performance bonds should be required for the roads, sewer, marina, storm water controls, sediment controls, etc.

Mr. Witten stated that the general feeling was that the County was leaning toward an approval of this project. Considering same, he further stressed, "We also feel, at this moment, that we haven't found a legal lever to hang our hat on and the opportunity for a suit isn't, at least, hasn't shown up to us. So, we have concentrated in our proposal, the actions that we feel should be taken, if, in fact, this project is going to be approved, to reduce the impact on the adjacent property owners, on those that use and play in the river and those that obtain their livelihood from the river."

REZONING HEARING (Continued)

Mr. Witten stressed, "If we are in fact going to go this way let's make this a showcase project, something that could be held up as an example of the fact that it can, in fact, be done right." Mr. Witten recommended that considering the fact that there could be a real estate transaction shortly after the zoning permit was approved, that any restrictions applied to this permit be "made to run with the land and that the Commissioners have to be a party to those conditions and that the applicant should be required to generate covenants so that the buyers and the owners of land there, are bound by their restrictions as part of his covenants, when he sells the land and that no changes could be made to these conditions unless it was in the desire of the majority of the owners of homes there, and then, only if the Commissioners approve."

Commissioner member Ford Dean advised that on July 21, 1983 the Patuxent River Commission had voted 6 to 2 with one abstention (Commissioner Dean's abstention) to oppose the project. At that time, he advised that he had urged the Commission that irregardless of their position, that they state objectively and definitively the basis for their recommendation. He stressed that their recommendation was devoid of any definitive reason as to their opposition. Commissioner Dean noted that the recommendations spoke "in generalities and without specifics and I'm somewhat disappointed that this is the type of recommendation that came out of the Commission." Commissioner Dean remarked that one of the Commission members (who had voted in favor of the project) had commented that she felt "the project presented an opportunity to show how development in the basin could occur in a manner that was compatible and consistent with the effort to improve the water quality of the river."

In preparation for this meeting, Commissioner Dean advised that he had formulated several points or questions which were of concern. He added that while he had not formulated a definite stand with respect to this application, he felt that the following questions/conclusions were pertinent to the matter at hand and he requested that the applicant note the following and respond to same, as some point in time:

1. Boat mooring facilities in the creek should not exceed fifty (50) slips; projection of the piers into the creek should be kept to a minimum and that the feasibility of construction additional mooring facilities in a protected part of the river should be evaluated.

2. No construction permits for boat slips or dwellings should be issued until the location of the access road is identified and the road either constructed or bonded; and the sewage collection system and trunk line should either be in place or a public works with bonding executed.

3. Size and scope of the project will necessitate the County to acquire and consulting engineering services to review plans and to monitor the environmental concerns. The developer should be required to provide those funds for the acquiring of said services.

4. Marketing and financial feasibility study of the quality, as would be required by a financial institution, considering the funding of the project, should be provided prior to any decision on the zoning amendment.

REZONING HEARING (Continued)

Mr. James A. Kenney, II, counsel for the applicant, took note of Commissioner Dean's four points and advised that those concerns would be taken under consideration.

Commissioner Arnold advised that he would reiterate the need for a market survey and he stressed the need for an environmental study of the impact upon the creek. Commissioner Arnold asked the applicant to respond to the expected time frame for development of the conference center. Commissioner Arnold noted that he would also reiterate Commissioner Dean's concerns. He advised that furnished with that information, he felt that the Board could take the matter under advisement and render a decision.

Commissioner Sayre stressed that he was concerned with the development of the marina at this given site. Having been a waterman all his life, he emphasized his concern with the environment and suggested that perhaps an alternate site for the development of the marina be considered. Commissioner Sayre noted that he was particularly concerned with the number of slips which might be developed and the erosion occurring on the north-west side of the point. He agreed that he shared the same concerns as those voiced by Commissioners Dean and Arnold and felt that the Commissioners should not make a hasty decision, but rather should deliberate at length on the many concerns presented.

Commissioner Arnold felt that it was the responsibility of the planning staff and the State Health Department to review the question of whether there was an existing foolproof sewage evacuation system for the boats who may be using this marina facility. He also reflected that the Board must consider the question of who would be responsible for monitoring of the Ordinance, should this application be approved.

Mr. Witten requested that the record be kept open until about 10 days prior to scheduling of the Commissioners' decision making meeting. Following consultation among the members, Commissioner Aud advised the Board would accept that recommendation and would hold the record open.

Commissioner Aud remarked that he welcomed the opportunity to review the letters which had been entered into the record this date, as he was concerned with public opinion. The Chair noted that he was very familiar with the area and speaking on behalf of the Board of Commissioners, he noted that the Board was very concerned with the protection of the waters in Southern Maryland, a fact which had been proven in the past by the fact that the County had taken the State to Court, which had resulted in action concerning the Patuxent and Chesapeake Bay. Commissioner Aud noted that should the project be approved, he felt that it would be a decision which would benefit the entire County.

Hearing closed, however, the record will remain open to provide further opportunity for any written comment.

REZONING DECISION/DISCUSSION

Commissioner Arnold, Aud, and Sayre present and participating.

Zone # 81-0163: MAYJACK, INC., Amber Meadows

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.

Commissioner Aud provided the staff and his fellow Commissioners with a copy of his written comments, which provided findings of fact and conclusions of law for the referenced case.

Following brief review of said document, Commissioner Aud moved, seconded by Commissioner Arnold to instruct the County Attorney to prepare the appropriate resolution, approving the rezoning for Mayjack, Inc., the Amber Meadows Trailer Park, citing the reasons as outlined in his written commentary (finding of fact and conclusion of law).

Vote was called, resulting in the UNANIMOUS decision of the Board to grant the zoning amendment for ZONE # 81-0163 for Mayjack, Inc. for development of Amber Meadows Trailer Park.

The full complement of Board was present and participated in the following:

ZPUD # 82-1135: REILLY PROPERTY

Requesting rezoning from R-1, Rural Residential to PDR 1.0 Planned Development Residential, one dwelling unit per acre. The property contains approximately 416.7 acres and is located on MD Route 235, and Far Cry Road, 1st and 8th Election Districts, Tax Map 59, Block 145, Parcel 4. Rezoning would allow up to 400 dwelling units to be constructed.

Following review of the proffered resolution, Commissioner Dean moved, seconded by Commissioner Arnold and unanimously passed, to approve Resolution No. Z83-10 for the Reilly Property.

ZONE # 82-1164: ORIE P. BEASLEY

Requesting 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.

Mr. Guyther, planner, Office of Planning and Zoning, advised that the resolution had been rewritten as the tax maps for the property had changed, which in effect had resulted in a changing of the parcel number (acreage remains the same).

Following the review of the retyped resolution, Commissioner Arnold moved, seconded by Commissioner Millison, to approve Resolution No. Z-83-11 for Orie P. Beasley.

Attorney Ms. Karen Abrams, representing various parties of opposition during the Beasley rezoning application, came forward and noted for the record that the County Commissioners lacked jurisdiction in this matter, as it had come to her attention that one of the contiguous property owners had not been legally notified via certified mail of the rezoning hearing. Ms. Abrams stressed that the Board had set a precedent, whereby in former cases (Yerkie and Holiday Inn) when it had been ascertained that a contiguous property owner had inadvertently been overlooked in the notification process that Board had reheard the case, having started from scratch through public hearing process.

Commissioner Aud acknowledged receipt of counsel's correspondence which provided written objections on the grounds of failure of notification

REZONING HEARING (Continued)

to all contiguous property owners and noted that a legal opinion had been sought from the County Attorney regarding this question. Mr. Weiner had ruled that since the person who allegedly was not notified, lived in the same house with a person who had been legally notified, coupled with the fact that that person (allegedly not notified) had been present at both public hearings, counsel ruled that it had been a legal notification.

Vote was called with Commissioner members Dean and Sayre voting opposed (both standing on their former stated positions) and Commissioner Arnold, Millison and Aud in favor. The motion passed three(3) to two (2) thus approving Resolution No. Z-83-11 for Orie P. Beasley.

PRIVATE COMMON DRIVEWAYS

Present: John Norris, County Engineer
Frank Gerred, Director, Office of Planning & Zoning
Robin Guther, Planner, Office of Planning & Zoning
Joseph M. Gough, Chairman, Planning Commission
John Bohanan, Sr., Planning Commission
William A. Guy, Planning Commission
Keith Fairfax, Planning Commission
Alfred Mattingly, Planning Commission
Hope Swann, Planning Commission

(Also present: Jerry Nokleby, Bob VanDop(Lorenzi, Dodds & Gunnill), Herb Redmond, James Kenney, and other citizens)

(Commissioner Millison did not participate because of possible conflict of interest.)

As discussed at last week's meeting, the Planning Commission met with Board of County Commissioners to discuss the proposal regarding private common driveways. The County Engineer's Office and the Office of Planning & Zoning each submitted comments and recommendations regarding the proposal which were distributed for review. The firm of Lorenzi, Dodds, and Gunnill also submitted recommendations regarding private common driveways.

Mr. Gerred, by way of visual presentation, outlining the various methods of providing roadways; private drives, joint public/private drives. He stated that there is a question of where private joint use would end and public use would begin.

Mr. Norris described problems that could be encountered by having too many lots on a private road off of a public road; accessibility to emergency vehicles and cost of maintenance to homeowners.

During discussion of the proposal for private common driveways and review of handouts the following points and issues were raised:

1. That there was general agreement in the County Engineer's Office and the Office of Planning and Zoning to allow private roads in PUD's.
2. The question as to the number of allowable lots on a private road five, or seven, two of which would be fronting on a public street;
3. The length of the private road.

PRIVATE COMMON DRIVEWAYS (Continued)

4. The possibility of reducing the County's standards for these particular driveways that serve a few number of lots.
5. Consideration of public/private roads in each PUD on its own merit .
6. The possibility of requiring a mandatory homeowner's association lien agreement.

In conclusion the commissioners advised that they would take all comments into consideration and would make a decision as to the use of private common driveways at a later date.

OFFICE OF COUNTY ENGINEER
HIGHWAY MAINTENANCE BUILDING

Present: John Norris, County Engineer

Mr. Norris presented an aerial photograph indicating the placement at the Governmental Center of the proposed County Engineer's office building and a vehicle maintenance building. Mr. Norris requested the Commissioners to approve of the concept and advised that the Site Plan will be fully developed for final approval by the Board.

The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Aud, to meet in Executive Session with the County Administrator in order to discuss a matter of Personnel. The Session was held from 6:00 p.m. to 6:30 p.m.

ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Approved:


George R. Aud, President