

BOARD OF COUNTY COMMISSIONERS MEETING

Tuesday, January 8, 1974

Present: Commissioner George R. Aud
Commissioner J. S. Guy, Jr.
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

(Commissioner Bowles was not present due to illness.)

The meeting came to order at 9:30 a.m.

READING OF MINUTES

The minutes of January 2 and 4, 1973 were read and corrected.

BILLS APPROVED

The following bills were approved by the County Commissioners:

Tri-County Council for St. Mary's County's share for fiscal year 1973-74 - \$9,000;

Hunt Valley Inn for Maryland Association of County Convention - \$152.42;

St. Mary's County Historical Society for operating expenses for the operation of the St. Mary's County Tourist Information Center for the month of December 1973 - \$416.68.

LAUREL GROVE

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett submitted forms for Program Open Space - Laurel Grove Park Development No. 1 for the development of ten acres; three ball diamonds, one parking lot, one storage and shelter building and a double tennis court. The amount of funding requested is \$70,000 - \$17,500 from State, \$35,000 from federal and \$17,500 from St. Mary's County. Mr. Baggett recommended that the forms be signed and submitted to the Department of Natural Resources. Commissioner Guy made a motion that the Commissioners accept Mr. Baggett's recommendations and authorize Commissioner Bowles to sign the forms and letter to the Department of Natural Resources. Commissioner Aud seconded the motion. Mr. Baggett advised the Commissioners that at least \$10,000 of the \$17,500 from St. Mary's County would be funds he would include in his 1974-75 budget as developmental funds. Mr. Baggett stated his reason for filing now is because of the time lag of the filing and actual receipt of the funds and also because there is \$100,000 that needs to be committed in the current year so that St. Mary's County will not lose the amount of funds available to it.

The above forms and letter were delivered to Commissioner Bowles for his signature.

LIAISON OFFICER WITH THE DEPARTMENT OF NATURAL RESOURCES

Present: John Baggett, Director, Recreation and Parks

Commissioner Guy made a motion that John Baggett be designated as liaison officer with the Department of Natural Resources for actions and activities involving Land Loan Recreation Act of 1969 (Program Open Space in state programs) and Land and Water Conservation Fund of 1965 (Federal programs). Commissioner Aud seconded the motion. Paul Raley who previously had this responsibility agreed to this change.

OIL BURNER FOR BOARD OF EDUCATION BUILDING - LEONARDTOWN

Thrift Oil submitted an estimate in the amount of \$220 for the installation of an oil burner for the Board of Education building (Leonardtwn Health Department building). Commissioners Aud and Guy approved the installation of the oil burner.

PERSONAL PROPERTY ASSESSMENT DECREASE

Present: Harris Sterling, Finance Director

Mr. Sterling said the billing for assessments will have to be reworked as far as percentages are concerned because of the decrease in personal property assessments. (See minutes of January 2, 1974.) The cost for this will be approximately \$8,000 to \$10,000 over and above the regular changes in assessments.

Mr. Sterling stated that the anticipated growth prior to the decrease would have been \$23,000,000 to \$25,000,000 but with the assessment decrease there will be a \$7,000,000 growth.

Commissioners Guy and Aud agreed that Gruber and Company (CPA) be authorized to do whatever work that needed to be done at a minimum to keep it moving and present the Commissioners with the bills on a periodic basis because the Commissioners should not commit themselves to spend any particular amount for this.

SOCIAL SERVICES - REQUEST FOR CLERK TYPIST I

Present: Harris Sterling, Finance Director

A letter was received from Joseph Carter, Department of Social Services, requesting permission to establish a Typist-Clerk I position in his Department at a cost of \$2727 for the balance of this fiscal year. This position would probably be continued in next year's budget. Mr. Carter explained

in his letter that there is a surplus of funds from the Food Stamp Program in the amount of \$6933.01. The salary for this new position would come from these funds. Mr. Carter also requested that the county's regular monthly payment from the Food Stamp Account be suspended until the balance of \$4,206.01 is "spent-down". Mr. Sterling recommended that Mr. Carter's requests be granted. Commissioner Guy made a motion to accept Mr. Sterling's recommendation that Social Services hire a Typist-Clerk I in the amount of \$2727 for the balance of this fiscal year and accept Mr. Carter's recommendation that he will "spend-down" the Food Stamp Account. Commissioner Aud seconded the motion.

BID OPENING - RECONSTRUCTION OF HERMANVILLE ROAD

Present: John Norris, County Engineer
Benjamin Asher, Jr., B. F. Asher Co.
Frank Baggell, Regal Construction Co.
Steve Uhler, Regal Construction Co.
Carroll Jarboe, Dean Construction Co.

Sealed bids were received for the reconstruction of Hermanville Road. Mr. Norris inquired if anyone present wished to inspect the sealed bids. No one present inspected said bids. Bids were as follows:

McGuire & Rolfe, Inc.	\$237,505.40	5% bid bond enclosed
Dean Construction Co.	\$243,016.00	\$4,000 certified check enclosed
Regal Construction Co.	\$271,699.00	\$5,000 Cert. check enclosed
B. F. Asher	\$240,216.00	\$4,000 cashier's check enclosed

Mr. Norris will review the bids and make recommendations to the Commissioners at a later date.

REZONING HEARING - COMMERCIAL DEVELOPERS, INC. (File No. 0014)

Present: Robert Willard, Planning Director
William Wirth, Commercial Developers, Inc.
Manuel Wallace, Commercial Developers, Inc.
John Bailey, Attorney representing Commercial Developers

Application was made by Commercial Developers, Inc. for two parcels of land located in the Eighth Election District as follows: Parcel I - containing approximately 725' frontage on the southside of Md. Route #246 and approximately 600' deep, containing 14.076 acres of land to be rezoned from "A-Residential"

and "Agricultural" to a complete "Commercial" category; Parcel II - a tract of land lying south of Parcel I, containing 42.791 acres of land, asking to be rezoned from "Agricultural" to "C-Residential" category.

The secretary read the Notice of Public Hearing and the letter dated January 7, 1974 from the Planning Commission setting forth their recommendations. Also included in the file is a Petition for Rezoning and a copy of the Preliminary Plan for Commercial Developers, Inc.

John Bailey presented the plat for the project and pointed out the designated zoning categories for the surrounding areas.

Mr. Wirth explained that their concept is to build a mini-community with shopping, residents, recreation and to some extent school facilities. There will be 140,000 square feet of building area, with the highest density coming up to the commercial area with a 50 foot buffer zone. The first phase will be to develop the apartments and then a major entrance. There will be 16 apartment buildings, consisting of eight units each. The other part of the residential area will probably consist of townhouse units. Mr. Wirth stated that the apartments will contain all conveniences; washer and dryer, dishwasher and storage area. The development will have a swimming pool and small recreation area.

Commissioner Guy mentioned the fact that the above property is adjacent to the new amphitheater, and it may perhaps be a detraction from the neighborhood. John Baggett shall review and comment on the impact.

John Bailey stated there were several points he would like to discuss concerning the stipulations set forth by the Planning Commission. He said that the project should not be limited to one curb cut. It was suggested that as the site plan develops, it might be best for both the County and developer to have either another curb cut or possibly a right turn curb cut only. The Commissioners requested that an Agreement be drawn up in which it would state that the Commissioners would approve one curb cut; however, if as the site plan develops, the developer would have to come back to the County Commissioners and request another curb cut. The request would be granted with the recommendation of the Planning Commission and the approval of the County Commissioners.

Mr. Wirth discussed the stipulation by the Planning Commission concerning the size of the sign. He stated that the size of the sign as set forth in their recommendation was not large enough to accommodate four foot letters. It was

agreed by the Commissioners that the Agreement should state that the developer be allowed the 50 square foot sign as stated in the Planning Commission's letter, but if the developer would present the County Commissioners and Planning Commission with the design, they would like the option to approve or disapprove the size of the sign on the merits of that design.

The third stipulation John Bailey discussed was the acquisition of sufficient land for the expansion of Route 246 (Great Mills Road). Mr. Bailey stated that Route 246 is a state road and therefore, he doubted whether the County would want the land since the State would acquire it for future expansion of that road. The Commissioners agreed that this land should be dedicated to the County for the specific purpose of widening Route 246, and at some future date given to the State.

Commissioner Guy asked if there were any protestants or anyone who wished to speak in favor of the project. There were none.

The stipulations as set forth in the Planning Commission's letter of January 7 and as clarified above will be included in an Agreement to be drawn up by John Bailey and Robert Willard for the County Commissioners' consideration prior to making a decision.

A tape of the entire hearing is on file in the Commissioners' Office.

REZONING HEARING - LAURENCE MILLISON (File No. 0015)

Present: Robert Willard, Planning Director
Joseph Weiner, County Attorney

Application was made by Laurence Millison for the rezoning of property consisting of 66.39 acres located in the Eighth Election District, in the vicinity of the Esperanza Shopping Center and located on the southside of Md. Rt. #235 from "Agricultural" to "C-Residential" category.

The secretary read the Notice of Public Hearing and the Petition for Change in Zoning.

There was no one present to represent Mr. Millison and Mr. Willard said the obligation of the public was met by the advertisement and if the person presenting the case chooses not to appear, he has this right. Therefore, Mr. Willard said he would present the Planning Commission's recommendations. Mr. Weiner was of the opinion that this could be done.

Mr. Willard read the Planning Commission's letter of January 8, 1974 in which it was decided that due to the impact on Route 235 that the 800 proposed dwellings would cause, that a further study of an interior traffic system be made and resubmitted at a later date.

Mr. Willard stated that the Planning Commission felt that if you create a transportation system to protect Route 235 as the major highway in this county, it would be necessary to protect this road from curb cuts by developing a system. He stated that 800 units would cause a congested traffic load of between 5,000 to 6,000 cars per day entering four tenths of a mile from an existing traffic light. Mr. Willard said that Mr. Millison could work with adjacent property owners to develop an interior road system feeding traffic from his project to Chancellors Run Road to the traffic light and then to Route 235. This potential collector street would run north and south to possibly collect on Hewitt Road, and then possibly on further. Because this had not been worked out by the Planning Commission, said Commission felt they should delay this matter further. Mr. Willard stated that Dave Williams, Attorney representing Laurence Millison, agreed to work with the adjacent property owners, and they hired Mr. Focer, Lorenzi, Dodds and Gunnill, who will work with the adjacent property owner, who is also interested in a road through his property. Mr. Willard stated that when this is worked out, the Planning Commission hopes to return to the Commissioners with an adequate solution.

Also on file is a plat of the property and a written description of the tract of land in question for rezoning. The file will remain open for any written comment either for or against the project.

Commissioner Guy inquired if anyone present wanted to speak for or against the project. There was no one.

A tape of the entire hearing is on file in the Commissioners' Office.

BUILDING PERMIT - JUDGE WILLIAM STERLING

Present: Paul Raley
Joseph Weiner, County Attorney

Paul Raley stated that Judge Sterling's home was burned, and did he have to pay for a new building permit. Mr. Weiner was of the opinion that the law does not provide for the replacement of a permit and, therefore, Judge Sterling would have to apply and pay for a new permit.

PRESENTATION OF COMMENDATION - PAUL R. RALEY

Present: Paul Raley

The Commissioners presented Paul Raley with an Official Commendation for his sustained superior performance as Administrative Officer for St. Mary's County from December 22, 1970 to December 28, 1973. Due to the recent County Reorganization and proposed Job Classification System, Mr. Raley's title will be changed to Director of Administrative and Logistic Services.

COURTESY VISIT - CONGRESSMAN BAUMAN

Present: Congressman Robert Bauman

Congressman Bauman visited the Commissioners and discussed several topics including the energy crisis. Congressman Bauman offered assistance in any way possible and named Rich Forestil from his office as liaison.

Commissioner Guy asked about the Center Gardens project in Lexington Park, which the Wherry Act grants a tax credit to said project, and has this type of project outlived what started it. Commissioner Guy asked if the Wherry Act is obsolete. Congressman Bauman said he did not know whether this type of housing would be phased out.

Commissioner Guy informed the Congressman of the meeting January 17 of Tri-County Council representatives from each county visiting HUD to request an extension of time that Tri-County Council can be recognized as a reviewing agency. Congress Bauman stated that someone from his staff would attend this meeting.

DEER RUN PROJECT

Present: Andy Bailey, Attorney
Eugene Kopp, developer
John Norris, County Engineer
Robert Willard, Planning Director

Mr. Bailey explained that the Preliminary Plat for the Deer Run project, consisting of 18 lots located on Flat Iron Road, was submitted to the Planning Department May 14, 1973, prior to the December 11, 1973 Road Policy Resolution and since that time, it has been held in abeyance by that Department. Mr. Bailey said that Article 66B Section 308 of the Annotated Code of Maryland states that failure of the Planning Commission to act within 60 days from the date of presentation to the Planning Commission, approval is thereby given. Mr.

Bailey stated they are asking that this project not be held in abeyance. Mr. Willard stated that law refers to the adoption of the Comprehensive Land Use Plan and not to the subdivision.

Mr. Norris explained the Road Policy and Commissioner Guy stated that on a small project such as this one, there may be a charge of so many dollars per lot that would be put toward the overall improvement of Flat Iron Road. Mr. Kopp stated he was willing to negotiate because the developer should be responsible for the impact on the road. Mr. Kopp said he was willing to grant the County a right-of-way at some future time when the road would be improved and also recontour the shoulders.

The Commissioners suggested that they meet with John Norris and draw up an Agreement setting forth what they would do with the road and the distance involved, after which time the Commissioners will make a decision.

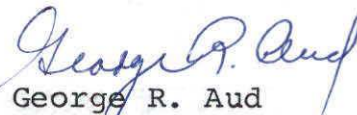
MIEDZINSKI PROPERTY - OFF OF CLARK'S LANDING ROAD

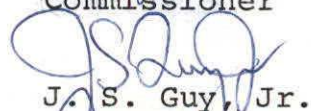
Present: Charles Norris, Attorney
Andy Bailey, Attorney
John Norris, County Engineer
Robert Willard, Planning Director

Charles Norris stated that Tom Miedzinski had deeded eight lots for property located off Clark's Landing Road without going through the proper procedure for subdivisions. Some of the property owners are trying to obtain building permits and now find they are in an illegal subdivision. The property owners want to keep the road a private road and if they can obtain building permits, they would be willing to take care of the road themselves. Mr. Miedzinski is not willing to rebuild the road. John Norris stated that the people could rebuild the road according to the standards at the time the property was divided off.

The Commissioners requested Charles Norris to negotiate with the Planning Commission to resolve the situation.

The meeting adjourned at 4:50 p.m.


George R. Aud
Commissioner


J. S. Guy, Jr.
Commissioner