

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 3, 1985

Present: 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 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of Tuesday, November 26, 1985 as submitted. Motion carried.

APPROVAL OF BILLS

Commissioner Dean moved, seconded by Commissioner Sayre, to approve payment of the bills with the exception of Voucher No. 004996 (which is to be held until next week for a quorum). Motion carried.

PUBLIC HEARING

PUBLIC ETHICS ORDINANCE AMENDMENT

Present: Charles Mander
Charles Louis Clements
Joseph Densford, Assistant County Attorney

The Commissioners conducted a public hearing on a proposal to amend the St. Mary's County Public Ethics Ordinance by changing the number of members on the Ethics Commission from three to five members.

Mr. Mander commented that he believed that this change would resolve the problem of not always having a quorum at the Ethics meetings.

Mr. Clements suggested that perhaps instead of increasing the membership that the Commissioners consider having an alternate.

Commissioner Dean stated that the comments will be taken into consideration and will wait the appropriate time period prior to making a decision on the adoption of the amended Ordinance.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Harris Sterling, Director of Finance
Joseph Densford, Assistant County Attorney

Commissioner Sayre moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 9:40 a.m. to 9:55 a.m.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) BUDGET AMENDMENT NO. 86-27
DOMESTIC VIOLENCE/SEXUAL ASSAULT BOARD

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the

following justification: To adjust estimated grant figures in line with state grant approvals.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve and sign said Budget Amendment. Motion carried.

2) APPOINTMENT
TRI-COUNTY GROUP HOME BOARD

Commissioner Sayre moved, seconded by Commissioner Arnold, to appoint Albert L. Barthelme to the Tri-County Group Home Board to fill an unexpired term ending June 30, 1987. Motion carried.

3) REQUEST FOR USE OF GOVERNMENTAL CENTER PROPERTY
COOPERATIVE EXTENSION SERVICE

The County Administrator presented correspondence dated October 31, 1985 from Mr. Ed Swecker of the Cooperative Extension Service requesting the use of a portion of the farm property located at the Governmental Center to be used for demonstration projects for 4-H and farmers.

The Commissioners gave their concurrence.

DEPARTMENT OF PUBLIC WORKS ITEMS

Present: John B. Norris, Director

1) ROAD RESOLUTION NO. R85-51
LONG LANE EXTENDED

Mr. Norris presented the referenced Road Resolution posting the extension of Long Lane in Cedar Cove Subdivision at 25 miles per hour.

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

2) CLEARING OF FLOODED AREA
McKAYS BEACH

Mr. Norris requested approval from the Board to clear an area at McKays Beach which has flooded due to the recent storms. He stated that this would be a one-time project, similar to what had previously been done at Rodo Beach and Hayes Beach.

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

3) HIGHWAY MAPPING PROJECT

Mr. Norris stated that his office has been working on improving the county maps by evaluating public and non-public roads for the purpose of providing information for rescue squads, fire departments, police and the County. Through the survey various errors are being discovered such as inaccuracies in road lengths, roads to be added to the system that are being maintained by the County, and elimination of certain roads because they act as driveways rather than roads serving the public.

Mr. Norris requested that the Board go through the public hearing process in order to make these changes and noted that there would be an increase in County road length which would increase gasoline revenues to the County.

After discussion, the Commissioners agreed to take the request under advisement and discuss it when the full Board is present.

EXECUTIVE SESSION

Present: Sheriff Wayne Pettit
Lt. Gene Pellillo
Edward V. Cox, County Administrator

Commissioner Sayre moved, seconded by Commissioner Arnold, to meet in Executive Session in order to discuss a matter of Personnel. Motion carried. The Session was held from 10:40 to 11:25 a.m.

RESOLUTION NO. 85-32
ARKO DEVELOPMENT SYSTEMS, LTD.
ECONOMIC DEVELOPMENT REVENUE BONDS

Present: Joseph Mitchell, Director, Dept. of Economic & Community Dev.
David W. Morgan, Economic Development Coordinator
Ulysses J. Montgomery, President ARKO Dev. Systems
Interested Citizens

Having conducted a public hearing on the issuance of Economic Development Revenue Bonds in an amount not to exceed \$5,000,000 for the purpose of financing an aquaculture production, processing and marketing facility, the Commissioners commenced discussion.

Mr. Mitchell pointed out that the County does not have an allocation for this project, and that a request would have to be made to the State once the Commissioners approve the referenced Inducement Resolution. Once the Commissioners do approve the Resolution and enter into an Agreement to Issue Bonds, the applicant would then find a lender and have the bond counsel certify that the IRB as requested meets the requirements of the Internal Revenue Code.

After discussion, Commissioner Sayre moved, seconded by Commissioner Arnold, to approve and sign Resolution No. 85-32 relative to the issuance of Economic Development Revenue Bonds for ARKO Development Systems Ltd. Motion carried.

In closing Mr. Montgomery noted for the record that he is firmly committed to the protection of the environment.

UPDATE REPORT ON INDUSTRIAL DEVELOPMENT BONDS

Present: Joseph Mitchell, Director, Dept. of Economic & Community Dev.
David W. Morgan, Economic Development Coordinator

Mr. Mitchell advised that the purpose of this meeting was to bring the Commissioners up to date with regard to the issuance of development revenue bonds and the projections for next year in this regard.

Mr. Mitchell stated that he wanted to clarify a point stating that tax exempt financing for industrial development and housing has been around for many years. 90% of apartments across the country have been built with tax exempt financing. Use of tax exempt financing for industrial development is a separate and distinct use of the bonds.

Mr. Morgan distributed the CIDBI (Council of Industrial Development Bond Issuers) Bulletin and the CIDBI Review setting forth proposed changes to the tax-exempt bond program.

Relative to next year's program, Mr. Mitchell distributed a list of those applicants for Development Revenue Bonds that have not yet gone to settlement. He requested the Board's concurrence in notifying these applicants that if these projects are not settled by December 31, 1985, they would have to reapply and go through the approval process again.

The Commissioners gave their concurrence.

EQUIPMENT LEASE AGREEMENT NO. 3

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

Mr. O'Dell presented a memorandum relative to the solicitation of competitive bids to finance the acquisition of two major pieces of equipment for use by the Department of Public Works. Mr. O'Dell pointed out that Union-Tidewater was the lowest bidder at 7.25%; however, if awarded the bid for FY '86 and FY '87, the interest rate would be 7.20% for both fiscal years. Therefore, Mr. O'Dell requested approval of the following:

- 1) To award the bid to Union-Tidewater, the lowest bidder, at the interest rate of 7.20% for the FY '86 equipment, and
- 2) To approve entering into an escrow agreement with Union-Tidewater at the same rate for FY '87 equipment.

Commissioner Arnold moved, seconded by Commissioner Sayre, to accept Mr. O'Dell's recommendations as set forth above. Motion carried.

OFFICE OF PLANNING AND ZONING
REZONING PUBLIC HEARINGS

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

Members of the audience included: Gayle D. Allan, Irene B. Graves, Richard Marks, Judy Landau, Ingrid S. Hebb and William S. Hebb.

The Chairman, Commissioner Ford Dean, opened the hearing and asked that the public hearing notice be read aloud. Accordingly, Mr. Guyther read the Notice of Public Hearing, as advertised on Wednesday, November 13, 1985 in "The Enterprise" Newspaper, a publication of county-wide circulation, providing legal notice for the following public hearing(s):

ZONE # 85-0619: J. L. MILLISON

Requesting rezoning of 1.07 acres from C-1 to C-2, Commercial. The property is located on the west side of Maryland Route 235, Lexington Park, opposite Millstone Landing Road, shown on Tax Map 43, Block 8, as Parcel 221, Eighth Election District.

Mr. Guyther briefed the Commissioners on the location of this parcel (shown as the John Danko property on the plat). The subject property is bordered on three sides (both sides and rear) by C-2 properties. Staff advised that the reason for the rezoning request was to bring this contiguous acreage into conformance with the shopping center property.

Mr. Philip H. Dorsey, III, Esq. noted his presence on behalf of the applicant, Mr. J. L. Millison, and proffered into the record, marked Applicant's No. 1, the returned postal receipts from the certified letters of notification sent to all contiguous property owners. Counsel verified that the property had been legally posted with the placard provided by the Office of Planning and Zoning. Mr. Guyther formally entered the Planning Commission record into this hearing.

Mr. Guyther advised that the Planning Commission had voted to recommend a rezoning of the property from C-1 to C-2, based upon the apparent change in the neighborhood, with the stipulated condition that

access to this property be limited to MacArthur Boulevard (applicant is amenable to this restriction).

Addressing the Commissioners, Mr. Dorsey advised that this request for C-2 rezoning was based on staff's former analogy, i.e. to bring this parcel into conformance with the rest of the property. Counsel recalled that during the Planning Commission's consideration of the parent tract/application, they had indicated their desire that the applicant locate the entrance directly across from the Millstone Landing Road, which crosses Route 235. Subsequently, the subject parcel, a C-1 property, was acquired by the applicant.

Mr. Dorsey commented that with respect to the Planning Commission, in general, he wished to note for the record, that "by utilizing the precedent of the thirty acre rezoning from C-1 to C-2, last year, that this parcel has the adequate justification, as far as showing the change in the neighborhood within the confines of the boundaries between 235 and the main gate of the Naval Air Test Center." Counsel emphasized that the boundaries in the former rezoning consideration (30 acre parcel), was depicted in the Commissioners' resolution as being from the St. Andrews Road down to the main gate of the Patuxent Naval Test Center.

The Chair inquired whether anyone present wished to offer comment with respect to this rezoning matter. Hearing no comment, the public hearing was closed and the matter taken under advisement.

ZONE # 84-1306: MARYLAND MONEY MARKET MORTGAGE CORP.

Requesting rezoning from R-4, Medium Density Urban Residential, to CL-0, Commercial Limited - Office. The property is Lot 9, Block H in Section I of Patuxent Park Subdivision, located in the Eighth Election District, shown on Tax Map 43A.

Mrs. Irene Bailey Graves, President of the Maryland Money Market Mortgage Corp., came forward and introduced Gayle Allen of the same firm.

The Chair acknowledged that the public hearing notice pertaining to this application had been previously read. The applicant, Mrs. Irene Graves, proffered the postal receipts from the certified mailings to all contiguous property owners, marked Applicant's Exhibit No. 1 and verified that the property had been legally posted.

Mr. Guyther formally entered the Planning Commission record into the proceedings.

Mrs. Graves addressed the Board and advised that she was seeking rezoning of the parcel in order to change the status of the building from Residential to Limited Commercial. She advised that the existing building located on Great Mills Lane had been demolished and a two story structure subsequently constructed. She noted that currently, there were other buildings located along Great Mills Lane that were of a commercial nature but did not have the proper commercial zoning and she wanted to make sure that her property was properly zoned. She offered the history of the subject property, noting that "during the whole lifetime of the house that did exist, it was either duplex or commercial, so therefore, we are requesting that it be changed to commercial."

The applicant emphasized that there would be no problem with additional traffic at this location, as the property was located off a one-way lane and served by a traffic light which directed traffic back onto the main highway.

Mr. Guyther advised that there were eleven lots which fronted on Great Mills Lane, which included such ventures as: florist, insurance company, educational tutoring center, trophy shop, engineering firm, physician's office, two apartments (contained in one structure) and two single family dwellings. At this point, Mrs. Graves provided a series of photographs of various properties in the adjacent neighborhood.

In response to question by Commissioner Dean, Mr. Guyther advised that while none of those contiguous properties/businesses were zoned commercial, several were permitted uses with the majority being nonconforming uses. Mr. Guyther noted that as part of the Planning Commission's deliberations in this matter, staff was instructed to approach each of those property owners with the question of possible comprehensive rezoning of this entire strip. The OPZ staff did correspond with all owners and to date, have received eight (8) responses, all requesting commercial rezoning of their properties.

The Chair inquired whether anyone present wished to speak to this proposed rezoning. Hearing no response, the hearing was closed, with the matter being taken under advisement.

(COMMISSIONER DEAN LEFT MEETING - 1:20 P.M.)

OFFICE ON AGING
GRANT APPROVAL REQUEST

Present: Billye McGaharn, Area Agency Director

Mrs. McGaharn presented the following grant requests for the Commissioners' approval:

Interim Notification of Grant Award
(#3-24-AAA-013) (10-1-85 - 9-30-86)

Title IIIB	-	\$28,169
C1	-	35,588
C2	-	6,640
Total Award	-	\$70,397

Transportation of the Elderly and Handicapped

Total State Funds Requested - \$43,807
(Local Share - \$3,872)

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign the Interim NGA and the Transportation Grant, subject to concurrence of one or more other Commissioners.

SEPTIC SYSTEM REGULATIONS

Present: Dr. William Marek, Deputy Health Officer
Walter Raum, Director, Environmental Hygiene

The referenced individuals appeared before the Commissioners to review the new Health Department Regulations relative to sewage disposal systems for homes and other establishments where public sewers are not available. Dr. Marek stated that the new regulations will require a decision by the Board of County Commissioners.

Mr. Raum highlighted the following areas of the amended Regulations:

- 1) Groundwater penetration for removal of sewage in St. Mary's County after a study with local funds has been conducted as to the impact on the environment or health; The County would have to hire a recognized engineering firm to to the study.
- 2) I and A systems for new construction on lots of two acres or larger.

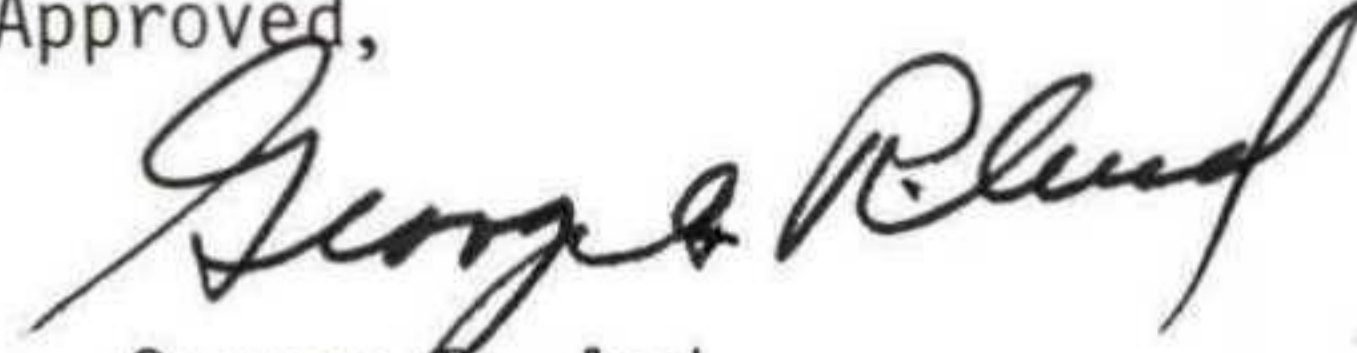
- 3) The change from three to one replacement septic system for those small lots in approved subdivisions.

After review and discussion, Dr. Marek indicated that he would keep the Commissioners apprised of the progress regarding these new regulations.

ADJOURNMENT

The meeting adjourned at 2:20 p.m.

Approved,



George R. Aud
President