

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, December 15, 1987

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey, Vice-President
 Commissioner Robert Jarboe
 Commissioner John G. Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, December 8, 1987. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve payment of the bills as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

- 1) BUDGET AMENDMENT NO. 88-29
DEPARTMENT OF PUBLIC WORKS

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To transfer Stormwater Management funds to Grant Department in the amount of \$33,068.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried.

- 2) SUPPLEMENT #2 TO LEASE AGREEMENT
DISTRICT COURT AND ASSESSMENTS & TAXATION

The County Administrator presented Supplement #2 to the Lease Agreement with the State of Maryland for use of space at the Courthouse for the period January 1, 1988 to June 30, 1989 for District Court and Department of Assessments and Taxation.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Lease as presented. Motion carried.

- 3) REAFFIRMATION OF POLICIES
EQUAL EMPLOYMENT OPPORTUNITY
SEXUAL HARASSMENT

Commissioner Lancaster moved, seconded by Commissioner Jarboe that the Board of County Commissioners reiterate it policy to ensure equal employment opportunities, and further to adopt Resolution No. 87-25 reaffirming the County's policy with regard to sexual harassment. Motion carried.

4) ST. MARY'S COUNTY HEALTH DEPARTMENT
FY'88 CASE FORMULA

The County Administrator presented the FY'88 Case Formula Agreement with the State Department of Health and Mental Hygiene for the period July 1, 1987 to June 30, 1988 which the Commissioners are required each year to sign.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Case Formula Agreement as presented. Motion carried.

5) PERSONNEL
DEPARTMENT OF RECREATION AND PARKS
(WICOMICO SHORES GOLF COMPLEX)

The County Administrator presented a memorandum dated December 9, 1987 from the Personnel Office recommending the selection of the following individuals in the Department of Recreation and Parks: William Oliver - head Green's Keeper, Grade 10; Nelson Ching - Maintenance Foreman, Grade 7; Lucy Woodburn - Beverage and Food Preparation Supervisor, Grade 6, to be effective January 4, 1988.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept the referenced recommendations. Motion carried.

6) CORRESPONDENCE

The County Administrator presented the following items of correspondence for the Board's review and consideration:

a) SMHSA Funding - To Senators Simpson and Fowler stating that instead of the reduction of funding to \$42,000 for Southern Maryland Health Systems Agency, the Commissioners request the legislators' efforts in obtaining the original funding in the amount of \$60,000.

b) Placement of Flowers - To Richard Penfield III expressing appreciation for his offer to place and care for seasonal flowers to be located near the intersection of Route 5 and 245 in Leonardtown.

c) Tall Timbers - To Tall Timbers Ad Hoc Committee advising that it appears that the County will not be receiving additional assistance from federal/state sources, and therefore, the County is moving forward with necessary steps to establish a payment arrangement for the outstanding project debt.

d) Women's Center To Joyce Bennett and Judith Jenkins responding to their concerns for space needs for the Women's Center.

The Commissioners agreed to sign and forward the referenced letters.

7) REGIONAL TOURISM COUNCIL

The County Administrator presented correspondence addressed to Tri-County Council recommending the appointment of the following positions to the Regional Tourism Council: Director, Department of Economic & Community Development; Director, Chamber of Commerce; Vice-President of Chamber of Commerce for Tourism.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to submit the positions as referenced above. Motion carried.

8) AGREEMENT
TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

The County Administrator presented an Agreement with the Maryland Department of Human Resources for Distribution of Commodities and Funds for Temporary Emergency Food Assistance Program, to be effective January 1, 1988.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the Agreement. Motion carried.

BID TALLY SHEET
ONE DUMP TRUCK - RECREATION AND PARKS

Present: James Haley, Procurement Officer

Mr. Haley appeared before the Commissioners to present the bid tally sheet for the purchase of a dump truck for Recreation and Parks and recommended awarding the bid to the lowest bidder, Aldridge Ford in the amount of \$17,808.31.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept the bid as recommended. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) CAPITAL PROJECT STATUS REPORT

Mr. Norris presented and reviewed the Status Report for Capital Projects in the following areas: Engineering, Highways, Solid Waste, Marine and Miscellaneous. A copy of the Report is on file in the Commissioners' Office.

2) PROJECT SCHEDULE

Mr. Norris presented a schedule for Engineering, Highway, Marine and Solid Waste projects for this fiscal year for the Commissioners' information.

COUNTY COMMISSIONERS' TIME

At this time the Commissioners gave an opportunity to the Press to ask questions of the Commissioners. Questions were raised concerning Tall Timbers, Board of Education funding and construction bids.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss matters of Personnel. Motion carried. The Sessions were as follows:

Personnel

Also Present: Charles H. Wade, Jr., Director of Finance

11:10 a.m. to 11:30 a.m.

Personnel

11:30 a.m. to 11:35 a.m.

Personnel

Also Present: Sheriff Wayne Pettit
Charles H. Wade, Jr., Director of Finance

11:35 a.m. to 11:59 a.m.

OFFICE OF PLANNING & ZONING
PUBLIC HEARING - HUNTING CREEK

Present: Frank J. Gerred, Director
Robin Guyther, Planner
Betsy Anthony, Recording Secretary.

Members of the audience included: W. Irving Phillips, David Kacar, Carmen Simeone, Bob Graham, Dennis Makielski, Joseph G. Young, John W. Erdman, Joe Horton, John J. Cullison, A Benedict Ridgell, Barbara Haskell, John W. Quade, Jr., Joe M. Gough, Chuck Ellison, Joseph Mitchell, Ed Cox, Don Schumaker, and Ray Runco.

ZPUD # 87-0201: HUNTING CREEK PUD

Requesting rezoning of 247 acres near the western corner of the intersection of Willows Road and Maryland Route 5 from R-2, Low Density Urban Residential, to PDR5.0. The effect of the change would be to allow an increase in the number of dwelling permitted from 247 to 1,235 and the amount of commercial land from no acres to 4.4 acres.

Mr. Guyther informed the Commissioners that the project was to be located on the southwest corner of the intersection of Willows Road and Rt. 5. The Planning Commission had recommended that the applicant's request be denied for two primary reasons: 1) impact on the transportation system, and 2) the extension of sewer through the vacant property.

Mr. Guyther indicated that the Notice of Public Hearing was published in "The Enterprise" Newspaper on November 25, 1987 and December 2, 1987, a publication of county-wide circulation. He then entered the Planning Commission materials into the record for the case.

Mr. Jim Kenney, Esq., legal representative for the applicant, came forward. Entered into evidence, marked Applicant's Exhibit No. 1-1A, were photograph offering visual evidence of the posting of the placard on site. Correspondingly marked Applicant's Exhibit No. 2, were the postal receipts from the certified letters of notification sent to all contiguous property owners, providing legal advisement of the public hearing.

Ms. Karen Abrams, Esq., legal representative for the applicant, explained that the proposal was for a Planned Unit Development (PUD) which is categorized as a floating zone. It does not have a designated location in the Comprehensive Plan or the zoning maps of the County; it floats over the entire county until a proposal has been made to include it in a specific site. She explained that because the proposal is classified as a floating zone, her applicant did not have to prove that there had been a change in the neighborhood or a mistake in the original zoning. They do have to show that the request would be compatible with the Comprehensive Plan and the surrounding neighborhood and would have positive impacts on the neighborhood and would not be harmful to the surrounding property owners.

Mr. Chuck Ellison, of D. H. Steffens Company, explained that the concept plan for Hunting Creek would be approximately 247 acres with the majority of the property being very suitable for development. He explained that a significant amount of the existing woodlands would be left in the open space. Of the balance, most of the woodlands were in the lower density which would permit maximum tree saving. Mr. Ellison then addressed the reasons why they were asking for a PDR rezoning:

1. Minimum of a 10 year project;

2. PDR provides the county with more control of the style of the project; and
3. With the size of the land, a PDR zoning is more appropriate for the site.

He indicated that the market for the project would be the county because most of the people who live in St. Mary's County also work in the county and they would be the potential home buyers. Mr. Ellison further continued by explaining the housing density of the development plan and later distributed copies of the booklet to the Commissioners.

Mr. Ellison then reviewed the public facilities for the area involving Hunting Creek: 1) public water/sewer, 2) public schools, and 3) traffic. To begin with, Mr. Ellison informed the Commissioners that the need for any additional water/sewer facilities would be at the expense of the applicant. Secondly, he reviewed the statistics for the public schools that Hunting Creek would effect if constructed. Park Hall Elementary had 292 students enrolled with a capacity of 350, Spring Ridge Middle School had 593 students enrolled with a capacity of 944, and Great Mills High School had 1,164 students enrolled with a capacity of 1,270. Mr. Ellison indicated that the applicant had already agreed to construct a school with the Hunting Creek project if the need arose. And lastly, Mr. Ellison briefly described the traffic report conducted by Erdman & Associates. He indicated that the report documents were a result of a study of the impact of traffic upon the road system in the vicinity of and resulting from the development of Hunting Creek in St. Mary's County. Existing traffic conditions were analyzed using the following major intersections: Maryland Route 5/Willows Road, Maryland Route 5/Maryland Route 246 (North), Maryland Route 5/Maryland Route 246 (South), and Maryland Route 246/Shangri-La Drive. He explained that all of those critical intersections would work well with the project.

Mr. Charles Reed, developer/owner, explained that his concept for the development of Hunting Creek was an inspirational tool by visiting St. Mary's City. By obtaining an historical background and a tour of the city, Mr. Reed will construct a project using St. Mary's City as a guideline to obtain an historical effect. He then gave the Commissioners a slide presentation of the general area noting that they would be constructing the development themselves. Mr. Reed introduced Mr. Dennis J. Makielski, owner/developer, noting that the townhouses would be developed with a serious quality and safety in mind. Using the slide presentation, he took the Commissioners through a townhouse and a single family home showing various features. Mr. Reed noted that the existing construction site is farmland and that they would like to try and leave most of the surrounding landscaping as it is. Mr. Reed then distributed, to the Commissioners, a report on A Proposed Planned Unit Development for Lexington Park, Maryland explaining what each drawing meant: 1) illustrative plan, 2) entrance ways, 3) town commons hall, 4) view of townhouses, homes of Hunting Creek, and the design elements. Mr. Reed indicated that Phillips & Brown were the architects for the Hunting Creek project. He explained that the project would be good for the county because it would add to the economy of the county by bringing some 148+ construction jobs to the county.

Commissioner Loffler inquired whether anyone present wished to speak either in favor or opposed.

Mr. Joseph M. Gough, Jr., explained that he was impressed by the quality of the project and he wanted to urge the Commissioners to approve the request. He felt the project was a very high quality development project and would improve the quality of life in the Eighth District and would have a very positive effect in the county. He indicated that the project was the type of project that the Commissioners should have been looking for and encouraging.

Mr. Joe Mitchell, Director of Department of Economic and Community Development, explained that St. Mary's County was not classified as a "commuter county" as many of the surrounding counties, and in 1970 the residential rate was 70%, now it was 80%. Most of the housing occupied in the county were by people working in the county. Mr. Mitchell expressed that it was important to consider the housing situation for St. Mary's County.

Mr. Kenney then entered into evidence a series of exhibits:

Exhibit #3: Memorandum of Hunting Creek Limited Partnership's describing issues raised at the Planning Commission level;

Exhibit #4: Letter from Mr. Steve King, Assistant Director of MetComm, regarding water/sewer service plans;

Exhibit #5: Letter from Phillips & Brown regarding the established criteria of the project;

Exhibit #6: Letter from Makielski & Reed regarding the rezoning of the property and why;

Exhibit #7: An independent evaluation of the proposed Hunting Creek rezoning from R-2 to PDR-Planned Development Residential by Alan Feinberg, ALCP;

Exhibit #8: Memorandum for the Commissioners regarding the rezoning application of Hunting Creek Limited Partnership; and

Exhibit #9: Composite Tax Map.

Mr. Guyther indicated to the Commissioners that there were four exhibits entered that the Planning Commission did not see. He felt it was necessary to review them and then revise his staff report.

Ms. Barbara Haskell, of Lexington Park, indicated that most people would not go down to Route 5 in order to go to the base. She stated that there was more than 144 homes being constructed a short ways from the proposed project that would also add to the problems regarding Willows Road traffic. Ms. Haskell stated that Park Hall Elementary School was overcrowded and Hunting Creek had said that they would set aside an area for a school to be built. She explained that she was not against progress, but the project was putting too many houses in and the traffic impact was too much.

Mr. Jimmie Mora felt that the development of the project would represent another bottleneck that would open up onto Great Mills Road. His main concern was getting fire equipment into a development with only one entrance/exit.

Hearing no further response, the public hearing was closed.

DEVELOPMENT MORATORIUM

Mr. Guyther explained that the moratorium had not frozen anyone out at that point.

Mr. Mike Whitson, representative for the Advisory Committee, explained that if the Commissioners did not continue the moratorium then there would have never been a moratorium. The very large number of projects in the works should add to the consideration of continuing the moratorium. He felt that the committee was making very good progress with the plan and that a draft should be available from the consultants around the 17th of January. Mr. Whitson continued to urge the Commissioners to extend the moratorium until a plan was submitted. He indicated that if the Commissioners felt it necessary to set a date, he felt that it was fair to the people. He suggested the first of June as a date.

Commissioner Loffler stated that everyone wanted to have a good comprehensive plan and would want the necessary time spent on the project to do it right. No matter how good a system a committee has, there will always be room for improvement. He made the recommendation that the committee stick a little tighter to the subject to insure that the deadlines are met. He felt that by putting some people under the moratorium was putting unfair burden on a few. He expressed that when the moratorium was put into effect, it was with the idea that it would be lifted December 31, 1987 or sooner. At that time, it was known what the county was working with.

Mr. Whitson indicated that when the new consultants were hired, they gave the Advisory Committee a very ambitious time table, and they had met everyone of the deadlines.

Commissioner Loffler stated that he would like to see a brief schedule of the plan.

Commissioner Bailey indicated that when the moratorium was put into effect, they were told that the plan would be completed in November. He stated that he supported the moratorium even though he did not like it.

Commissioner Loffler inquired whether anyone present wished to speak either in favor or opposed.

Mr. John Quade explained that the information given to the Commissioners was information given by the Office of Planning & Zoning. The only thing added was the facts and figures based upon the information.

Due to time constraints, the discussion on this issue will be continued to Tuesday, December 22, 1987 at 10:30 a.m. in the Commissioners' Conference Room.

Approved,


Carl M. Loffler, Jr.
President