

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, March 19, 1985

Present: 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

(Commissioner Aud was not present.)

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, March 12, 1985. Motion carried.

APPROVAL OF BILLS

Commissioner Millison moved, seconded by Commissioner Arnold, to approve payment of the bills as submitted, with the exception of No. 001261. Motion carried.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve payment of Voucher No. 001261. Three Commissioners voted in favor with Commissioner Millison abstaining. Motion carried. 3-0-1.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENT NO. 85-71
COUNTY ADMINISTRATOR

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with justification as follows:

To transfer inter-fund amount previously advanced as a result of Budget Amendment 85-25. In addition provide funding for costs of Sheriff's Department Pension Plan approved by County Commissioners on March 5, 1985.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve Budget Amendment No. 85-71. Motion carried.

2) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' consideration:

a) Department of Public Works
Fiscal Clerk III

Memorandum dated March 1, 1985 from Personnel Officer requesting authority to fill Grade 8 position in the Department of Public Works, which was vacated by Jean Mullen on February 26 and further to change title to Fiscal Clerk from Office Communications Clerk.

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

b) Department of Public Works
Construction Day Laborers

The County Administrator advised that some time ago the Director of Public Works requested authorization to establish day laborer positions on an as needed basis and will be paid for from construction accounts. Authority is requested to begin the hiring process for the day laborers, to be paid only for hours worked during the construction season.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve grant this authority. Motion carried.

3) CITIZEN ADVISORS' APPRECIATION NIGHT

The County Administrator presented a memorandum setting forth the details for a proposal for the annual Citizen Advisors' Appreciation Night to be held Wednesday, June 5 and requested approval to proceed with the planning of this event. The Commissioners gave their concurrence.

4) ST. MARY'S CITY COMMISSION
MARYLAND DAY CELEBRATION

The County Administrator presented correspondence dated March 14, 1985 from the Director of St. Mary's City Commission advising that a grant of \$2500 has been received from State Tourism Division of Department of Economic & Community Development for the celebration of this year's Maryland Day. St. Mary's City Commission is requesting the County's cooperation to match that grant. Since only \$1,000 was budgeted for this purpose, the Commissioners requested the Director of Budget and Data Services to prepare a budget amendment for the additional amount.

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

5) ST. MARY'S COUNTY AIRPORT LEASE

(Also Present: Tom Howard, Chairman, Airport Commission
John Paradis, Airport Commission
Dan Guenther, Attorney for Lee Briggs, Inc.)

As a follow up to last week's discussion, the County Administrator advised the Commissioners that a decision is pending regarding the acceptance of a proposal from Mech Dyne, Inc. for the lease and operation of the County Airport.

Mr. Guenther stated that he would like to bring certain information to the Commissioners' attention prior to their making a decision. He stated that his client, Lee Briggs, Inc. believed that his proposal (which had been rated #2 by the Airport Commission) was not given adequate consideration and that his proposal would be more advantageous to the County. Mr. Guenther presented correspondence dated March 19, 1985 setting forth his concerns stating that although the proposals are similar in many ways, Lee Briggs Inc. is offering a larger amount for rent. He stated that Lee Briggs Inc. has proposed to follow the Airport Master Plan. Mr. Guenther requested the Commissioners to closer scrutinize the proposal from Lee Briggs Inc. before they take any action.

Mr. Howard explained to the Commissioners the process used in evaluating the four proposals that were received and that because of the many improvements proposed at its own expense, Mech-Dyne was determined by the Airport Commission to be the most beneficial to the County.

It was agreed that the County Attorney would be contacted today regarding this matter after which and the Commissioners would make a decision. Commissioner Arnold moved, seconded by Commissioner Sayre, to meet in Executive Session to discuss potential litigation. Motion carried. The Session was held from 9:30 a.m. to 10:00 a.m. Those present during the Session were: Commissioner Millison, Commissioner Arnold, Commissioner Dean, Commissioner Sayre and the County Administrator Cox.

Later in the meeting, Commissioner Dean moved, seconded by Commissioner Arnold, to meet in Executive Session to discuss a matter of potential litigation with the Assistant County Attorney and Airport Commission members. Motion carried. The Session was held from 11:25 a.m. to 11:35 a.m. Those present: Commissioner Millison, Commissioner Arnold, Commissioner Dean, Commissioner Sayre, Airport Commission members - Tom Howard, John Paradis, Thomas McGuyre, and the Assistant County Attorney Joseph Densford.

After the Executive Session, Commissioner Millison stated that he would like for Mr. Howard to present an explanation as to how the Airport Commission made its determination for the awarding of the proposal.

Mr. Howard stated that each Airport Commission member reviewed all four proposals which were then rated in a sealed envelope. Mech-Dyne received the highest point value and Lee Briggs, Inc. was second. The lease was valued at 30% and other factors were given 70%. Because of the large amount of improvements proposed, Mech-Dyne was chosen to best benefit the County. The Airport voted unanimously to recommend to the Board of County Commissioners that Mech-Dyne be selected for the lease and operation of the Airport.

Commissioner Dean indicated that it was important for the Commissioners to determine whether or not the Airport Commission had acted in accordance with the Request for Proposal and upon reviewing the matter there did not appear to be any basis for disagreeing with the Commission's recommendation. Therefore, Commissioner Dean moved, seconded by Commissioner Sayre, to approve the lease submitted by Mech-Dyne, Inc. and authorize the Vice-President of the Board to sign same on behalf of the Board. Motion unanimously carried.

Later in the meeting after Commissioner Millison left, the County Administrator stated that a motion had been made to authorize Commissioner Vice-President to sign the Airport Lease; however, in that Commissioner Millison had left the meeting due to illness, that motion should be rescinded and a new motion made to authorize Commissioner Dean to sign the Lease. Therefore, Commissioner Arnold moved, seconded by Commissioner Sayre, to rescind the previous motion authorizing Vice-President Millison to sign the Airport Lease and further to authorize Commissioner Ford Dean to sign said Lease. Motion carried.

FY '86 BUDGET REVIEW

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

Mr. O'Dell stated that he was going to highlight certain department's budgets over the next few weeks and today would review the Board of Education's budget. He went on to review the County's history of funding the Board of Education and compared it to current recommended funding indicating the percentage increase over the years.

A copy of these figures are on file in the Commissioners' office.

At the conclusion of Mr. O'Dell's presentation, the Commissioners each expressed agreement with the Budget Director to go to the public hearings with the Recommended Budget as proposed. Commissioner Dean indicated that the Recommended Budget is consistent with the policy parameters previously established by the Commissioners in correspondence to Spending Units in December. He stated that the Recommended Budget is merely a step in the budget-building process.

Commissioner Dean pointed out that he intended to give additional consideration for funding for the Jail Annex and for the Lexington Park Transportation Plan, if needed.

Commissioner Millison agreed that Jail Annex funding should be considered as well as the possible need for additional deputies in that the safety to the citizens is most important.

In closing, Mr. O'Dell stated that Commissioner President Aud had indicated his concurrence with the Recommended Budget.

Commissioner Dean moved, seconded by Commissioner Sayre, to instruct the Budget Director to prepare the Recommended Budget for the Board's signatures at the March 26 meeting and that the Budget include the following figures:

Capital Budget		\$6,091,900
General Fund Transfers	\$ 845,020	
General Obligation Bonds	3,515,000	
Transportation Bonds	1,400,000	
Federal/State Grants	331,880	

Revenue Estimates of \$31,568,884 for the General Fund and Property Tax Rate of \$1.99;

Outlays and Transfer-Outs in the aggregate amount of \$31,568,884;

and further that the letter concerning the Budget be sent to each Spending Unit. Motion unanimously carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director, Public Works

1) BIG OAKS SUBDIVISION
PUBLIC WORKS AGREEMENT

Mr. Norris stated that last week authorization was granted by the Board for Commissioner President Aud to sign the Public Works Agreement guaranteeing the completion of Hill and Dale Drive and Spring Rise Court in Big Oaks Subdivision. However, since Commissioner Aud is out of town, Mr. Norris requested that authorization be granted for Vice-President Millison to sign the Public Works Agreement as soon as it is received from the County Attorney.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner Vice-President Millison to sign the Public Works Agreement by and between Board of County Commissioners of St. Mary's County and William S. Lawrence et al and Warren E. Barley, et al guaranteeing the completion of Hill and Dale Drive and Spring Rise Court in Big Oaks Subdivision. Three Commissioners voted in favor with Commissioner Dean abstaining. Motion carried.

2) SELF-ELEVATED SCRAPER PAN
REQUEST FOR REPLACEMENT

Mr. Norris requested authorization from the Board to begin the process for acquiring a replacement for the 621 self-elevated scraper pan, which had been purchased five years ago on a 5-year buy back plan. He stated that the process for replacement should begin now so that the current piece of equipment can be turned over to Alban Tractor. Mr. Norris advised that the equipment is in next fiscal year's recommended equipment schedule.

The Commissioners unanimously gave their concurrence.

3) LEXINGTON PARK STORM DRAINAGE TAXING DISTRICT
PRELIMINARY ENGINEERING STUDY

Mr. Norris stated that there is currently under evaluation a special drainage taxing district for Lexington Park and recommended that the Commissioners accept a proposal from The Wilson T. Ballard Company in the amount of \$6,410 to do preliminary engineering work to arrive at a method to solve the drainage problem and determine estimated costs for the work pending receipt of petitions for the establishment of the Taxing District.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept Mr. Norris' recommendation. Motion carried.

4) LEXINGTON PARK STORM DRAINAGE PROJECT
EXTRA WORK AUTHORIZATION NO. 4

Mr. Norris presented EWO #4 in the amount of \$17,805.55 in conjunction with the relocation of Metropolitan Commission's facilities.

Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and authorize Vice-President Millison to sign said Extra Work Authorization. Motion carried.

5) EXECUTIVE SESSION

Present: John Norris

Commissioner Arnold moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of Personnel as requested by the County Engineer. Motion unanimously carried. The Session was held from 10:55 a.m. to 11:10 a.m.

EXECUTIVE SESSION

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

Commissioner Dean moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of land acquisition. Motion carried. The Session was held from 11:12 a.m. to 11:25 a.m.

COMMENDATION - GRACE DEAN

Present: Grace Dean
Dr. William Marek, Deputy Health Officer
Representatives of County Health Department

The Commissioners presented a Commendation to Grace Dean commending her for 30 years of volunteer service in the Child Health Clinic at the St. Mary's County Health Department. Also presented was a Proclamation from the Governor of the State of Maryland.

Dr. Marek presented a Commendation to Mrs. Dean from the Health Department expressing their appreciation for her volunteer services.

TALL CEDARS WEEK
PROCLAMATION NO. 85-18

Present: Art Gaurde

The Commissioners presented the referenced Proclamation designating the week of March 17-23, 1985 as Tall Cedars Week of Lebanon Week in St. Mary's County.

(COMMISSIONER MILLISON LEFT MEETING DUE TO ILLNESS - 12:00 NOON.)

OFFICE OF PLANNING AND ZONING
REZONING HEARINGS

Present: Robin Guyther, Planner, OPZ
Anita Meridith, Recording Secretary

1:00 P.M.

Commissioners present included: Ford Dean, Acting Chairman, and members David Sayre and Richard Arnold. Commissioner members Larry Millison and George Aud were absent.

Members of the audience included: Judy Landau, Matt Kaye, George C. Gateau, Sr., Madeline Gateau, Pat O'Donnell, J. Claude Jarboe, Joan I. Adams, Joseph I. Knott, Susan E. Wise, Doris Beavan Jones, Janice Hayden, Joseph L. Pilkerton, Nancy Pilkerton, Betty Robrecht, Edward Cook, Steve Anlian, Donald E. Strickland, Charles M. Strickland, Morgan Wayson, Jr., Janet Wayson, J. I. Knott, Perry Stedman, Jim Kenney, Fritz von Schwerdtner, William Higgs.

Mr. Guyther read the Notice of Public Hearing aloud, as advertised in "The Enterprise" Newspaper, a publication of county-wide circulation, on Wednesday, February 20, 1985, providing legal notice for the following public hearing(s):

ZPUD # 84-1477: EDWARD J. COOK

Requesting rezoning of approximately 167 acres from R-2, Low Density Urban Residential, to PDR 4.5, Planned Development Residential. The property is the site of the proposed "TOSCA" development (750 dwelling units), located on Great Mills Road in Lexington Park, Eighth Election District, shown on Tax Map 51, Block 3 as Parcel 147.

The applicant, Mr. Edward J. Cook, came forward and presented the postal receipts from the certified letters of notification sent to all contiguous property owners (marked Applicant's Exhibit No. 1) and verified that the property had been legally posted with the placard as provided by the Office of Planning and Zoning. Mr. Cook introduced his planner, Mr. Steven J. Anlian, Senior Associate of the consulting firm of Harmond, O'Donnell and Heining (HOH).

Mr. Guyther provided an orientation as to the location of the subject property: On Great Mills Road, west of the Lexington Park Central Business District - property wraps around the site of the old Patuxent Recreation Center/bowling alley. The property is currently zoned R-2 and is serviced by public water and sewer which would provide for a density of four (4) units per acre. The existing zoning would permit 630 units and the plan includes a mixed variety of housing including open space, biker

trails and a small commercial area. The Planning Commission recommended an approval of the PDR 4.5 zoning request with seven (7) conditions (see Planning Commission Minutes of 1-21-85). The applicant's proposal for 750 units, would increase the existing allowed density from 4 units to 4.5 units per acre.

A large colored site plan of the proposed development was displayed and Mr. Anlian gave a presentation, speaking to the major components of the concept. He indicated the boundaries of the property which bordered Great Mills Road (Rte. 246) and advised that Jarboesville Run surrounded three portions of the parcel. The only other parcel contiguous to this property is owned by the applicant. The plan proposes a mixture of residential uses with two small commercial areas, (the latter comprising a total of seven acres) to be located along Great Mills Road). Mr. Anlian referenced the site of the old Patuxent Recreation Center and stressed that this small tract was an exclusion of this subject application. The plan includes a collector drive and collector circle terminating at a recreational area which would include a tennis court, swimming pool and clubhouse facility, for the sole use of the residents of TOSCA.

The 750 units were broken down into two categories: single family detached and various cluster areas. These clusters would average ten units (10) to the acre. Mr. Anlian felt that one of the advantages of the proposed PUD was that it could be "comprehensively planned in terms of the road network, the total numbers and such things such as road sections, road widths, stormwater management areas." He advised that in cooperation with OPZ and the Department of Public Works, the applicant had introduced a comprehensive plan for the stormwater management for this property where in lieu of individual stormwater structures, the plan included several large ponds which provided additional amenities for the entire community.

Mr. Anlian continued that a good portion of the site would remain in open space and he felt that this was important because of the sensitive areas that were within the flood plain; secondly, those natural areas would provide a buffer completely around the TOSCA community. A pedestrian network is included in the plan (shown in green) which would link all of the activity areas, e.g. the recreation center with the commercial center and residential areas.

In providing other statistics relative to this proposal, Mr. Anlian offered that 47 acres of the 167 acre tract would be developed with single family residences (150 units), 60 acres of cluster development (600 units) and 40 acres of recreation area.

Commissioner Dean questioned whether a bridge would be constructed over the pond indicated on the bottom section of the development plan. Mr. Anlian stated that depending on the final details relative to stormwater management for the site, a bridge, per se, might not be built, but may include large culvert structures. Mr. Dean inquired whether the plan, as now presented, included those recommendations as outlined in the Planning Commission's recommendation. Mr. Anlian stated, "In all cases, we agreed with the recommendations" and that the plan did incorporate those amendments.

Staff pointed out that the large commercial area would not be serviced from Great Mills Road but only by the "main stem road." Also, with respect to Item No. 4, (additional 43 acres of common open space), the plan calls for open space within the clusters which is not shown at this time. Therefore, as the developer presents each cluster, staff will keep a record of the open space and should they fall short in terms of acreage when the plan nears completion, the applicant would be required to submit a new plan or loose some of the units in order to provide the 43 acres of open space.

Commissioner Dean asked whether anyone present wished to speak in favor of this rezoning proposal. There was no response. The Chair inquired whether anyone wished to speak opposed.

Mr. Donald Strickland, address Great Mills, Maryland, asked for a reaffirmation regarding the "green area" bordering the site plan. Mr. Anlian advised that much of the area had been deemed by the county and state as being in a flood plain area and were environmentally sensitive areas. Mr. Donald Strickland asked what was the black arrow indicated in the top portion of the plan. Mr. Anlian advised that it was a 100 ft. right-of-way, requested by the County. Mr. Guyther elaborated that as part of the transportation planning that was currently occurring, this project and several adjacent projects were being considered jointly with regard to development of a connector road. As it is unknown at this point, where the roads would be joined together, or the exact location of the road, this arrow does not indicate a specific location for the connection and quite possibly could be moved. Mr. Strickland related that Great Mills Road was overly populated and he understood that there was a plan to connect Strickland Road to Peggs Road to alleviate some of the problem and he felt that another connector road going through Strickland Road would involve other properties owned by the Strickland family and as a taxpayer, who would ultimately have to pay for these roads, he objected strongly.

Mr. Claude Jarboe asked whether the homes would be for sale or rental properties. Mr. Cook responded that they would be a combination of both, however, at this time he could not advise as to the specific numbers, due to the preliminary nature of the plan. However, he anticipated that approximately 80% of the residences would be for sale. With regard to apartment development, he noted that a serious consideration would be given to condominiums. Mr. Jarboe asked whether the development would cater to low and medium income families. Mr. Cook advised that hopefully, it would include a mix and that he would "do the best we can to avoid the low end." He continued that his proposal, while done on a much smaller scale, had been patterned after the Wildewood Development.

Mr. Charles Strickland stated that he wished to amplify Donald Strickland's testimony with regard to the on-going transportation study. He urged the Commissioners to review the flood plain maps of this area very closely. He emphasized that it would prove very costly and was impractical for the county to develop a road in this area, due to the swampy nature of the land. Mr. Strickland reflected that the Bean property and other properties in this area were being developed along Great Mills Road and yet, while a plan was being developed to put in a parallel road to Great Mills Road, the developers of these various properties were unwilling to bear the burden of donating land to the County for those arteries into Lexington Park and as a result, the taxpayers would eventually have to bear the burden. Additionally, Mr. Strickland stressed that he was personally concerned with the trends that the Planning Commission and the County Commissioners were setting by allowing this to happen.

In response to questioning by Commissioner Arnold, Mr. Anlian advised that the projected development schedule for the site was one hundred (100) units per year with a possible build-out of ten (10) years. Development of the commercial area would be phased along with the development of the total property, commencing with 300 sq. ft. of commercial uses per dwelling unit. Commissioner Arnold asked if the applicant had a projected schedule for the educational requirements that would be needed in conjunction with this proposal. Mr. Anlian referred to Page 7 of the TOSCA Report, advising that he had met with the St. Mary's County Board of Education and they had provided student yield statistics. The total student generation was given as 540 students and was broken down as follows: 3/5 elementary school age, 1/5 middle and 1/5 high school. Using a ten year build-out, these figures would compute to approximately 33 students the first year in elementary school, 10 students of middle school age and 10 student of high school age.

In response to question as to the amount of sewer allotments - remaining capacity, Mr. Guyther noted that there were about 3,900 dwelling units remaining in the sewer plant. While this proposal would eventually use 750, they would not tie up that total number at the onset, but would only use as many as needed as they progressed through their development.

Mr. Cook offered that TOSCA was the name of the heroin in one of his favorite operas. On a lighter note, Mr. Cook explained that he chose this name for his development because he felt it had a lyrical ring, he wanted a short distinctive name, something that was easy to spell, easy to pronounce and was an effort to get away from the "triteness" of the normal names associated with similar developments in the county. He concluded that while the heroin met a violent end, he promised a happier future for his TOSCA.

Commissioner Dean asked whether MetCom had ever instituted a sewer allocation policy and public works agreement as had been previously discussed (a time limit of useage would be placed on an approval, understanding that should the development fail to move forward that the specific allocation would revert back into a pool for other allocations). Mr. Guyther replied that part of that proposal had been instituted in that an allocation was awarded subsequent to an approved site plan which was valid for a two year period. If development does not commence within that two year period, the allocation is revoked and returned to the pool.

Mr. Pat O'Donnell of Valley Lee, Maryland, noted that he had been witness to the tremendous growth in this area and the deterioration of Great Mills Road. He felt that the time had come when the Planning Commission and the County Commissioners would have to learn to say "no, we don't have the road to support this...or else there's gonna be lots of other tragedies besides TOSCA."

Mr. Anlian advised that the applicant was working very closely with the Public Works Department on "innovative road sections" which had been introduced in other parts of the state. He felt that hopefully this concept would allow them to provide some new road designs which may ultimately be adopted in the road ordinance by the county.

The hearing was closed, with the matter being taken under advisement by the Board for decision at a later date.

ZPUD # 84-1307: J. I. KNOTT

Requesting rezoning from CP, Camper Park and AR, Agricultural-Residential to MHP, Mobile Home Park, to permit establishment of a 700 unit mobile home park (Take-It-Easy Ranch Villages). The property contains over 200 acres and is located off Take-It-Easy Ranch Road in the Second Election District, shown on Tax Map 57, Block 6 as Parcels 10, 22 & 23.

Mr. Guyther advised that this property was what was known as the Take It Easy Camper Park. The applicant is seeking a MHP zoning in order that he may convert the site into a Mobile Home Park.

Staff advised that the Planning Commission's recommendation had been one of denial, due to the fact that it was not consistent with the Comprehensive Plan, was inconsistent with the Water and Sewer Plan and that it would remove 16.5% of the sewer capacity from the Urban Development District. In addition, the Planning Commission had concern with the fact that a large community of this size and density would create a high density "island" in this rural area and would probably spark other rezonings, contrary to the the development pattern established in the County.

Mr. James A. Kenney, III, Esq., came forward, having previously introduced himself as counsel for Mr. Morgan Wayson, the contract purchaser

for the subject property (also in attendance this date), and entered into evidence (marked Applicant's No. 1), the postal receipts from the certified letters of notification sent to all contiguous property owners, providing legal advisement of this public hearing. In response to inquiry by staff, Mr. Bill Higgs of McCrone Engineering, affirmed that the property had been legally posted on February 22, 1985.

The Planning Commission record was formally entered into the record at this point.

Counsel advised that he proposed to introduce three potential witnesses this date and called as his first expert, Mr. Bill Higgs, Development Manager for the Leonardtown Office of McCrone Engineering, whom he advised had developed and filed this proposed plan. Using as reference, a report previously entered into the Planning Commission's hearing, entitled, "Take It Easy Villages" - Proposed Mobile Home Park, Mr. Higgs went through the plan and offered specifics relative to description of the property, development program, development schedule, impact of development on county road system and traffic analysis, utilities, stormwater management, schools, recreation and community facilities (See Planning Commission Minutes of November 19, 1984 for detailed analysis). Attached to his report, Mr. Higgs referenced other information as follows: Copies of the title, Sewer Easement Agreement for the force main, sample Lot Rent Agreement and park rules, as provided by Mr. Wayson.

Both Commissioners Arnold and Dean asked several questions relative to conformity with the Comprehensive Plan, the Water and Sewer Plan and anticipated sewage flows. Mr. Kenney advised that hopefully, his next two witnesses would more than adequately address those concerns.

Counsel asked Mr. Higgs to comment on the remarks submitted by the Soil Conservation Service with relation to this project. Mr. Higgs displayed a large map which he advised had been prepared to show the existing natural features of the property. Color classifications/markings were explained as follows: Yellow - various soil groups on the property; Dark Line - separation of drainage areas; Arrows - direction of flow of surface water; Small Green Dots - managed tree areas within the camper park; Dark Green - natural undisturbed wooded area; Red - Steep slopes; Dark Blue - existing ponds and lakes on the property; Light Blue - proposed stormwater/infiltration devices (to insure that no run-off will go into the surrounding tributaries that empty into the St. Mary's River).

Mr. Kenney asked Mr. Higgs to address the comment that had been forwarded from the State Highway Administration. Mr. Higgs advised that it was understood that deceleration lanes and acceleration lanes would be required along Rte. 249. Mr. Higgs advised that the right-of-way was available and this requirement by SHA would not create any problem for the applicant.

Commissioner Arnold asked for more elaboration with regard to the use of the Aquia Aquifer. Mr. Higgs advised that this development would not be utilizing the same aquifer as that used for domestic service in this area. He explained that the applicant would be putting in a central water system, tapping into the lower aquifer, mainly due to the type of water supply that would be required to service this development (fire flow, etc.).

Applicant's second witness was introduced as Mr. Friedrich E. von Schwerdtner, Consultant, 1718 Old Generals Highway, Annapolis, Maryland 21401, Telephone No. 841-6333. Entered into evidence, marked Applicant's No.

No. 2, was a report entitled, "Take It Easy Ranch, Outline Report for Zoning" prepared by Mr. von Schwerdtner. Counsel advised that Mr. von Schwerdtner had been accepted before various Boards throughout the State of Maryland and by courts in Maryland as an expert in the area of planning, zoning and development and based upon these qualifications, counsel asked that he be recognized as an expert in that area. Mr. von Schwerdtner offered his professional credentials and affirmed that he had submitted sworn testimony in numerous counties in the state of Maryland and other areas of the country. In preparing for this hearing, Mr. von Schwerdtner advised that he had personally inspected the property and had reviewed all of the pertinent documents pertaining to this county and relative ordinances and county regulations.

Mr. von Schwerdtner read through his report and offered his viewpoints with regard to the TOSCA proposal: That this request for Mobile Home Park zoning, met the specific requirements of the floating zone (compatibility with surrounding areas and development to occur within certain guidelines and restrictions). In reviewing the proposal it would appear that the appropriate neighborhood in this instance, was the area surrounded by Maryland Rte. 5, Maryland Rte. 249, Flat Iron Road and two County Roads and the area abutting those roads. This "neighborhood" contains a mix of zoning uses (some active farming, inactive agricultural, residential, which includes a large number of mobile homes (32), various commercial and public uses. It was also noted that the Land Use Plan that was developed in the '70's does not reflect today's changing family patterns or today's economic condition that render conventional built-in-place housing more unaffordable to larger segments of the population. Today's family units are smaller with fewer children, with more people living alone and a heavier populace of senior citizens. It was also pointed out that there had been a significant change in the Internal Revenue Code which granted a \$125,000 exemption to individuals over 55 yrs of age or older on the sale of their principal residence. This change in the law would afford the retiree the alternative of buying a small mobile home and the additional option of travel. The design of this mobile park was viewed as superior to anything of its type in this County and would tend to encourage existing parks to up-grade in order to meet this type of competition. It was felt that the location of this project had merit in that it was replacing a less desirable existing use and was not taking agricultural land out of production.

In response to the staff report and Planning Commission's recommendation, Mr. von Schwerdtner noted that projects of this nature were provided for and addressed in the Land Use Plan, as the establishment of this planned community was made on the legal basis of a floating zone and thus, did not require a showing of change or mistake. He felt that this project was entitled to be judged on its own merits which were unique to the property involved. (Mr. von Schwerdtner in later testimony advised that this uniqueness was due to the fact that the property was already zoned for a camper park.) Regarding staff's contention that approval of this project would result in removal of 16.5% of the available sewer capacity from the Urban District, Mr. von Schwerdtner felt that the figures based on 350 gallons per day were out of line with figures used for similar areas and uses in other Maryland counties. He felt that a more realistic figure was 106,875 gallons per day, or about 7.125% of the available capacity. In summation, the report reiterated that this proposal was unusual in that "it is without equal in concept and on a unique parcel of property."

Mr. Guyther advised that staff had only been made aware of this report and he requested the opportunity to respond to the report at a later date. Addressing the contention that the staff's sewage projection figures were out of line with other developments, Mr. Guyther noted that the staff figures for sewage volume were based on use figures used by the local Health Department and the St. Mary's County Metropolitan Commission and that these figures have been used consistently for all projects in the County.

Mr. Kenney introduced his final witness as Mr. Charles M. Merkle, who advised that he was a real estate appraiser with offices located in Upper Marlboro, Maryland. With regard to this specific request, Mr. Merkle advised that he had prepared an appraisal report for the purpose of determining fair market value of this site. In addition, he proffered a report for the record, entitled, "Compatibility Review - Easy Does It Ranch" which he explained took into account the surrounding land uses that were either contiguous or within the general area with the property. At this point, a series of photographs (marked Applicant's Nos. 4, 5 and 6) of the subject property were entered into the record. His report enumerated the various types of housing, agricultural and commercial uses, public utilities and public uses within this defined neighborhood. In conclusion, he pointed out that there appeared to be a "wide acceptance of mobile homes in the area", and, "It is our opinion that Easy Does It Ranch proposed mobile home park is a consistent use of the land when compared to its environs."

A tax map, marked Applicant's No. 7, was entered into the record, with the subject property colored in yellow.

Commissioner Sayre questioned there was any future plan to construct a road from this proposed mobile home park out to Flat Iron Road. Mr. Kenney responded that there were no future plans to go beyond this site. Counsel pointed out that any further development (not inclusive of this proposal) would obviously require an amendment to the site plan and further consideration of the appropriate Board.

Mr. von Schwerdtner advised that the construction of Rte. 249, included two twelve (12') foot lanes with eight (8') foot shoulders and was capable of serving 1,000 vehicles per lane, per hour. He advised that one usually would calculate the average daily traffic, considering 10% of that figure as the peak hours. In this instance, these figures computed to 375 cars during the peak hour (considering total build-out of the park) which by no means, came close to utilizing the total capacity of the road. Commissioner Sayre acknowledged that while those figures might indicate that there would be little traffic congestion, the fact remained that there was currently congestion occurring at the intersection in Callaway at certain hours of the day. Mr. Guyther acknowledged that there was no question but that Rte. 249 had the capacity, however, it was generally agreed, that most of these residents would be traveling into Lexington Park for various services and would ultimately have to use Great Mills Road. Furthermore, staff pointed out that the OPZ had used the figures of 7 to 9 trips per day, per dwelling unit in the planning process; considering 7 trips per day for this proposed development would equal 5,300 vehicles per day exiting this development with a peak projection of 500 additional cars during rush hour.

The total build out for the entire development was projected for 1991 - 1992. Mr. Higgs noted that 300 units would initially be developed (1987 - 1988) and approximately 100 units per year thereafter.

Mr. Guyther pointed out, for the record, that Mr. Merkle was not a planner and nothing in his resume indicated any experience in planning. Mr. Guyther advised that he brought this up due to his address of compatibility with the Comprehensive Plan in the area and he questioned his professional and legal ability to do so.

Mr. Kenney introduce Mr. Morgan Wayson, proposed owner of the property. Counsel asked for the opportunity to reply to the staffs remarks, which he understood would be forthcoming with respect to the two reports submitted this date by Messrs. von Schwerdtner and Merkle. The Board concurred that Mr. Kenney be granted the opportunity to reply in writing to staff's final remarks.

Commissioner Dean asked whether anyone in the audience wished to speak in favor to this application. There was no response. He asked whether anyone had question of the applicant. No response. He asked whether anyone wished to speak in opposition.

Mrs. Betty Robrecht of Tall Timbers, Maryland, advised that she would like to be included as another citizen agreeing with Mr. Pat O'Donnell (testimony given in previous case) in that "its time to say no, before the Mother County becomes a dumping ground for developers who have been restricted in other areas." Mrs. Robrecht advised that she was very much aware of the need for more affordable housing, however, she pointed out that the County already had more than twenty mobile home parks existing and it would appear that "more is not really the answer since there are other alternatives to mobile home parks." She related that a recent proposal in Prince George's County for a 1,000 unit mobile home park had been opposed by the citizenry who ultimately took the case to court and won their case in that the park was turned down. She referenced a recent statement made by County Executive Lighthouse in Anne Arundel County that, "Anne Arundel County is not about to become the trash can for Baltimore and Washington" and she hoped that these remarks would be passed onto the Planning Board and the County Commissioners.

Mr. George Gateau, Tall Timbers, Maryland, questioned the tax impact that this development would place upon the property owners in this area. Mr. Kenney noted that in his summation remarks, he would include figures relative to the tax generated.

With regard to taxation, Mr. Claude Jarboe stressed that the County Commissioners had the full authority on how to tax trailers in St. Mary's County and were the only county in the State of Maryland that had that taxing authority. Thus, he stressed, "how much revenue we're gonna get doesn't depend on the trailer owners, it depends on the County Commissioners."

Mr. Lawrence Pilkerton of Great Mills, asked Mr. Merkle to explain how he had arrived at the figures for trips generated in the mobile home park in Anne Arundel County. Mr. Merkle advised that his figures were based on actual traffic counts made at the entrances to three (3) different parks.

Mr. Perry Stedman, Flat Iron Road, Great Mills, Maryland, stated that he appreciated Commissioner Sayres former question relative to the possibility of future access to Flat Iron Road. He noted that traffic on this highway had "really picked up alot recently." He questioned the need for this type of housing and he voiced concern with the effects that a granting of this rezoning would have on the property values and tax rates in this vicinity.

Mrs. Janice Hayden advised that she owned property between Take-It-Easy Ranch and Flat Iron Road. She recalled former testimony wherein it had been stated that much of the adjacent property was wasteland and she stressed that much of the adjoining property was good, active farm land. She stressed concern with the fact that it appeared that a good portion of the trailers situated in the "family section" of this park would be located very close to their crops.

Mr. Pat O'Donnell offered that if this proposal were approved, this trailer park would be the largest community in the Second District. He stressed that no other area in the Second District could possibly match this volume of people. In light of this, he felt that the County Commissioners' decision in this matter was most important and would definitely be changing the character of this neighborhood which by definition of the causes that could be used to further rezone, would tend to invite, what he called, "urban blight." He voiced concern with the unfair method of taxation currently employed by the County with respect to trailer parks and felt that it caused the owners of more permanent types of dwellings to bear the brunt of the cost of education, roads, etc.

Doris Jones, Callaway, Maryland, commented that there were several other projects proposed for this area and she inquired whether anyone had conducted a study, with regard to the combined total impact of all of the proposals on the schools, roads, etc. With regard to the school issue, Mr. Guyther advised that the Board of Education had found over the past few years that enrollments in the schools were declining and projections for the next few years indicated a continued decline in enrollments. He advised that previously, the OPZ sent all applications that increased development to the Board of Education for their comment relative to impacts on the schools, however, several years ago they informed the County not to expect them to comment because the school capacity was available and that they would not comment on specific cases unless there was a problem.

Mr. O'Donnell asked whether there would be a sample unit (mobile home) located on the site, and if so, did the MHP zoning classification allow for that specific use (model/sales office). Staff advised that while the MHP did include provision for the location of a model on the site, this particular plan did not include one, therefore, should the plan be approved, there would not be a sales office, unless the applicant came back with an amended plan, requiring additional action.

Mrs. Jones asked for a more detailed explanation of how the sewage access would be routed. Mr. Higgs advised that the owner currently had an easement agreement to run the force main through the Moore property which would follow out through the Knott property out onto Rte. 5, north of Great Mills.

Hearing no further testimony, the Chair commented that staff would provide written staff comment with regard to the Outline Report For Zoning and the Compatibility Review and that Mr. Kenney would be afforded the opportunity to submit a written summation within ten (10) days. Subsequent decision of the Board relative to this case would be forthcoming.

Hearing closed.

TRI-COUNTY GROUP HOME FOR EMOTIONALLY DISTURBED YOUTHS

As a follow up to last week's meeting, the County Administrator reported that contact has been made with the Calvert County Commissioners concerning progress that has been made regarding the possible location of the referenced facility at the Calvert Memorial Hospital site. He stated that the hospital officials have responded favorably to the proposal, and a meeting has been scheduled for March 28 with State Health Department, Calvert County hospital officials and Calvert County Commissioners to discuss the proposal. The matter will be pursued by Calvert County unless it is determined not to be feasible.

ROAD RESOLUTION NO 85-7 "NO PARKING" SIGNS - ST. CLEMENTS MUSEUM

In that adjacent property owners have been contacted and are in agreement, the County Administrator, on behalf of the Director of Public Works, presented Road Resolution No. 85-7 designating a "No Parking" zone on Point Breeze Road from its intersection with Md. Rt. 242 for a distance of approximately 1,350 feet in the vicinity of the St. Clements Museum.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner Ford Dean to sign said Road Resolution. Motion carried.

ZONING AMENDMENT RESOLUTION NO. Z85-04
ZONE #84-0730
LAURA KANE PROPERTY

(Requesting rezoning of 17.2 acres from R-1, Rural-Residential, to R-4, Medium Density Urban Residential. The property is located on the north side of Md. Rt. 235, shown on Tax Map 43, Block 2, Parcel 212, in the Eighth Election District.

The Commissioners having conducted a public hearing and held subsequent decision discussion, Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign the referenced Zoning Amendment Resolution DENYING the requested rezoning. Motion carried.

JAIL ANNEX FACILITY
LEONARDTOWN LIBRARY BUILDING

The County Administrator advised that a meeting was held with the Library Board of Trustees and Library employees regarding the location of work-release prisoners at the second floor of the Leonardtown Library. He stated that additional security was requested for a period of six months after which there would be an evaluation to determine if this additional security is necessary. The approximate annual cost for the additional security is \$15,00 using a security force or off-duty deputies.

Mr. Cox requested authorization to take this proposal to the Leonardtown Board of Appeals as an amended version of what had previously been submitted.

The Commissioners gave their concurrence.

ADJOURNMENT

The meeting adjourned at 3:15 p.m.

Approved,



George R. Aud
President