

BOARD OF COUNTY COMMISSIONERS' MEETING

January 12-13, 1977

Wednesday, January 12, 1977

Present: Commissioner James M. McKay, President
 Commissioner Ford L. Dean
 Commissioner John K. Parlett
 Edward V. Cox, County Administrator
 Judith A. Mullins, Recording Secretary

(Commissioners Jarboe and Millison were not present.)

READING AND APPROVAL OF MINUTES

The minutes of January 5-6, 1977 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners present voted in favor.

(Commissioner Jarboe entered the meeting - 9:15 a.m.)

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the bills, as submitted, seconded by Commissioner Dean. All Commissioners present voted in favor.

UPDATE OF "WHY ECONOMIC DEVELOPMENT"

Present: Greg Bowen, Tri-County Council
 Bob Dadd, Tri-County Council
 John Weiss, Tri-County Council
 Ward Miller, Economic Development Coordinator

Mr. Bowen and Mr. Dadd made a presentation to the Commissioners by way of a Report and charts on the update of "Why Economic Development - The Fiscal Management Process." Areas covered in the Report were Population Growth, Public Service Growth, Expenditures and Revenues and Governmental Decisions Needed. During the discussion, Commissioner McKay requested a reduced-in-size copy of the "St. Mary's County Revenues Per Household" chart.

A copy of the report is on file in the Commissioners' Office.

SCHEDULE OF FEES

Present: John Norris, County Engineer
Richard Platt, Director, Land Use and Development

In discussing the various Schedule of Fees for St. Mary's County, Mr. Norris presented an outline of Estimated Yearly Costs of his Office for Subdivision Plans review; Zoning Ordinance Plans Review, Rezoning, etc. and Subdivision Field Inspections. The Commissioners requested that the Office of Land Use and Development develop estimated costs for their office so that they can be compared to present fees being paid to the County in order to determine a reasonable fee schedule.

LAND USE BOARD

Present: Richard Platt, Director Land Use and Development

Mr. Platt reported to the Commissioners on the poor attendance by some of the Land Use Board members and stated that attendance was important at this time because of the work on the final recommendations on the areas of critical state concern. The Commissioners requested that the Land Use Board members be contacted to stress this importance.

REZONING HEARING

CASE NO. 76-8

EQUIPMENT RENTAL INC.

Present: Richard Leighton, Applicant
Joe Garner, Zoning Technician

Application was submitted by Equipment Rental, Inc. Richard Leighton, President, to have a parcel of land containing approximately .58 acre located on the east corner of Maryland Route 5 and Maryland Route 246, Eighth Election District, rezoned from R-1, Rural Residential, to C-2 Highway Commercial.

The secretary read the Notice of Public Hearing.

Mr. Leighton presented the Return Receipts of Registered Letters to property owners within 200 feet of subject property.

The secretary read the recommendation by the Office of Land Use and Development which is as follows:

"It is recommended that the requested rezoning be denied due to the fact that a need for a change in zoning has not been substantiated and that a mistake in the zoning of the property has not been proved. Rezoning of the property could contribute to intensification of commercial in this severely limited area.

REZONING HEARING
CASE NO. 76-8
EQUIPMENT RENTAL, INC. cont.

A point could be made in the best interests of preserving the welfare, health, safety and well being of the people and the neighborhood atmosphere of the area could be in danger."

The secretary read the Planning Commission's recommendation which is as follows:

"The Planning Commission recommends that the Board of County Commissioners approve this rezoning request for the following reasons:

1. That the property has been commercial and could be of no other value.
2. Rezoning enhances general property in the area.
3. The area is located in a commercial center and does not violate the Master Plan.
4. There is a "clear evidence of change in the neighborhood."

The Commissioners directed that a memorandum be forwarded to the Office of Land Use and Development requesting the Planning Commission to substantiate their statement that there is "clear evidence of change in the neighborhood" and that they comment on the validity of the allegation of the applicant that there was a mistake in the original zoning. In addition, the Commissioners requested clarification as to the difference of opinion between the Planning Commission and Office of Land Use and Development regarding compliance or non-compliance of this request with the Comprehensive Master Plan.

Commissioner Parlett requested Mr. Leighton to provide the Commissioners with a complete list of all stockholders in Equipment Rental, Inc.

Commissioner McKay inquired if anyone wished to speak for or against this rezoning request; hearing none, the hearing was closed. A tape of the hearing is on file in the Commissioners' Office.

INDIAN CREEK ESTATES

Present: John Norris, County Engineer
Oliver Guyther

Mr. Norris stated that the roads in Indian Creek Estates were essentially complete; however, because of the recent inclement weather the roads have not been completed. Mr. Norris stated that Mr. Guyther should wait until Spring to complete the roads and recommended that he post \$5,000 in cash and sign an agreement with the County that he would complete the work to the County's satisfaction by June 1, 1977 or forfeit the cash for the work to be completed by the County and the County would in turn would accept at this time the streets into the County Highway Maintenance System and thus permit Mr. Guyther to recover escrow monies that he has outstanding from lots previously sold.

The Commissioners concurred with Mr. Norris' recommendation and requested that it be reduced to writing and return to the Commissioners for approval.

PROPOSED DEEPWATER PORT

Present: Oliver Guyther, Attorney for applicant
Robin Guyther
Ward Miller, Economic Development Coordinator
Joe Gough, Chairman, Planning Commission

Mr. Guyther discussed with the Commissioners the particulars regarding the application for the proposed deepwater port, the correspondence from the County outlining the procedures to be followed for rezoning, and the numerous questions that the County and State wanted addressed prior to the commencement of these procedures. Mr. Guyther stated he received correspondence from Joe Garner, Office of Land Use and Development, which stated that the Planning Commission and Zoning Administrator would consider the application on file for rezoning to be complete if he submitted written evidence that a change in the neighborhood had taken place since the adoption of the Zoning Ordinance or mistake was made in the original classification of zoning.

Mr. Guyther suggested a hearing before the Planning Commission and that it would be appropriate to follow the procedures as set forth in Article 66B of the Maryland Annotated Code, which requires the applicant to prove mistake or change in neighborhood and Article 17.5 of the St. Mary's County Zoning Ordinance which requires justification of need, including fiscal impact upon County government. If successful at Planning Commission level, Mr. Guyther stated they would come before the County Commissioners for rezoning with these same issues. If successful at this stage, Mr. Guyther stated they would bring in the consultants at this point to address the questions that had been raised and then go through normal process for industrial site plan - TEC, Planning Commission and County Commissioners.

PROPOSED DEEPWATER PORT cont.

The Commissioners advised that they would take Mr. Guyther's suggestion under consideration and make a decision at next week's meeting after thoroughly reviewing all implications.

At this point, Mr. Gough, Chairman of the Planning Commission, gave a resume' of the Planning Commission's action on this application. He stated that proof of change of neighborhood or mistake were only two requirements that the applicant must meet in order to obtain rezoning. He stated that as a result of the opinion from the Planning Commission Attorney and attorney representing the opponents, the Planning Commission has established a procedure whereby the applicant will be made aware of his obligation to prove mistake and to justify need for change in zoning. He further stated that it would be impractical and burdensome to have the rezoning go through a two stage process.

The meeting recessed at 12:15 p.m.

SUBDIVISION REGULATIONS WORK SESSION

At this time the Commissioners conducted a Work Session on the Proposed Subdivision Regulations for St. Mary's County.

Thursday, January 13, 1977

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting reconvened at 8:45 a.m.

ZONING ON GREAT MILLS ROAD

Present: Richard Platt, Director, Land Use and Development
Joe Garner, Zoning Technician, LUD
Frank Gerred, County Planner

Relative to zoning along Great Mills Road, as requested by the County Commissioners at last week's meeting, Mr. Platt presented a memorandum setting forth parcels of property that have been rezoned along this road since the adoption of the Zoning Ordinance on May 28, 1974, a list of nonconforming uses and a map showing current zoning.

Mr. Gerred explained the traffic pattern and physical aspects of Great Mills Road and mentioned the decrease of State Highway funds for rural areas which lessens the possibility of increasing this road to a four-lane highway.

He stated that each additional curb cut means a delay in traffic and stressed the importance of commercial activity centers rather than strip commercial development. Additional commercial activity should be concentrated in a pattern which allows this concentration to work, which would be in the present concentrated commercial areas of Lexington Park and Great Mills.

In addition, Mr. Gerred stated he would not recommend additional commercial zoning along Great Mills Road other than the process of granting zoning for non-conforming uses.

In closing Mr. Gerred stated that adopting a policy to restrict rezoning on certain highways should be made a part of the Comprehensive Master Plan.

SEMINAR ON INVENTORY MANAGEMENT CONCEPTS

The County Administrator presented a request for the Director of Purchasing and Logistics to attend a workshop on inventory management concepts February 8-9, 1977 at the Management Development Center of the Maryland Department of Personnel in Baltimore.

Commissioner Dean made a motion to grant this request, seconded by Commissioner Parlett. All Commissioners voted in favor.

ABATEMENT OF BUILDING PERMIT FEE
ST. MARY'S LARGER PARISH

The County Administrator advised the Commissioners of the request by St. Mary's Larger Parish for abatement of the building permit fee for the construction of a parsonage.

In view of the fact that St. Mary's Larger Parish is in compliance with Resolution No. 75-53, Commissioner Dean made a motion to abate the building permit fee, seconded by Commissioner Millison. All Commissioners voted in favor.

COMMISSION ON AGING
TITLE VII GRANT APPLICATION

Present: Mrs. Billye McGaharn, Executive Secretary
 Commission on Aging

Mrs. McGaharn presented the Commission on Aging Title VII Grant Application for the project period March 1, 1977 through February 28, 1978 for the Commissioners' review and approval. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said grant application, contingent upon review by the Budget Officer, seconded by Commissioner Jarboe. All Commissioners voted in favor.

COMMISSION ON AGING
PARALEGAL TRAINING

Present: Mrs. Billye McGaharn, Executive Secretary
 Commission on Aging

Mrs. McGaharn discussed with the Commissioners the State grant which would allow a representative of the tri-county area to participate in a ten day session for paralegal training in order to render legal assistance to the elderly of the area. The Commissioners indicated agreement that Mrs. McGaharn should proceed with this program.

COUNTRY LAKES BONDING

Present: Ben Burroughs, Developer of Country Lakes

Mr. Burroughs presented financial statements for himself and Mr. Ben Asher in response to a question by the Commissioners as to the solvency of the sureties of the bonding for Country Lakes as set forth in their letter dated June 1, 1976 to Mr. Burroughs.

Mr. Burroughs stated that Mr. Elliott Burch, Jr. will be submitting his financial statement next week.

TELEPHONE SYSTEM FOR ST. MARY'S COUNTY GOVERNMENT COMPLEX

Commissioner Parlett stated that Mr. Alford Mattingly of the local C&P Office, reviewed the proposal presented by Ms. Prout at last week's meeting and he was of the opinion that this system would adequately meet the County's needs.

The Commissioners agreed that Ms. Prout should be directed to complete the study and develop an accurate cost estimate for this system. The County Administrator and Director of Purchasing and Logistics are to develop a list of all county agencies that would come under this system.

GROWTH MANAGEMENT FOR NORTHERN PART OF COUNTY

Present: Frank Gerred, County Planner
Richard Platt, Director, Land Use and Development
Walter Raum, Environmental Health Director

Commissioner Dean distributed a paper entitled "Comprehensive Land Use Planning and Zoning in St. Mary's County" which listed items that need addressing by the Board of County Commissioners including management of residential growth, especially in the northern portion.

Commissioner McKay stated that it was important that development be slowed down until adequate services can be provided.

Commissioner Dean stated that it is incumbent upon the Board of County Commissioners to give general policy guidelines to the County Planner in concert with recommendations by the Planning Commission and request the County Planner to analyze the Comprehensive Plan and develop recommendations on how to proceed.

Mr. Gerred suggested that two tasks need to be done:

1. The development of an interim management policy, and
2. development of a land use survey map.

Mr. Gerred was requested to be put on the agenda for the next Planning Commission meeting to discuss this and return to the Commissioners in two weeks with alternatives for an interim policy.

It was suggested that the Coastal Zone Management Planners be requested to assist Mr. Gerred in the development of the land use survey maps.

Mr. Raum stated that the Comprehensive Water and Sewer Plan is a vital document to growth and recommended that Mr. Gerred be placed on the committee for the update of this Plan. The Commissioners gave their concurrence.

COUNTRY LAKES BONDING

Present: John Norris, County Engineer

Mr. Norris stated he has evaluated the bonding situation in Section 1 of Country Lakes Subdivision which has 37,816 linear feet to be constructed. Mr. Norris recommended that the value of the bonding remain at the current level (\$940,000) and should not go beyond an extension of one year. The remaining work to be completed in Country Lakes Subdivision roads is the same cost per foot as originally stated because of inflation.

The Commissioners agreed to make a decision on this matter at next week's meeting.

LEONARD HALL RENOVATIONS

Present: John Orrick, Smeallie Orrick, and Janka Gordon
Chris Hanson, Project Coordinator
John Norris, County Engineer (Project Manager)
Ed Long, (Building Committee)
Dr. William Boyd, (Building Committee)

The above-referenced individuals met with the Board of County Commissioners for the purpose of discussing the recently submitted bids for the Leonard Hall renovation project and suggested deletions from the project as a result of high bids beyond cost estimates. An itemized list of suggested deletions from the project was presented and discussed along with a statement as to the impact of the deletions from both a program and financial viewpoint. Generally, the items recommended for deletion were of such a nature that they could be added at a later date.

The Committee recommended to the Commissioners that the deletion list be accepted, that the project be financed sufficiently to accomplish what has been designed and the project be moved forward as quickly as possible.

After some discussion, Commissioner McKay stated that the project be rebid without the items recommended for deletion with more time allowed for review by the bidders, that the date of July 1, 1977 be established for awarding the bids with the project to commence as soon thereafter as possible.

The Commissioners agreed to review the recommendations of the Building Committee and make a decision at next week's meeting.

SPRING VALLEY SUBDIVISION - BUILDING PERMITS

Present: John Norris, County Engineer

Mr. Norris indicated to the Commissioners that work was progressing on the roads in Spring Valley Subdivision and recommended allowing the issuance of four building permits to Washington Development Corporation and that the roads are scheduled to be completed by Spring. The Office of Land Use and Development had previously been instructed to withhold the issuance of any building permits for this subdivision on October 13, 1977.

Commissioner Dean made a motion to accept the recommendation of the County Engineer and allow the issuance of four building permits for Spring Valley Subdivision and that the Office of Land Use and Development be notified of this action, seconded by Commissioner Parlett. All Commissioners voted in favor.

FY 77-78 BUDGET POLICY STATEMENT AND INSTRUCTIONS FOR COMPLETING BUDGET REQUEST PACKAGE

Commissioner Dean made a motion that the Commissioners sign the 1977-78 Budget Policy Statement, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

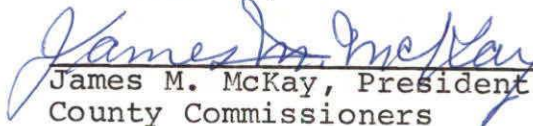
EXECUTIVE SESSION

Present: Mrs. Billye McGaharn, Executive Secretary
Commission on Aging

The Commissioners unanimously agreed to meet in Executive Session in order to discuss personnel matters. The Session was held from 1:00 p.m. to 1:40 p.m.

The meeting adjourned at 1:40 p.m.

APPROVED BY,


James M. McKay, President
County Commissioners