

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 17, 1984

Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator

(Commissioner Larry Millison was not present due to illness.)

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, January 10, 1983. Motion unanimously carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) ST. MARY'S COUNTY NURSING HOME  
(CREATION OF STATE DEBT)

The County Administrator advised that there is a state-program similar to the Jail Loan Act whereby \$500,000 can be granted to St. Mary's Nursing Home to assist in the construction of a new nursing home subject to the requirement that the Nursing Home or County provide at least a matching amount. Mr. Cox stated that if the Commissioners concurred, this would require legislative action and could be an item added to our Legislative Package.

The Commissioners gave their concurrence.

2) 350TH ANNIVERSARY CELEBRATION COMMITTEE

a) The County Administrator advised that the Commissioners had previously officially appointed nine members to the 350th Anniversary Committee, and it has since been learned that three of these appointments have not been serving. It would therefore be in order for the Commissioners to formally make replacement appointments.

Commissioner Aud moved, seconded by Commissioner Sayre and unanimously carried to appoint the following individuals to the 350th Committee:

Ms. Estelle Bishopp	-	Second District
Catherine Herndon	-	Sixth District
William Waldron	-	Ninth District

COUNTY ADMINISTRATOR ITEMS (Continued)

b) The County Administrator advised that John Bohanan has been transferred to Congressman Dyson's Office in Washington and can no longer serve as Coordinator/Chairman to the 350th Anniversary Committee.

Commissioner Aud moved, seconded by Commissioner Arnold to appoint Mary Bell to the 350th Anniversary Committee and to act as Chairperson. Motion unanimously carried.

3) APPOINTMENTS  
BOARDS, COMMITTEES, AND COMMISSIONS

Commissioner Dean moved, seconded by Commissioner Arnold and unanimously carried, to make the following appointments:

<u>Tri-County Youth Services Bureau</u>	<u>Term to Expire</u>
Mr. William R. Burroughs	December 31, 1986
<u>Zoning Board of Appeals</u>	
Joseph Ellis	December 31, 1984
Edward Fitzgerald	December 31, 1984
Gwyn Gardiner (Alternate)	December 31, 1985
Donald Insley	December 31, 1985
James C. Raley	December 31, 1986
William Wood	December 31, 1986

4) ST. MARY'S HOSPITAL  
REQUISITION NO. 24

The County Administrator presented the referenced Requisition No. 24 dated January 17, 1984 in the amount of \$85,627.41 representing costs incurred to date on the St. Mary's Hospital construction project.

Commissioner Dean moved, seconded by Commissioner Sayre to approve and sign said Requisition No. 24. Motion unanimously carried.

5) SYSTEMS REVIEW COMMITTEE  
RESPONSE TO REPORT

The County Administrator stated that in conjunction with the Commissioners' assignment to the Systems Review Committee to review the plans approval process for new construction, there is also a committee comprised of county agencies and departments reviewing the building permit process. The Systems Review Committee has submitted its recommendations, and Mr. Cox suggested that the Building Permit Process Review Committee be requested to submit its recommendations so that the Commissioners will have both reports in hand. He stated that this would be necessary in order for the Commissioners to be able to assimilate all the information before making any decisions. The Commissioners gave their concurrence and requested the County Administrator to advise the Systems Review Committee of its action.

6) CORRESPONDENCE  
ST. MARY'S HOSPITAL BOARD OF DIRECTORS PROPOSAL

The County Administrator presented correspondence for the Commissioners' review and signatures addressed to the St. Mary's Hospital Board of Directors responding to their proposal dated November 18, 1983 regarding the purchase of certain hospital property. The letter sets forth the Commissioners' concurrence in purchasing Part #1 and Part #2 property and enumerates conditions relative to this purchase.

Commissioner Arnold moved, seconded by Commissioner Aud, to sign and forward said letter. Motion unanimously carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

- 1) RELOCATION OF THE TUDOR HALL LIBRARY  
TO THE LEONARDTOWN LIBRARY  
PROJECT NO. SM 84-4-4

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Anchor Van Lines in the amount of \$3,440 .00. Commissioner Dean moved, seconded by Commissioner Arnold, to accept the County Engineer's recommendations. Motion unanimously carried.

- 2) ST. MARY'S HOSPITAL/NURSING HOME SITE  
DRAINAGE ANALYSIS AND SITE PLAN

Mr. Norris recommended that the Commissioners accept the proposal from The Wilson T. Ballard Company to do the drainage analysis and site plan for the proposed St. Mary's Hospital and Nursing Home site at a cost of approximately \$20,000.

Commissioner Dean moved, seconded by Commissioner Sayre, to authorize the County Engineer to implement the Agreement with the Wilson T. Ballard Company and further requested the Director of Budget and Data Services to identify a source of funds, with the understanding that the County would like to recoup these funds at such time as we enter in agreement with the State regarding purchase of the hospital building. Motion unanimously carried.

- 3) DISCOVERY SUBDIVISION  
ROAD AND STORM DRAINAGE IMPROVEMENTS

For the Commissioners' information Mr. Norris advised that inasmuch as the developer has not completed the roads and storm drainage in the referenced subdivision, there will be a court case Thursday, January 19, 1984 to determine how much the bonding company is liable. He stated that he solicited bids to determine what the cost of the work would be; however, the value of the bond is less than the cost for the amount of work to be done. A recommendation will be forthcoming after a decision is made by the Court.

- 4) HIGHWAY MAINTENANCE FACILITY

Commissioner Dean requested the County Engineer to review the site plan for the Highway Maintenance Facility, which is proposed to be located at the St. Andrews Landfill area, with the Commissioners prior to it going before the Board of Appeals.

EXECUTIVE SESSION

Present: John Norris, County Engineer  
Edward V. Cox, County Administrator

Commissioner Dean moved, seconded by Commissioner Sayre to meet in Executive Session in order to discuss matters of personnel. The Session was held from 9:40 a.m. to 10:55 a.m.

OFFICE OF PLANNING AND ZONING

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

1) RESOLUTION NO. 84-02  
HOME OWNERS ELECTRICAL INSTALLATION

Commissioner Dean moved, seconded by Commissioner Arnold, to adopt and sign Resolution No. 84-02 providing that effective July 1, 1984 a homeowner may be granted a permit for installation of electrical wiring in his/her resident upon documenting to the Board of Electrical Examiners, through passage of a written test, adequate knowledge of electrical wiring; and further to adopt the rules and regulations, signed by the President of the Board, attached thereto. Motion unanimously carried.

2) RESOLUTION NO. 84-03  
1983 COMPREHENSIVE WATER AND SEWER PLAN (AMENDMENT)

Commissioner Sayre moved, seconded by Commissioner Arnold to adopt and sign Resolution No. 84-03 relative to amendments to the St. Mary's County Water and Sewer Plan. Motion unanimously carried.

DISCUSSIONS/DECISIONS

ZONE #83-0981: NATIONAL MOBILE HOMES PARTNERSHIPS, INC.

Requesting rezoning from R-2, Low Density Urban Residential, to ML, Mobile Home Park. The property contains approximately 16.99 acres and is located off Maryland Rt. 235, Lexington Park, Eighth Election District, Tax Map 43, Block 9, Parcel "J" (Part of Parcel 270).

Commissioner Dean asked several questions regarding this application. He noted that the staff's report included the fact that the Mobile Home Park District was a floating zone and he asked for the staff's conclusions regarding same. Mr. Gerred advised that in 1978 the regulations were rewritten and "meant for it to be listed specifically as a floating zone." That earlier consideration was the result of an application made by a Mr. Ed Cook for Suburban Mobile Homes to have a piece of property adjacent, to allow development in the R-2 density as a subdivision. The County at that time, per Zoning Administrator decision, found that this was a floating zone and so notified the Planning Commission who in turn acted on Mr. Cook's request and made a decision that the R-2 zoning underlying district applied. Mr. Gerred pointed out that this decision was not challenged and thus stood. Staff has reviewed the decision with the Planning Commission and County Attorneys and they are both in agreement with this decision. Mr. Gerred added that the Amber Meadows decision was likewise handled that way. (The latter is currently before the Court having been appealed, awaiting decision.)

Commissioner Dean reflected that the Planning Commission had asked the staff to report on the conditions in the existing parks; however, he did not find any evidence in the file of said report. Mr. Gerred advised that the report had been verbally transmitted to the Planning Commission.

Commissioner Dean's third question related to the railroad right-of-way. He asked whether this application would be utilizing said right-of-way. Mr. Gerred responded affirmatively and noted specifically that it would cross the railroad right-of-way, as there was no other way to gain access to the property.

DISCUSSION/DECISIONS (Continued)

ZONE #83-0981: NATIONAL MOBILE HOMES PARTNERSHIP, INC.

Commissioner Dean moved, seconded by Commissioner Arnold and unanimously passed to adopt the recommendations of the Planning Commission and staff for the reasons so stated in the Planning Commission's recommendation and staff memorandum of October 13, 1983, thus approving the requested rezoning and thereby authorizing the County Attorney to prepare the adopting resolution.

ZONE #82-0884: BUDDY WINSLOW

Deferred.

ZONE #83-0978: AMERICAN LEGION POST 255

Requesting rezoning from R-1, Rural-Residential, to RSC, Rural Service Center. The properties contain approximately 4.0 acres total and are located on Maryland Route 5, Ridge, just north of Airedale Road, in the First Election District, on Tax Map 71, Block 13, Parcels 447, 156 and 349.

Mr. Gerred related that the applicant had explained at the public hearing that during the original comprehensive rezoning of Ridge, they had been under the impression that all of their property had been included. Realizing this apparent oversight, the applicant now appears before the Board seeking resolution of that error.

The Commissioners were advised by staff that the official zoning maps included all of the RSC properties in the Ridge area.

Matter temporarily deferred, pending review of the official zoning maps by the Commissioners.

Later in the meeting the Board having reviewed the official zoning maps, Commissioner Dean moved, seconded by Commissioner Arnold, and unanimously passed, to authorize the County Attorney to prepare the the appropriate resolution approving the rezoning, based on the recommendations of the Planning Commission and staff reports as contained within the record.

ZONE #83-0324: MARY W. READMOND

Requesting rezoning from R-1, Rural Residential, to C-2, Commercial. The property contains approximately .926 acres and is the site of the Montana Snack Bar, located on the east side of Maryland Route 235, Hollywood, on both corners of the intersection with Maryland Route 472, in the Sixth Election District, on Tax Map 18, Block 4, Parcel 61.

Ford Dean exited the meeting at this point, noting that as in previous consideration of this matter, he would abstain from participation due to possible conflict of interest (applicant is a relative).

Following brief deliberation, Commissioner Aud moved, seconded by Commissioner Arnold and unanimously passed, to direct the County Attorney to prepare the appropriate resolution, approving the rezoning request for both parcels to C-2.

TEXT AMENDMENTS TO ZONING ORDINANCE  
ZONING AMENDMENT RESOLUTION # Z84-03  
(ZONE #83-1350: SIDE YARDS)

- (1) Article 40.04.7 - SIDE YARDS  
Amend to allow that any structure, in addition to the principal structure, may have as little as a zero lot line setback.
- (2) Article 34.02.2.g - Amend to allow residential use at a density not to exceed R-15. Delete Article 34.02.3.g.
- (3) Article 34.03.2.c - Amend to allow residential use at a density not to exceed R-30. Delete Article 34.03.3.b.

Mr. Gerred proferred for the Commissioners' review, the resolution prepared by staff. He explained that the adoption of said text would allow persons to build down to a zero lot line with their neighbors' concurrence.

Commissioner Aud moved, seconded by Commissioner Arnold, and unanimously passed, to officially adopt and sign said Resolution.

ZONING AMENDMENT RESOLUTION #Z84-02  
(ZONE #83-1412: CLUSTER DEVELOPMENT)

A proposal to amend the Zoning Ordinance and Subdivision Regulations to allow clustering of dwelling units in Residential Zoning Districts. The proposal would allow the owner of land to create smaller lots on a parcel of land if the remainder of the land is put into permanent open space. In addition, if a cluster subdivision is proposed, the Planning Commission may allow an increase in net density of up to 20%. All proposals for clustering must be advertised, adjoining property owners notified, and the Planning Commission will hear the proposal at a public hearing.

Also presented for the Commissioners' review was a Resolution prepared by staff, adopting the proposed text. Mr. Gerred noted that said adoption would allow in any residential zone, a clustering of the allowed density in such a manner that it would improve the design, would allow the Planning Commission to waive lot sizes and gives a 20% bonus for clustering.

Commissioner Dean moved, seconded by Commissioner Aud, and unanimously passed to adopt and sign Resolution Z84-02 (Zone #83-1412) which would approve the clustering provision.

RESOLUTION NO. 84-01  
REPEAL AND REAUTHORIZATION OF TRAILER PARK FEES/TAXES

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

Mr. O'Dell presented a draft Resolution repealing Resolutions 69-4 and 75-38 and adopting new provisions for the payment of taxes and penalties relative to trailer parks.

Commissioner Dean moved, seconded by Commissioner Arnold to approve establishing a percentage taxing method (7% per pad) for trailer parks, to be effective July 1, 1984. Motion carried. Commission Aud noted that although Commissioner Millison is not present and cannot vote, he has requested that the record reflect that he is opposed to this Resolution.

Later in the meeting, Resolution No. 84-01, prepared in final, was presented for the Commissioners' review and approval. Commissioner Arnold moved, seconded by Commissioner Dean, to adopt and sign Resolution No. 84-01. Motion unanimously carried.

ELECTRICAL INSPECTIONS

Present: George Wiggin, Senior Inspector, Middle Dept. Inspection Agency  
Paul Huse, Inspector, Middle Dept. Inspection Agency

In response to a memorandum dated December 23, 1983 from the Office of Planning & Zoning to the Commissioners regarding the County's assumption of electrical inspections, Mr. Wiggin presented a memorandum dated January 16, 1984 setting forth a proposal regarding inspections for the Commissioners' consideration.

The Commissioners thanked Mr. Wiggin for his proposal and advised that a public meeting has been scheduled for Tuesday, January 24, 1984 at 7:30 p.m. to discuss the inspection issue. The Commissioners advised Mr. Wiggin that his proposal will be discussed and considered at this time.

PROCLAMATION NO. 84-01  
NATIONAL CHILDREN'S DENTAL HEALTH MONTH

Present: Dr. Ted Wagner

The Commissioners presented the referenced Proclamation designating February as National Children's Dental Health Month in St. Mary's County.

REZONING HEARING  
ZONE #83-1205: JOHN L. NELSON

Requesting rezoning from R-1, Rural-Residential, to RSC, Rural Service Center. The property contains 72 acres and is located on the east side of Maryland Route 235, Ridge, just north of the intersection with Maryland Route 5, on Tax Map 71, Block 7, Parcel 287, First Election District.

Commissioners present: George Aud, Ford Dean, Richard Arnold, and David Sayre. Commissioner Millison was absent. Staff present included: Frank Gerred, and Anita Meridith of the Office of Planning and Zoning.

The audience included: Joanne Serpick, Vicky Volk, John L. Nelson, Victoria C. Nelson, and Talmadge Reeves.

Advertisement of this public hearing appeared in the Enterprise Newspaper on Wednesday, December 28, 1983.

Entered into the record and marked Applicant's Exhibit #1, were all the postal receipts from the certified letters of notification sent to all contiguous property owners. The applicant, Mr. John L. Nelson, advised that the property has been duly posted.

Mr. Gerred entered into the official record, the Planning Commission record and staff report (both offered recommendations for approval).

Mr. Gerred apprised the Board that the applicant owned a service station in the Ridge area. He noted that the applicant has attended the meetings held in the Ridge area during the comprehensive rezoning of that area and had placed his name on a document, which he had believed to be the proper roster for inclusion of his property in the RSC district. Later, the applicant discovered that he has placed his name on the wrong document and was at this point, seeking resolution of that error by having his property included in the RSC Ridge zoning.

The applicant's son-in-law and legal representative, Mr. Talmadge Reeves, explained that Mr. Nelson had owned and operated the subject property and enterprise (service station) for the past twenty-two (22) years.

The Chair asked whether anyone present wished to speak either in favor or opposed to this proposed request. There was no response.

Mr. Gerred advised that two letters had been received relative to this application, one from a Mr. Daniel H. Raley and the other from a Martha Parks Forrest, both speaking in favor of the application.

There being no further testimony, the Chair advised that the hearing would be closed and the Commissioners would take up this pending matter at their next meeting.

ASUB #83-1462: AMENDMENT TO SUBDIVISION REGULATIONS

Section 2.03 - Violations and Penalties

- (1) Change subparagraph "C" to "D"
- (2) Insert new subparagraph "C" to allow civil violations as a penalty.

Advertisement of this public hearing appeared in the Enterprise Newspaper on Wednesday, December 28, 1983.

Staff advised that the State Legislature has changed the legislation approximately one year ago regarding violations by allowing civil penalties in the Subdivision Regulations enforcement. The proposed amendment would allow this, by placing said text within the Ordinance and would provided the county with a mechanism in dealing with these subdivision violations in much the same manner as currently dealing with the zoning violations. Staff felt that this would "enhance enforcement of the Ordinance."

Commissioner Aud asked whether anyone present wished to speak either in favor or opposed to this proposed amendment. There was no response.

Hearing no further testimony, the Chairman closed the hearing and advised that the Commissioners would take the matter under advisement.

Hearing closed.

ADJOURNMENT

The meeting adjourned at 1:20 p.m.

APPROVED:

  
George R. Aud, President