

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 10, 1985

Present: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
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, December 3, 1985. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) SHELTER, NUTRITION AND SERVICE PROGRAM GRANT

The County Administrator presented the Grant Agreement between Maryland Department of Human Resources and St. Mary's County Commissioners for the Shelter, Nutrition, and Service Program in an amount not to exceed \$5,000 and requested authorization for Commissioner President Aud to sign said Agreement.

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

2) APPOINTMENT
COMMUNITY COLLEGE ADVISORY BOARD

Commissioner Sayre moved, seconded by Commissioner Aud, to appoint James C. Raley to the Community College Advisory Board for a term to expire June 30, 1990. Motion carried.

3) PERSONNEL
DEPARTMENT OF PUBLIC WORKS
JANITOR I POSITION

The County Administrator presented a memorandum dated December 4, 1985 from the Personnel Officer requesting authority to advertise the Janitor I position in the Department of Public Works.

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

4) TRANSFER OF SUMMER YOUTH PROGRAMS

The County Administrator requested the Board's concurrence in the transferring of the various youth programs (S.M.I.L.E., PAX Hi, YSE, and SYPEP) from the Office of Community Services to the public school system. He stated that the public schools do most of the recruiting, placement and selection of individuals, and therefore would be the appropriate agency to handle these summer programs. The public schools also have a summer youth program through JTPA which could be combined with these programs and run parallel.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the County Administrator's recommendations. Motion carried.

5) OFFICE ON AGING GRANTS
CONFIRMATION OF DECISION

In that there was not a quorum at last week's meeting during the referenced discussion, the Commissioners present approved the Office on Aging Grants subject to subsequent approval of one or more Commissioners'. The County Administrator advised that Commissioner Millison has concurred in the approval of the Interim Notification of Grant Award for Titles IIIB, C1, and C2 and the Transportation of the Elderly and Handicapped Grant, which would make the approval official.

6) STATE'S ATTORNEY'S OFFICE
REQUEST FOR SUPPLEMENTAL FUNDS FOR EXPERT WITNESS

The County Administrator presented correspondence dated December 5, 1985 from the State's Attorney requesting supplemental funds in the amount of \$3500 for an independent psychiatric examination of a defendant, Michael David Williams (Criminal Nos. 5630-31-32-33-34-35).

Commissioner Millison moved, seconded by Commissioner Aud, to approve this request. Motion carried.

COMPREHENSIVE LAND USE PLAN UPDATE

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

As a follow up to previous discussion regarding including Chesapeake Bay critical areas review along with the needed update of the Comprehensive Land Use Plan, Mr. Gerred presented an outline of a proposal and made the following request:

That the Commissioners approve an expenditure of approximately \$4,000 to hire a consultant to assist in preparation of the Request for Proposals for the update of the Plan;

In response to an inquiry from Commissioner Aud, Commissioner Dean advised that St. Mary's County should receive a proportionate share of critical area program funds that the Governor has requested in his budget.

During discussion Mr. Gerred stated that once the data is gathered and available, he would like to have it put into a data base on the computer so that it can be continually updated.

Mr. Gerred also indicated that an additional staff planner would be needed during the data gathering analysis stage of the project. The Commissioners suggested that this request should be included in the total project cost that he would be submitting once the RFP's are received.

After discussion Commissioner Dean moved, seconded by Commissioner Aud, to authorize the Director of Planning and Zoning to expend up to \$4,000 to retain assistance in development the RFP's in connection with the Comprehensive Plan review and update. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of Personnel (consideration of appointments to Boards, Committees and Commissions). Motion carried. The session was held from 9:45 a.m. to 10:05 a.m.

BIDS ON PURCHASE SHERIFF'S DEPARTMENT VEHICLE REPEATER RADIO SYSTEMS

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid tally sheet for the purchase of repeater radio systems for the Sheriff's Department and recommended awarding the bid to General Electric, the lowest bidder, in the amount of \$27,720.

Commissioner Aud moved, seconded by Commissioner Arnold, to accept Mr. Raley's recommendation. Motion carried.

(COMMISSIONER DEAN LEFT MEETING.)

OFFICE OF PLANNING AND ZONING
REZONING HEARING DISCUSSION

Commissioners present: George Aud, David Sayre, Richard Arnold and Larry Millison. Commissioner Ford Dean did not participate. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary, Office of Planning and Zoning.

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.

Present: Applicant, Mr. Mark Dillow, Mr. James A. Kenney, III, Esq.

The County Commissioners having held public hearing on this application on November 12, 1985, took up discussion of this matter.

Mr. Robin Guyther, Planner, OPZ, advised that this case had appeared on the Planning Commissions' agenda the previous evening and they had recommended an approval, subject to:

1. Side yard setback requirements shall be waived, in accordance with the site plan, as presented;
2. When site plan is reviewed for approval, that landscaping will be required, to create a buffer between the residential district; and
3. No direct access from the property to New Route 235 be permitted.

Staff advised that the Planned Development Shopping Center category required a 100 ft. setback. Considering that this property was only about 300 ft. wide, the Commission suggested that the applicant prepare a site plan and acquire the consent of all contiguous property owners attesting to the waiver of the setback requirement, via their signature on said plat. The applicant accomplished same and thus, the Planning Commission had waived the setbacks and recommended that the Commissioners recognize that waiver in their resolution.

Mr. Guyther also recognized that the Planning Commission had recommended that access to New Route 235 be denied, based on the character of the area and on a recent precedented case (Walter Norris). Mr. Guyther emphasized that the Planning Commission's decision was based upon the contention that the majority of the strip between Old and New Routes 235 would eventually "go commercial" and that Old Route 235 presented the ideal service road and thus, this applicant did not absolutely have to have access onto the new highway.

Counsel for the applicant, Mr. James A. Kenney, III, pled the applicant's request for rezoning and specifically for consideration of access to New Route 235. He identified the subject property on a displayed plat of the area and noted the situation of the two entrances/accesses to the service road (located some distance from this site, with the subject property situated somewhat towards the middle of those accesses). Counsel noted that the State Highway Administration, Plat 45898, provided for a cross-over at a point adjacent to this property. Counsel visually identified points on the plat where exits were planned, which did not provide deceleration lanes. He noted that the applicant intended to provide deceleration/acceleration lanes, which he suggested would enhance those other entrances (noted on plat). At this point, Mr. Guyther noted that the entrances being addressed by counsel were illegal accesses and would have to be removed (private accesses to New Route 235 by Dr. Moon and Mr. Adams which have no valid approvals).

Discussion among the Board ensued. Commissioner Aud commented that the newly created service road would basically provide access for the residents of this area and that an access from New Route 235 to this site, would have less of an impact on Route 235, than on Old Route 235, in this particular instance. Commissioners Arnold and Sayre concurred.

Mr. Gerred advised that should the Board approve the access to New Route 235, that the applicant would need to redesign his parking area. Additionally, staff suggested that the applicant should encourage his delivery trucks to continue to use the existing entrance. Mr. Gerred suggested that if there were no conflict between the tractor trailers and customer traffic, then staff would have less of a problem with approval of the entrance.

Following brief deliberation, Commissioner Aud moved, seconded by Commissioner Millison, and unanimously passed, to instruct the Assistant County Attorney to prepare the appropriate resolution for an approval of the requested rezoning, with waivers of the setbacks and sideyards, as recommended by the Planning Commission and requirement that the applicant redesign the site plan with regard to the parking area and that the access be redesigned in order that adjoining property owners could utilize the entrance to New Route 235.

COUNTRY WESTERN FESTIVAL

Present: John Baggett, Director, Dept. of Recreation and Parks

In response to a previous request at the Commissioners' meeting of November 26 by the Director of Recreation and Parks, Commissioner Aud moved, seconded by Commissioner Sayre, to approve an amount up to \$100,000 for the purpose of making arrangements for the Country Western Festival to be held June 7 and 8 at the county fairgrounds. Motion carried.

ADJOURNMENT

The meeting adjourned at 11:00 a.m.

Approved,



George R. Aud
President