

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 12, 1985

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

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of Tuesday, November 5, 1985. Motion carried.

APPROVAL OF BILLS

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

PURCHASE OF ADVANCED LIFE SUPPORT UNIT

Present: Paul Raley, Director, Purchasing & Logistics

Mr. Raley presented the bid tally sheet for the purchase of the Advanced Life Support Unit and recommended awarding the bid to Fenwick Ford in the amount of \$12,898 for a Crown Victoria with delivery in 60 days. He stated that Bell Motor Company could not provide the Hallogen lights or the Electronic Automatic Throttle and could not provide delivery until 90 days.

After discussion, the Commissioners concurred in accepting Mr. Raley's recommendation. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENT
TRI-COUNTY YOUTH SERVICES BUREAU

Commissioner Aud moved, seconded by Commissioner Sayre, to appoint Dennis Long to the Tri-County Youth Services Bureau for a term to expire December 31, 1987. Motion carried.

2) BUDGET AMENDMENTS

The County Administrator presented the following budget amendments recommended for approval by the Budget Director with justifications as indicated:

a) No. 85-22
Public Works

Justification: To adjust Lease Purchase Agreement No. 3 with debt service requirements and budget authority in equipment accounts.

b) No. 85-23
Public Works

Justification: Reservation against fund balance at year-end. Amendment provides authority to liquidate bona fide encumbrances.

c) No. 85-24
County Administrator

Justification: To acquire additions to typewriter and provide funding to vehicle used by County business by various organizations.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign the referenced Budget Amendments as presented. Motion carried.

3) ZONING AMENDMENT RESOLUTION NO. Z85-10
ZPUD #84-1230 - SHANNON FARMS

(Application to rezone 250 acres from R-1, Rural-Residential, to PDR 3.0, Planned Development Residential, to permit 738 building units, containing approximately 250 acres and located on the Chesapeake Bay and Hermanville Road, on Tax Map 52, Block 10, Parcel 8 in the Eighth Election District of St. Mary's County, Maryland.)

Having conducted a public hearing on August 27 and held subsequent discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to approve and sign the referenced Zoning Amendment application with the conditions as set forth in the Resolution. Commissioner Aud abstained. Motion carried.

4) CORRESPONDENCE TO LEGISLATIVE DELEGATION
ST. CLEMENTS ISLAND MUSEUM

The County Administrator presented correspondence addressed to the Legislative Delegation requesting the State to cost-share in the construction of an addition to the Museum for exhibit preparation and a repository for artifacts.

The Commissioners agreed to sign and forward said letter.

SUBRECIPIENT AGREEMENT
COMMUNITY DEVELOPMENT CORPORATION

Present: Joseph Mitchell, Director, Economic & Community Development

Mr. Mitchell appeared before the Commissioners to request approval for the County to enter into a Subrecipient Agreement between the County and the St. Mary's County Community Development Corporation for the administration of the block grant funds for housing loan programs.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign the Agreement. Motion carried.

DEPARTMENT OF PUBLIC WORKS ITEMS

Present: John B. Norris, Director

1) PROJECT STATUS REPORT

Mr. Norris reported on the status of various projects in the County including repairs necessitated by recent storm damage in the areas of the Museum, Tall Timbers, Long Neck, Deep Creek.

In addition Mr. Norris noted the status of the following projects:

Slurry seal project has been completed;
Road striping project has been completed;
Parking lot at community college will be completed this week.

2) LEXINGTON PARK STORM DRAINAGE TAXING DISTRICT

Mr. Norris advised that there will be a public hearing on Friday, November 22 on the Lexington Park Storm Drainage Taxing District.

3) POTOMAC SHORES SOUTH SUBDIVISION
ACCEPTANCE OF DEED (THOMAS BROOKS BRYAN)

Mr. Norris presented a Deed by and between Thomas Brook Bryan and the Board of County Commissioners of St. Mary's County conveying property in the Second Election District adjacent to Rolfe Road.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept and authorize Commissioner President Aud to sign said Deed. Motion carried.

4) ASBESTOS REMOVAL

Mr. Norris informed the Commissioners of correspondence with Mr. Ron Nelson of the State Health Department regarding asbestos disposal. The County has suggested that the issue of asbestos disposal be addressed during the County's analysis of the economics for recycling in its review of the Solid Waste Plan. The State Health Department and the local Health Department have indicated that this would not be appropriate.

Mr. Norris indicated that both Howard and Montgomery Counties have refused to accept asbestos in their sanitary landfill even though encouraged by the State Health Department to do so. Mr. Norris recommended to the Board that St. Mary's County follow the leadership of Howard and Montgomery Counties regarding the issue of asbestos disposal.

The Commissioners gave their concurrence.

PUBLIC HEARING - ECONOMIC DEVELOPMENT REVENUE BONDS
PATUXENT PARK WEST TOWNHOUSES

Present: Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
Edward R. Curley, Jr., applicant

The Commissioners conducted a public hearing on the issuance by the County Commissioners of economic development revenue bonds in an amount not to exceed \$11,000,000 for the purpose of acquisition, construction and equipping approximately 190 multi-family rental units to be located in Patuxent Park West, Eighth Election District.

The secretary read the Notice of Public Hearing.

Mr. Curley presented and reviewed the site plan and described the size of units and building, building configuration, rentals, etc.

Mr. Mitchell pointed out that the Revenue Bond Review Committee has considered the application and has recommended its approval by the Board of County Commissioners.

Commissioner Aud inquired if anyone present had any comments regarding the project.

Commissioner Dean moved to approve the inducement Resolution and attached Exhibit with regarding to the issuance of economic development revenue bonds for this project.

During discussion, Commissioner Sayre requested a delay in final approval until such time as County staff could provide information as to the need and availability of housing. The Commissioners agreed with the request and directed County staff to provide the information by the Board's meeting of November 19.

EXECUTIVE SESSION

Present: John Paradis, Chairman Airport Commission
F. Elliott Burch, Airport Commission Member
Thomas McGuyre, "
Donna Smith, "
Theodore Weiner, County Attorney
Joseph Densford, Assistant County Attorney
John B. Norris, Director, Public Works
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 10:25 a.m. to 10:50 a.m.

ADVANCED LIFE SUPPORT UNIT

Present: Dennis Gordge, Chief
Daniel Brown, President, A.L.S.
Harry Kohler, President, Rescue Squad Assoc.
John Norris, Director, Dept. of Public Works

The referenced representatives of the Advanced Life Support Unit appeared before the Commissioners to request the Board's consideration for funding for construction of a building for ALS.

Mr. Gordge presented and reviewed statistics relative to the ALS unit setting forth personnel, number of incidents, responses, mileage, and manhours.

Mr. Browne presented the building proposal, which had been prepared by the Department of Public Works, and explained the need for such a building to house equipment, files, duty crew the Medic One vehicle. Mr. Browne pointed out that the ultimate goal is for the ALS to go out of business and allow the ambulance service to take over in each community. Personal contact has been made with each squad, and they have indicated that they anticipate that they would need the ALS as a unit to provide services for the next 15-20 years. The ALS Executive Board feels that there is a definite need for a permanent facility.

In conclusion, Mr. Norris indicated that this request will be a part of the capital improvement project request from his Department and the Commissioners advised that it would be considered during the capital improvement budget considerations.

With regard to the awarding of the purchase of a new ALS vehicle that had been awarded earlier in the meeting, Mr. Browne presented correspondence requesting that the ALS Unit be able to keep the old Medic One vehicle. The Commissioners concurred with this request.

STORM DAMAGE REPORT

Present: Tom Oliver, Director, Emergency Operations Center
Paul Wible, Assistant Director, EOC

Also present: Murray Jackson, Red Cross
Joseph Mitchell, Dir., Economic & Comm. Dev.

The referenced individuals appeared before the Commissioners to report on the extent and estimate cost of damage caused by the recent storm in the County. Mr. Oliver cited approximate costs as follows:

Damages to home	-	\$731,325
Damages to businesses	-	\$509,130
Miscellaneous damages (sheds, piers, bulkheads)	-	\$1,359,950
Total Estimate	-	\$2,600,405

Mr. Oliver pointed out that the above figures are preliminary and about 80% of the County has been evaluated. He stated that the shore erosion damage figures have not yet been evaluated, but it is estimated to be tremendous amount.

In response to an inquiry from Commissioner Sayre relative to those residents who are unable to do some of the clean up work themselves, Mr. Oliver stated that details are being developed in this regard, and a list is being kept of those who have that problem. He further stated that prior to any cleanup being done, that photographs should be taken of area.

Mr. Oliver reported to the Commissioners that the County may not be eligible for federal assistance because of the formula process used in assessing damages. He stated that the County did not have enough homes and businesses that were totally destroyed. Commissioner Aud noted that Senator Sarbanes and Congressman Dyson have pledged their support in trying to get assistance for the County.

Murray Jackson, Chairman of the Disaster Relief Committee of the Red Cross advised that a damage assessment is being done to see what assistance the Red Cross could provide. The Red Cross is prepared to make a grant for home repairs, replacement of household goods and other areas of assistance.

Mr. Joseph Mitchell advised that there are some funds available through his office for emergency repairs for those individuals who qualify.

OYSTER HARVESTING

Commissioner Sayre demonstrated an oyster shell with attached spat to support his position and that of many watermen that the potential oyster harvest is plentiful and not depleted as stated by certain State officials who have erroneously professed that the oyster industry is near depletion. However, Commissioner Sayre stated that because of the recent storm, heavy siltation has endangered the bountiful crop of oysters and that immediate action is necessary by the Department of Natural Resources to allow the emergency dredging of the beds.

At a meeting of the County's watermen on Sunday, November 10, Commissioner Sayre stated there was unanimous agreement to request this authority from the State and that Delegate John Slade was designated to personally carry the dredging request to State Officials. Commissioner Sayre requested the concurrence of the Board of County Commissioners in the dredging request. After some discussion, the Commissioners unanimously endorsed this request.

PROCLAMATION
GREAT AMERICAN SMOKEOUT DAY

Present: Mike Dugan
Delores Rose

The Commissioners presented the referenced Proclamation designating Thursday, November 21, 1985 as the Great American Smokeout Day in St. Mary's County.

PROCLAMATION NO. 85-77
AMERICAN EDUCATION MONTH

Present: Wendy Burris-Erskine
John Ryan

The Commissioners presented the referenced Proclamation designating November as American Education Month.

PROCLAMATION NO. 85-78
NATIONAL REACT MONTH

Present: Cora Norris
Joe Wheeler

The Commissioners presented the referenced Proclamation designating November as National REACT Month in St. Mary's County.

COMMENDATION
MILTON DAKIS

The Commissioners presented a Commendation to Milton Dakis upon his retirement as Postmaster at the Leonardtown Post Office.

AMENDMENTS TO RESOLUTION 85-09
JOINT USE OF WELLS

Commissioner Dean reviewed with the Board the Resolution adopted by the Commissioners in April of 1985 regarding joint use of wells and proposed two amendments. He stated that he has met with State and local Health Department officials and Metropolitan Commission representatives and they have expressed concurrence with the amendments; namely, to increase the dwelling units from four (4) to six (6) and to require an annual chemical testing.

The Commissioners concurred in the amendments, and Commissioner Dean requested that the amended document be prepared for next week's meeting.

OFFICE OF PLANNING AND ZONING

REZONING HEARING - ZPUD NO. 85-1318
MARK DILLOW/LEOLA DEAN

Commissioners present: George Aud, David Sayre, and Richard Arnold. Commissioners Larry Millison and Ford Dean were absent. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary.

Members of the audience included: Judy Landau, Don Schumaker, Jerry Himmelheber, Richard Marks.

Mr. Guyther read the Notice of Public Hearing aloud, as advertised on Wednesday, October 23, 1985, in The Enterprise Newspaper, a publication of county-wide circulation, providing legal notice for the following public hearing:

ZPUD # 85-1318: MARK DILLOW/A. LEOLA DEAN

Requesting rezoning of ten acres from R-1, Rural-Residential, to PD-SC, Planned Development Shopping Center. The properties are located on Maryland Route 235, Hollywood (Dean Lumber Company site), in the Sixth Election District, shown on Tax Map 26, Blocks 11 and 16 as Parcels 310, 354 and 374.

The applicant, Mr. Mark Dillow, came forward, accompanied by counsel, Mr. James A. Kenney, III.

Entered into evidence, marked Applicant's No. 1, find postal receipts from the certified letters of notification sent to all contiguous property owners, providing legal advisement of this public hearing.

Correspondingly marked Applicant's No. 2 was a photograph, offering visual evidence of the posting of the placard on site.

Mr. Guyther advised that the briefing package distributed to each of the Commissioners was somewhat smaller than usual as the Planning Commission had just held their public hearing the previous week and they had not made their recommendation at this point.

Displayed for the members review, was a copy of the development plan as it related to the proposed new Dean Lumber and Supply facilities. Counsel referenced the fact that the previous week, the Commissioners had considered the question of the revenue bond for this property. Mr. Kenney urged that the applicant's intent, if at all possible, was to complete the financing by the end of calendar year '85. (A joint meeting of the Planning Commission/Board of County Commissioners was initially planned, however, scheduling permitted the Planning Commission's consideration of this matter on November 4, 1985.)

Counsel proffered an aerial photograph of the subject site(s), advising that said exhibit provided a comprehensive overview of the facilities that were currently being utilized and offered a clear pattern of the traffic on what would ultimately become a service road (Route 235). The application for this planned development includes all of the Dean properties in this area, located on both sides of Old and New Route 235. Counsel visually indicated on the plat the area of the proposed new facility.

Mr. Kenney advised that in view of the fact that this application was being made as a planned development, it was not considered as a euclidean change/mistake zoning. Counsel felt that it was important that the Commissioners considered this in terms of its adaptation to the neighborhood and therefore, pointed out that the aerial photograph offered a general definitive outline of "the neighborhood."

Speaking to the application, counsel referenced the fact that the neighborhood was comprised of numerous institutions/commercial "mixed uses" such as: Johnson's Automotive Repair, First National Bank, Maryland National Bank, Gulf Station, Sunoco Station, Burch Oil Company, Hollywood Elementary School, Masonic Lodge, Hollywood Fire House, Adams Appliance Shop, physicians offices, music store, insurance agency, and other general office facilities.

The site of the proposed new facility, currently houses several residential structures which will be demolished/removed from the site. Mr. Dillow affirmed that the apartments were currently unoccupied. The applicant commented that the current facility (approximately 6,500 sq. ft.) was just too limited and that the proposed structure would provide 24,000 sq. ft. (120' X 200' building) for increased floor area and customer parking. The applicant explained that the business was originally set up to provide basically for contractors, however, in the fifty year life span of this operation, homeowner sales had grown to the point where it now

became necessary to expand the business in order to provide a wider selection of stock to that particular market. The applicant advised that the proposed plan would provide the additional display area and provide easier access and customer parking for their consumers.

Commissioner Arnold asked whether the applicant proposed to provide an entrance from the new southbound highway. Mr. Dillow advised that there currently was a turn around and entrance at this site which would be utilized.

Counsel advised that the first phase would begin as soon as possible and completion of the project was projected for the Spring of '86. Mr. Kenney advised that several of the existing structures would be retained for storage purposes with the remainder of the unimproved property being reserved for future expansion. Mr. Kenney advised that there were architectural renderings incorporated in the file, proffering designs of the proposed buildings, which he asked be included as part of this formal record.

The property is served by Metropolitan Commission facilities (water) and based upon current statistics, this proposal would effect a lesser use than the former apartment/residential uses on the site. Counsel referenced a report contained within the file, which indicated that the site was sufficient to accommodate sewage disposal (this will be further addressed at the site plan stage). Additionally, counsel stressed that with the decrease in the residential use, the fiscal impact upon the county would be decreased in terms of service demand.

Counsel referenced Page 5 of the applicant's report, as a "breakdown of some of the property characteristics, indicating what's there...and there's a topographical map attached..." Counsel stated that while it was not available this date, he wished to include as part of the record, a study of the neighborhood, performed by McCrone Engineering, Inc., which provided a comprehensive study of the various uses (zoned, nonconforming and conditional uses) contained within this defined area. Mr. Kenney advised that inclusion of this exhibit was designed to show the "mixed uses and the fact that it's not an exclusively residential neighborhood. The same business is gonna be going on there, so we don't think it's a substantial change in that area."

The Chair inquired whether anyone in the audience had any comments regarding this proposed rezoning.

Mr. Lawrence Wayne Caples, referenced the fact that Commissioner Dean was not in attendance this date and questioned the reason for his absence in this matter. Commissioner Aud advised that historically, Commissioner Dean had never sat on any application involving Dean properties. Commissioner Aud emphasized that while he could not speak for Commissioner Dean, and was not aware of whether he was relative to this applicant, the question posed by Mr. Caples with regard to whether Commissioner Dean's reason for abstention was based on conflict of interest, was a matter that should be asked directly of Commissioner Dean.

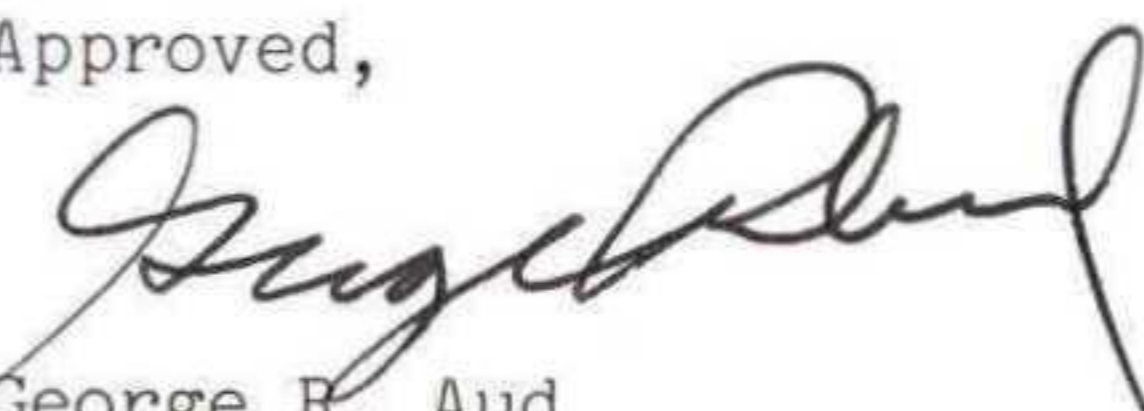
Staff advised that this matter was scheduled for review by the Planning Commission on December 9, 1985, and their recommendation to the Board of County Commissioners would be forthcoming.

Hearing closed.

ADJOURNMENT

The meeting adjourned at 1:45 p.m.

Approved,



George R. Aud
President