

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 13, 1983

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

(Commissioner Ford L. Dean was not present at opening of meeting.)

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of Tuesday, December 6, 1983 as presented. Motion unanimously carried.

APPROVAL OF BILLS

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

VIOLATION OF ZONING ORDINANCE

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

Mr. Gerred informed the Commissioners of a violation of the Zoning Ordinance and recommended the the individual be taken to Circuit Court for a Show Cause Order. He stated that the individual has expanded beyond his zoning district. Further, he continues to operate in violation in that he has not obtained a Certificate of Occupancy for an additional site.

The Commissioners agreed for Mr. Gerred to seek legal recourse in this matter.

(Commissioner Dean entered meeting - 9:30 a.m.)

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) WOODLAWN SUBDIVISION - LOT 13

The County Administrator presented correspondence dated December 13, 1983 from Assistant County Attorney Joseph Densford enclosing a letter for the Commissioners' review and signature to Francis R. Young, Jr. advising that the existing location of well serving his home poses no problem for the maintenance of the road until such time as the road may be reconstructed or relocated.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said letter. Motion unanimously carried.

2) RESOLUTION NO. 83-31
MARRIAGE LICENSE FEE

The County Administrator advised that the referenced Resolution was approved at last week's meeting; however, there was no mention of rescinding Resolution No. 83-16 or establishing an effective date.

Commissioner Aud moved, seconded by Commissioner Sayre to correct the Resolution to reflect the rescision of Resolution No. 83-16 and to make the effective date January 1, 1984. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS (Continued)

3) PERSONNEL

a) HOUSING AND COMMUNITY DEVELOPMENT COORDINATOR

The County Administrator presented a memorandum dated December 7, 1983 from the Personnel Officer requesting an authorization for the advertisement of the referenced grant-funded position (Grade 15, one-year contract) for the implementation of the Community Development Grant Program, Growth and Development of Data Services, and the Management of existing Housing Programs.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve the advertisement of the Housing and Community Development Coordinator position. Motion unanimously carried.

b) TRANSPORTATION COORDINATOR POSITION
OFFICE ON AGING

The County Administrator presented a memorandum dated December 12, 1983 from the Personnel Officer requesting authorization for the establishment and hiring of a Transportation Coordinator, Grade 6, in the Office on Aging, to be funded by Title III-B funds. It was recommended that the position be advertised in-house.

The Commissioners gave their concurrence.

4) CORRESPONDENCE TO ARMY CORPS OF ENGINEERS
TALL TIMBERS SHORE EROSION PROJECT

As a follow up to discussion held November 29, the County Administrator presented correspondence for the Commissioners' review and signatures addressed to the Army Corps of Engineers requesting further evaluation of the mitigation of the shore erosion at Tall Timbers.

The Commissioners agreed to sign and forward said letter.

5) REQUISITION NO. 22
ST. MARY'S HOSPITAL PROJECT

The County Administrator presented Requisition No. 22 in the amount of \$490,658.68 for work completed to date on the St. Mary's Hospital project.

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

6) DRAINAGE AND CONSTRUCTION EASEMENT
PROJECT NO. SM 81-1-2

On behalf of the County Engineer, the County Administrator presented the referenced Drainage and Construction Easement by and between St. Mary's Metropolitan Commission and the Board of County Commissioners of St. Mary's County for construction/drainage improvements in Lexington Park, Eighth Election District.

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

7) APPOINTMENT
LIBRARY BOARD OF TRUSTEES

Commissioner Aud moved, seconded by Commissioner Arnold, to appoint Mrs. Lynn Redmond to the Library Board of Trustees for a term to expire December 31, 1987. Motion unanimously carried.

COUNTY ADMINISTRATOR ITEMS (Continued)

8) OFFICE ON AGING
RSVP GRANT APPLICATION

On behalf of the Senior Services Coordinator, the County Administrator presented Grant Application No. 440-3597 for the Retired Senior Volunteer Program (RSVP) in the total amount of \$50,000--local share-\$17,000; Federal share-\$33,000. The grant application has been reviewed by the Director of Budget and Data Services and is recommended for approval and signature.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Grant Application. Motion unanimously carried.

UPDATE ON CLEANUP OF HAZARDOUS WASTE SITES

Commissioner Arnold advised that he attended a meeting on December 12 conducted by the State Health Department at which an update on the removal of hazardous waste at the California and Chaptico sites was presented. Commissioner Arnold distributed fact Sheets presented by the U.S. Coast Guard on the progress on the cleanup efforts.

Commissioner Arnold recommended that correspondence be prepared for the Board's signatures expressing appreciation to all the various agencies that were involved in the hazardous waste removal and to the news media for their efforts in keeping the community informed. The Commissioners concurred and directed the County Administrator to prepare said correspondence.

LEGISLATIVE PROPOSAL
REMOVAL OF LIMITATION OF COUNTY COMMISSIONER TERMS

(Commissioner Millison abstained from participating in this discussion in order to avoid the possibility of conflict of interest.)

Commissioner Dean suggested that a request be submitted to the Legislative Delegation that the Legislative Package item pertaining to the removal of the limitation of consecutive County Commissioner terms be placed on referendum during the Presidential election next year. He stated that it is appropriate to go to referendum because it goes to the very structure of our government.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to submit this request as outlined above. Motion carried.

Commissioner Aud stated for the record that he had no objection to the item being put on referendum; however, he was of the belief that the voters would determine at election time whether they wished to keep a County Commissioner in office. He stated that County Government has become very complex and it takes a couple of years for new Commissioners to understand the various cycles of government.

THREE HUNDRED FIFTIETH CELEBRATION ACTIVITIES

Present: Joseph Mitchell, Director, Economic & Community Development
John Bohanan, Coordinator, 350th Committee
Gary Hodge, Coordinator of State Activities for So. MD
Charles Hewitt, Coordinator, Lord Baltimore's World

Mr. Mitchell advised that the purpose of this meeting is to bring the Commissioners up to date with regard to the various activities of the 350th anniversary founding of Maryland celebration.

ST. MARY'S COUNTY 350th COMMITTEE

Mr. Bohanan advised the Commissioners of the progress of the activities and events for the County's celebration of the 350th. A quilt depicting the history and characteristics of St. Mary's County handmade by the Quilters' Club of St. Mary's was displayed in Room 16 (across the hall). He stated that over 400 people attended the 350th "kick-off" on Sunday December 4 at which a slide presentation of the 300 Celebration in 1934 was shown followed by a reception. The Committee is working on plan for the four-day celebration to be held May 17 through 20 and will coincide with the opening of Lord Baltimore's World at St. Mary's City.

STATE 350TH CELEBRATION ACTIVITIES

Mr. Hodge presented each of the Commissioners with packets of information pertaining to the 350th Celebration which is being distributed by the State. The packet includes brochures, photographs, calendar of events, and information pertaining to the 17th Century.

Mr. Hodge stated that there will be two television promotions advertising the 350th Celebration and gave a video presentation of the two advertisements. He further stated that radio commercials will also be purchased, and that all of the advertisements should begin in January.

LORD BALTIMORE'S WORLD

Mr. Hewitt updated the Commissioners on the progress of the construction of Lord Baltimore's World at St. Mary's City and displayed a model of the buildings that are planned. Further, Mr. Hewitt showed slides of the construction being done and explained that the project will be on 18-20 acres of property. He stated that there will be actors, Shakespearean theater, musicians, crafts and food.

Mr. Hewitt advised the Commissioners that the project will be having a cash flow problem in January or February and requested the Board's consideration in advancing \$50,000 which would be paid back through gate and other receipts as the program progresses.

In that there are no funds in the FY '84 Budget for this purpose and it is anticipated that there will be funds allocated in FY '85, the Commissioners agreed to defer a decision until next week in order for the Director of Budget & Data Services to determine if there is a source and further, if approved, to work out the payback details.

PUBLIC HEARING - RESOLUTION NO. 83-33
ECONOMIC DEVELOPMENT REVENUE BONDS
PATUXENT ASSOCIATES LIMITED PARTNERSHIP (DYNAMAC)

Present: Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
John Barr, Counsel for Applicant
Joseph Densford, Assistant County Attorney

The Commissioners conducted a Public Hearing on the adoption of a Resolution for the proposed issuance and sale of Economic Development Revenue Bonds in a maximum aggregate amount not to exceed \$1,500,000 for the acquisition and construction of a research and development facility for the Patuxent Associates Limited Partnership.

The secretary read the Notice of Public Hearing.

Mr. Barr explained the proposed project and advised that the undertaking of the Bonds in no way obligates the County.

Commissioner Aud inquired if anyone present wished to make any comments.

After discussion, Commissioner Arnold moved, seconded by Commissioner Millison, to approve and sign Resolution No. 83-33 regarding the issuance of Economic Development Revenue Bonds as set forth above. Motion unanimously carried.

Further, Commissioner Arnold moved, seconded by Commissioner Millison to authorize Commissioner President Aud and the County Administrator to sign any subsequent documents to complete the transaction regarding the issuance of the bonds. Motion unanimously carried.

(A tape of the hearing is on file in the Commissioners' Office.)

ECONOMIC DEVELOPMENT
LOCAL ECONOMIC OPTIONS (L.E.O.)

Present: Joseph Mitchell Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
George Havens, L.E.O. Subcommittee
Dorothy Harper, L.E.O. Subcommittee
Ray Runco, L.E.O. Subcommittee

Mr. Mitchell advised that as a result of the five L.E.O. meetings, three subcommittees have been formed and the Chairpersons are present to give the Commissioners an update report:

Attraction of New Businesses
(Dorothy Harper, Chairperson)

Mrs. Harper stated that the Subcommittee has been reviewing several projects and are having guest speakers attend future meetings. Representative of the Airport Commission will attend the next meeting to discuss past, present, and future plans for expansion of the Airport. Also a representative from the Metropolitan Commission will attend a meeting to discuss water and sewer line expansions.

She advised that the subcommittee has been discussing the marketing of St. Mary's County.

Tourism
(George Havens, Chairperson)

Mr. Havens stated that there are several projects that his Subcommittee is reviewing:

1. A need for high quality tourism facilities on the waterfront (upgrading of smaller commercial facilities);
2. A review of current county tourism expenditures and recommendations for future expenditures;
3. Possibility of a satellite tourist information center next year;
4. Expansion of boat tour operations in the County;
5. Possibility of Eastern Shore/St. Mary's County connection via a ferry;
6. County tourism marketing program;
7. Support of 350th Tourism Advisory Council.

ECONOMIC DEVELOPMENT (Continued)
LOCAL ECONOMIC OPTIONS

Growth of Existing Businesses
(Ray Runco)

Mr. Runco stated that his Subcommittee will be looking at the following areas of concern:

1. Education - A need for facilities for high-tech training;
2. Marketing of local business;
3. Adequate facilities to accommodate tourists;
4. Monitoring growth of public utilities;
5. Provision of information for public and private financial assistance.

In closing, the Commissioners thanked each of the Chairpersons for their informative presentations and for their interest in the economic development of St. Mary's County.

MOBILE HOME PARK COMMITTEE

Present: James Delligatti, Chairperson
F. Elliott Burch, Jr.
Doris Conley
Edward Cook
Murray Jackson
Joseph O'Dell, Director, Budget & Data Services

The referenced representatives of the Mobile Home Park Committee appeared before the Commissioners to present its recommendations for the establishment of a tax equity for mobile home parks. Copies of a memorandum dated November 17, 1983 from the Committee setting forth its recommendations were presented and reviewed. Recommendations are as follows:

1. The existing flat fee of \$6.00 per month, per mobile home pad in parks, should be abolished;
2. The committee recommends a tax, as a percentage of pad rent, be established for mobile home parks applicable to all rented pads within the park;
3. The amount of 7% per month is recommended as the percentage of of the pad rent.

Discussion ensued as to the equity of the 7% tax on pad rent, and Mr. Burch pointed out that the Committee had agreed that the percentage method was the most equitable.

In conclusion, the Commissioners thanked the Committee for their report and advised that they would review the recommendations with the Director of Budget & Data Services and make a decision at a later date.

SYSTEMS REVIEW COMMITTEE
PRESENTATION OF FINAL REPORT

Present: Joseph Densford, Chairman
Francis Abell
Francis Dean
Joseph Garner
Robert Garner
William A. Guy
Jerry Nokleby
Herb Redmond
Edmund Wettengel

Mr. Densford presented the Final Report of the Systems Review Committee to the Commissioners, which he stated was the result of several months of meetings with various departments and agencies. He stated that the goal of the Committee was to look at the current permit process in the County and to make recommendations for improvements. The specific problem areas are addressed in the Report along with possible recommendations for the Commissioners' consideration. Mr. Densford pointed out that the Committee was in unanimous agreement to continue serving in order to implement the recommendations, if approved.

With regard to specific recommendations, Mr. Densford requested that the Committee meet in Executive Session in order to discuss matters of Personnel. Commissioner Dean moved, seconded by Commissioner Aud, to meet in Executive Session as requested. The Session was held from 12:10 p.m. to 12:50 p.m.

REZONING HEARINGS

ZONE # 83-0324: MARY W. READMOND

Requesting rezoning from R-1 Rural Residential, to C-2, Commercial. The property contains approximately .926 acres and is the site of the Montana Snack Bar, located on the east side of Maryland Route 235, Hollywood, on both corners on the intersection with Maryland Route 472, in the Sixth Election District, on Tax Map 19, Block 4, Parcel 61.

Commissioner Dean noted for the record, that this applicant was a relative, and for that reason, he would abstain from participation in this matter.

Commissioners present: George Aud, David Sayre, Richard Arnold, and Larry Millison. Staff present included: Robin Guyther and Anita Meridith of the Office of Planning and Zoning.

Members of the audience included: Mary W. Readmond, Julius Knott, Joanne Serpick, Charles Himmelheber, Jim Kenney, Paul T. Sullivan, H.F. McCormick and Herbert N. Redmond, Jr.

Mr. Robin Guyther, Planner, OPZ, read the public hearing notices aloud, as advertised in the Enterprise Newspaper on November 25, 1983, providing due legal notices of these proceedings.

Staff noted that at the time Mrs. Readmond applied for rezoning, she thought her acreage was .926; however, subsequent survey of her property has revealed that the parcel contains 3+ acres.

Mr. James A. Kenney, representing counsel, came forward and presented for the record, the postal receipts from the letters of notification sent to all contiguous property owners, marked Applicant's Exhibit #1. Correspondingly marked Applicant's #2, was a photograph depicting the posting of the placard on the subject parcel. Staff entered the Planning Commission record into these proceedings.

REZONING HEARING (Continued)
MARY W. READMOND

Staff recalled the the Planning Commission's recommendation had been that the Montana Snack Bar site (south of Sandgates Road) be rezoned to C-1, but that the site to the north remain Rural-Residential, basing the latter on the opinion that insufficient evidence was presented/proven to substantiate mistake on Parcel A (contains residential dwelling).

Mr. Kenney advised that while he had not acted on the applicant's behalf at the Planning Commission level, he wished to point out several factors to the Board, at this time. First, the deed to the property was introduced into the record (Applicant's #3), identified and recorded in Land Liber CBG 12-025. Counsel stated that his purpose for introduction of this document was to demonstrate to the Board that at the time the applicant acquired the property, (1939) the subject property was one single tract of land. The acquisition by the State for Route 472, was cited as the single reason the parcel now appeared as two separate tracts. Counsel stressed that in the early history of this commercial operation, the owner and operator of the store, resided in the residential dwelling. In addition, the dwelling also housed offices of a local oil company. Counsel stressed that a new well, recently installed to serve the property had been dug on Parcel B and ran "under the road" to serve the commercial property. Parcel B is proposed as a parking area to jointly serve the commercial operation.

Mr. Kenney advised that if all of the normal restrictions for residential use were applied for construction/new development on Parcel B, there was a very limited area which could be effectively used without having to obtain waivers, as the lot, at that point, would become noncomplying due to its shape. Counsel felt that the location of this property, rendered the parcel ineffective in its use for residential purposes and a denial of the commercial zoning would be "taking away any meaningful use of this property."

Counsel argued that there was no immediate commercial zoning in this area. In reviewing the population growth for the area, a 53% increase in population was noted, which counsel stressed was "certainly more than envisioned in the plan (Comprehensive Plan) in the Hollywood area.

Mr. Kenney noted the Planning Commission had recommended C-1 as opposed to the applicant's request for C-2. Counsel stated for the record, that the applicant would agree with a C-1 zoning if it included the total site/properties.

Commissioner Aud inquired whether anyone wished to speak either in favor or opposed to the rezoning. There was no response.

Mr. Guyther specifically asked Mr. Kenney what the legal basis was for argument that Parcel A should be rezoned. Mr. Kenney responded, "The legal basis . . . is the fact that it was one site before the taking for Maryland Route 472, and even since that time, it has operated as a joint site..." Staff inquired, "So, your contention is there is a mistake in not zoning Parcel A commercial?" Mr. Kenney responded, "Yes, because there is no effective way to use Parcel A residentially and it should be treated the same as Parcel B."

Mr. Herb Redmond, of the engineering firm of D.H. Steffens, Co., commented on the topography of the site and agreed with counsel, that Parcel A was not a desirable residential lot, as it did not meet the set backs and restriction lines (mean average width). The parcel is completely wooded and is divided by a large swale running through the middle.

REZONING HEARING (Continued)
MARY W. READMOND

Counsel asked to define the neighborhood. Mr. Kenney responded, "This neighborhood is the residential neighborhood beyond this piece of property going to the river and served by this loop in Sand Gates Road." Counsel also stressed for the Board, that the property was taxed as one parcel. For purposes of clarification only, the property is addressed as Parcels A & B.

Mr. Charles Himmelheber, representing the St. Mary's Board of Education, inquired whether there had been any discussion with the Planning Commission as to the impact this rezoning may have on the elementary school situated approximately 150 ft. to the north of the large parcel. Mr. Guyther responded negatively and commented that a commercial zoning would not impact the school at all. Mr. Aud asked Mr. Himmelheber whether he had any concerns with traffic impact. Mr. Himmelheber stated that he did not, as any impact would be "really small."

There being no further testimony, the hearing was closed.

Entered into the record, at the close of this hearing were the two plat of the property used by counsel during his presentation, which were marked Applicant's 4 & 5.

ZONE # 83-0978: AMERICAN LEGION POST 255

Requesting rezoning from R-1, Rural Residential to RSC, Rural Service Center. The properties contain approximately 4.0 acres total and are located on Maryland Route 5, Ridge, just north of Airedale Road, in the First Election District, on Tax Map 71, Block 13, Parcels 447, 156, and 349.

The full complement of the Board of County Commissioners participated in the following rezoning.

Mr. Guyther advised the Commissioners that the Planning Commission had issued a positive recommendation, basing same on mistake in the original zoning. The applicant is seeking RSC rezoning. Testimony presented at the Planning Commission provided that when the Comprehensive RSC Study of the Ridge area was conducted, the former President of the American Legion had been under the impression that he had gone through the proper channels in order to have all the Legion properties rezoned. There are four (4) parcels owned by the American Legion; however, only one (1) parcel was designated RSC during the former rezoning process.

Mr. Paul T. Sullivan, and H.F. McCormick representatives of the American Legion Post 255 Ridge, verified that the property had been posted and presented the Board with the postal receipts from the certified letters of notification sent to all contiguous property owners (Applicant's # 1). The Planning Commission record was entered into the Commissioner's hearing at this point.

The Chair inquired whether anyone wished to speak either in favor or opposed.

Mr. Julius Knott, contiguous property owner approached the Board and proffered a letter, entered as Opposition #1, signed by five individuals, all opposing the proposed RSC zoning of the Legion properties. Said letter was read aloud into the record by Mr. Guyther. Mr. Knott explained that the reason those other signees were absent this hearing was due to illness, employment, and old age.

Mr. Knott stated that he lived approximately 75 feet from the subject property and opposed the rezoning, as he felt that a RSC designation of the property would only increase the activities occurring on the property which were posing him a "constant aggravation" as a result of noise, litter, and destruction of his property.

There being no further testimony, the hearing was closed.

ORDINANCE NO. 83-34
SUPPLEMENTAL APPROPRIATION ORDINANCE

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

Having conducted a public hearing on November 29, 1983 on the presentation and explanation of the proposed items for expenditure and the sources of revenue to meet such expenditures, Mr. O'Dell presented the referenced Supplemental Appropriation Ordinance for the Commissioners' review and signatures.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign Ordinance No. 83-34. Motion unanimously carried.

BUDGET AMENDMENTS NO. 84-23
VARIOUS DEPARTMENTS

Mr. O'Dell presented Budget Amendment No. 84-23 for the Commissioners' review and approval with the following justification: Supplemental Appropriation Ordinance approved by County Commissioners on December 13, 1983. Fund balance decreases are for memorandum balancing purposes only.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the referenced Budget Amendment. Motion unanimously carried.

CAPITAL PROJECT REVIEW
FY'85 AND FY'86

Present: Joseph P. O'Dell, Director, Budget & Data Services
John Baggett, Director, Recreation and Parks
John Norris, County Engineer

The referenced individuals appeared before the Commissioners to discuss and to identify priorities for capital budget funding for FY '85 and FY'86. Mr. O'Dell explained that the result of this review will be the ability to calculate the impact of those projects relative to the debt service requirements in order to enable the final budget amount to be established and transmitted to each department head.

Mr. Baggett distributed the Capital Improvement Summary for Recreation and Parks and pointed out that the priorities of his department are as follows:

Second District Park
\$185,000 to complete park

Maintenance Shop
\$26,400 for renovation of garage at Armory (or maintenance shop at St. Andrews Landfill).

Swimming Pool Complex
\$250,000 for swimming pool and building at donated land adjacent to Nicolet Park.

Mr. Norris distributed to the Commissioners a current Project Status Report for discussion as well as his current Capital Program. Mr. Norris requested the Commissioners' consideration for an additional \$160,000 to fund the Lexington Park Storm Drainage project to cover the bid amount which exceeded the budget authority. The Commissioners directed Mr. Norris and Mr. O'Dell to determine a source of funding and return with a recommendation to the Board on December 20.

CAPITAL PROJECT REVIEW (Continued)
FY '85 AND FY'86

In conclusion upon the recommendation of the Director of Budget & Data Services, the Commissioners tentatively agreed to use Transportation Bonds to fund \$800,000 for the Asphalt Overlay Program and \$600,000 for improvements to Beachville Road. In addition, the Commissioners tentatively agreed to retire the Bond Anticipation Notes in the amount of \$645,000 and to fund the project costs associated with the Northern Branch Library at Charlotte Hall.

Mr. O'Dell will return next week with FY'85 budgetary information incorporating the above tentative decisions as well as a memorandum to be forwarded to all spending units setting FY '85 budet target amounts.

EXECUTIVE SESSION


Present: Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Aud, to meet in Executive Session in order to discuss matters of Personnel. The Session was held from 4:15 p.m. to 4:55 p.m.

ADJOURNMENT

The meeting adjourned at 4:55 p.m.

APPROVED.


George R. Aud, President