

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**JANUARY 31, 1995**

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Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
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 Eagan moved, seconded by Commissioner Jarboe, to approve the Department of Planning and Zoning portion (Water and Sewer Plan Amendments) of the Tuesday, January 17, 1995 meeting, minutes of the County Commissioners' meeting of Thursday, January 19 and Tuesday, January 24, 1995. Motion carried.

**APPROVAL OF BILLS**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Check Register as presented. Motion carried.

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Office on Aging**

Present: Gene Carter, Director, Office on Aging

**Rental Proposal**

Also Present: Phil Rollins, Director, Recreation and Parks  
Leslee Metz, Operations Manager, Activity Center

The referenced individuals appeared before the Commissioners to present a proposal for the rental of the Chancellors Run Activity Center. The proposal included guidelines to be applied when renting the Center, proposed fees, sample contract and rental agreement. Mr. Carter pointed out that the center would not be scheduled for others when the Office on Aging or Recreation and Parks was using the facility.

After the presentation Mr. Carter requested the Commissioners' concurrence to make the Center available under the conditions as presented.

During discussion the Commissioners raised questions relative to the County's liability. Mr. Carter advised that there was a paragraph regarding liability in the agreement; however, he would request the County Attorney to render an opinion.

The Commissioners deferred a decision until the County Attorney submits a recommendation.

**Home Delivered Meals**  
**Donation by Deceased Client**

Mr. Carter advised that a Home-Delivered Meals client, who is now deceased left the Office on Aging's Home Delivered Meals Program some proceeds of his estate. He stated that there was a contention by one of the other benefactors, the American Cancer Society, that it was entitled to a larger portion of the estate. After negotiations between the Attorney and the Cancer Society, a settlement agreeable to both parties had been reached. Under the terms of the Agreement the Home Delivered Meals Program will receive \$12,000 and the Commissioners are required to approve and sign the Settlement Agreement.

**After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Settlement Agreement as presented. Motion carried.**

2) **Certificates of Guarantee**

The County Administrator presented correspondence addressed to the Southern Maryland Delegation responding to their January 23 memorandum relative to legislation for Certificates of Guarantee. The return letter requests that St. Mary's County be included in the enabling legislation, which would form a pool among participating contractors to reduce insurance costs for surety bonding for construction completion of public improvements. County Administrator Cox pointed out, however, that even though it may be several years before the program would be established in the County, he recommended that St. Mary's be included in the enabling legislation.

**Commissioner Brugman moved, seconded by Commissioner Eagan, to sign and forward the letter as presented. Motion carried.**

3) **Grants**

The County Administrator presented the following grant applications for the Commissioners' review and consideration:

**St. Mary's Historic Preservation Program, Phase 4**  
**Site Survey**

Application to be submitted to Maryland Historical Trust in the amount of \$53,828 (Trust - \$22,527; Local - \$28,301) for Phase 4 of the historic sites survey.

**Coastal Zone Management**  
**Third Phase, Sensitive Areas Plan**

Application to be submitted to the Coastal and Watershed Resources Division, Department of Natural Resources in the amount of \$20,000 for the preparation of components of the Comprehensive Plan update relative to the requirements of the "1992 Planning Act" for the adoption of a sensitive areas element.

**Waterway Improvement Grant**  
**Forest Landing Repairs**

Application to be submitted to the Department of Natural Resources, Waterway Improvement Program in the amount of \$25,000 for repair to the existing bulkhead, and repair and expansion of parking lot at the end of Forest Landing Road.

**Patuxent Estuary Demonstration Project**  
**Memorandum of Understanding**

Memorandum of Understanding between St. Mary's County and the Maryland Office of Planning for Phase II of the referenced Patuxent Estuary Demonstration Project Planning Grant.

Discussion ensued relative to the grant application and the Commissioners requested that Mr. Grimm provide an explanation of the demonstration project prior to making a decision.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the first three grant applications (Historic Preservation Program; Coastal Zone Management; and Waterway Improvement). Motion carried four to one with Commissioner Brugman voting against stating he was opposed to the Historic Preservation Grant Application in that he believed the survey was vague.**

The Patuxent Estuary Demonstration will be re-presented to the Commissioners at a later meeting.

4) **Department of Social Services**  
**Request for Use of Unexpended Funds**

The County Administrator presented correspondence dated January 27 from Director Russell of the Department of Social Services advising that the Department has a balance of \$7627.82 in unexpended funds, mainly as a result of salary savings in the Child Support agent position. The letter requests approval to use the unexpended funds in the Child Support Program for the purchase of computer equipment, which would enable Social Services to collect additional child support. In addition Mrs. Russell pointed out the expenditure in the Child Support program would result in a 66% federal reimbursement making the net cost to the County \$2,593.46.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the use of the unexpended funds as requested. Motion carried**

5) **Response Letters**

The County Administrator presented the following response letters for the Commissioners' review and signature:

**St. Mary's Parkway (Route 5) Petition**

To Mr. and Mrs. Unkle responding to their concerns relative to the validation of the "St. Mary's Parkway" petition suggesting that she review the signatures she is questioning with the Addressing Technicians at the Department of Planning and Zoning to clarify their status.

During discussion of the response letter the Commissioners discussed methods of resolving the issue of the naming of this road in that a number of citizens have been contacting the Commissioners with their concerns.

**Hanover Run (Myrtle Point)**

To Potomac River Association, Frank Fox, Anthony Cullison and M. L. Anderson regarding the status of the referenced property.

**Commissioner Brugman moved, seconded by Commissioner Eagan, to sign and forward the letters as presented. Motion carried.**

6) **Cecil's Country Store**

The County Administrator presented correspondence addressed to Maryland Historical Trust supporting the St. Mary's County Historical Society's application for funds to replace the roof of Cecil's Country Store in Great Mills.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letter as presented. Motion carried.**

7) **Clearinghouse Project No. MD9501-0047  
Stock Assessment - Recreational Finfish in Chesapeake Bay**

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is consistent with the County's plans, programs and objectives.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to accept the County Administrator's recommendation as presented. Motion carried.**

8) **Ethics Commission  
Request for Counsel**

The County Administrator presented a memorandum dated January 30 from the Ethics Commission advising that the Commission has received a request for an advisory opinion for a matter that County Attorney Joseph Densford must abstain from. Therefore the Ethics Commission has requested approval to seek outside counsel to act in an advisory capacity. Mr. Cox noted that no additional funds are needed.

**Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the use for outside counsel as requested. Motion carried.**

**PROCLAMATION  
CATHOLIC SCHOOLS WEEK**

The Commissioners presented a Proclamation designating the week of January 29 - February 4 as Catholic Schools Week in St. Mary's County.

**TRI-COUNTY ANIMAL SHELTER ADVISORY BOARD  
EXPANSION PROJECT UPDATE**

Present: Rosiland Tyler, Task Force Member

Ms. Tyler appeared before the Commissioners to give an update of the proposed animal shelter expansion project. She pointed out the work that needs to be done relative to the shelter addition prior to construction beginning, including a topographical survey, size of the facility, and the need for an architect. During her presentation Ms. Tyler indicated that the Advisory Board has concurred in the need for this expansion project and suggested that the Commissioners visit the shelter in order to observe what the needs are. She said it was her understanding that the project would cost \$100,000 to be divided among the three counties (Calvert, Charles and St. Mary's).

In conclusion the County Administrator reminded the Commissioners of the March 14 Tri-county Commissioner meeting and suggested that this expansion project be included as an agenda item.

## **ANIMAL WELFARE LEAGUE**

Present: Rosiland Tyler  
Kathy DeLozier  
Lorraine Greenleaf  
Joan Broderick

### **Proclamation** **Prevent a Litter Month**

The Commissioners presented a Proclamation designating February as Prevent a Litter Month in St. Mary's County.

### **Discussion of Activities/Program**

The referenced representatives of the Animal Welfare League appeared before the Commissioners to introduce themselves and to speak to the various League's activities. The activities include: issuance of vouchers for spaying/neutering at reduced costs, cruelty investigations, and counseling of pet owners (particularly regarding pet ownership).

Ms. Tyler stated that the League would like to request the Commissioners to establish a Canine Board to hear cases relative to animal control (barking dogs, animals at large, cruelty) that are currently being heard in District Court. Ms. DeLozier advised that Charles County has established such a Board which consists of a veterinarian, police, community organization representative, and citizens. The Board would hear the cases and issue fines, if necessary. She further noted that Calvert County is currently working on establishing a canine board.

During discussion Ms. Tyler pointed out that almost 4,000 animals were placed at the shelter with only 199 being claimed. Discussion ensued relative to the animal wardens' handling of the animals and contact with citizens, and Ms. Tyler suggested that the wardens get appropriate training. Ms. Greenleaf cited a specific incident in which she was involved relative to a St. Mary's County animal warden. In addition Ms. Tyler advised that the Welfare League had a number of questions regarding the Animal Control Ordinance including the definition of an animal owner.

In conclusion the Commissioners indicated they would look into the matter of training for the wardens and requested the League to put their concerns relative to the Ordinance in writing so that the Commissioners can address the issues.

## **DEPARTMENT OF PLANNING AND ZONING**

### **DISCUSSION/DECISION - WATER/SEWER AMENDMENTS**

Present: Jon Grimm, Director  
Jeffrey Jackman, Senior Planner  
Peggy Childs, Recording Secretary.

### **Discussion/Decision**

#### **Cwsp Text And Mapping Amendments**

**#89-1441 - Bay Forest Subdivision**  
**#94-1310 - Bacon Subdivision**

This discussion is a follow-up to the public hearing held on January 17, 1995. Mr. Grimm advised that, during the 10-day written comment period, which closed on Friday, two letters were received by staff. The first letter, from the Metropolitan Commission, identified two properties similar to the Bacon Subdivision situation; i.e., the properties are currently being served by sewer but were incorrectly mapped as S-6. Staff recommends that the service area categories be changed to S-1 and the maps corrected accordingly. The two properties are: The Willows Restaurant - Tax Map 41, Grid 7, Parcel 58; and the area along Route 235 from the Esperanza Shopping Center to the new Burch Mart on Tax Map 43.

The second letter was received from Attorney Jim Kenney and requests postponement of any final action on #89-1441, Bay Forest Subdivision, in light of the new rules regarding innovative and alternative septic systems recently announced by the Health Department.

Commissioner Thompson asked what the postponement will do for the applicant? Mr. Grimm responded it will enable the request to be included in a semi-annual water/sewer amendment without having to go back through the TEC process provided there are no changes to the application. If there are changes to the application, a new public hearing will be required.

Commissioner Thompson questioned the two new properties being added without going to public hearing and said she is uncomfortable about considering them without at least another 10-day comment period to keep the process consistent. Mr. Grimm responded that they are a part of the public hearing process because they were identified by the Metropolitan Commission as mapping errors during the 10-day written comment period and, therefore, could be considered for approval. Mr. Cox agreed and the other Commissioners had no problem with this.

**Commissioner Chesser moved for approval of service area category/mapping changes for #94-1310 - Bacon Subdivision; The Willows Restaurant; Esperanza Shopping Center to the new Burch Mart on Route 235, and text amendments as identified in the Staff Reported dated January 10, 1995. Seconded by Commissioner Jarboe; passed by 5-0.**

#### **TULAGI TOWN CENTER PROJECT**

Present: Aleck Loker, Director, Economic & Community Development  
Jon Grimm, Director, Planning and Zoning  
Dan Ichniowski, Director, Public Works  
Vivian Marsh, Department of State Planning

The referenced individuals appeared before the Commissioners to present a briefing on the Tulagi Town Center Revitalization project.

Mr. Loker gave an overview of the background and history of the project pointing out that DECD had prepared a grant application in 1993 for the revitalization project which included three activities: planning, acquisition/demolition, and interim improvements. Mr. Loker spoke to some of the work that has been done thus far including relocating of Skipjack Hotel residents and the four business in the area to better locations and facilities.

Mr. Grimm distributed a handout setting forth a timetable for the Lexington Park District Plan as part of the Comprehensive Plan Update and stated that his department has focused mainly on the planning efforts. The Lexington Park Planning Task Force has broken down into subcommittees and is conducting a visioning process to set out what the future of the Lexington Park Area should be. The plan will go through the Planning Commission process and ultimately be brought before the Board of County Commissioners for review.

Mr. Ichniowski reviewed the status of various elements of the project including the redevelopment plan and pointed out the locations of the interim improvements. He noted that there has been a cooperative effort among county and state departments and agencies.

Mr. Marsh indicated that the State supported the project and encouraged interim improvements to make the area more attractive. He presented concept drawings depicting landscaping, parking areas, park area, sidewalks and curbs and lighting.

During the presentation Mr. Loker pointed out the location of the proposed Three-Oaks Homeless Shelter, which is not part of the Tulagi Town Center revitalization program, but is located in the vicinity of the project.

In conclusion Mr. Ichniowski presented a Memorandum of Understanding between State Highway Administration, Department of Transportation, and St. Mary's County relative to Phase IA and Phase IB improvements to Tulagi Place in conjunction with the revitalization program.

The Agreement sets forth State Highway Administration's and the County's responsibilities regarding the right-of-way phase, construction phase, and design/right-of-way and construction phase funding.

In order to give them an opportunity to review the document the Commissioners deferred a decision on the Memorandum of Understanding until next week.

## **COUNTY COMMISSIONERS' TIME**

### **Chancellors Run Activity Center**

Commissioner Jarboe pointed out that the Commissioners had received a presentation earlier in the meeting regarding a proposal for the rental of the Chancellors Run Activity Center, and the Commissioners had deferred a decision until next week. He stated that later in the meeting he had been approached by an individual representing the Unitarian Fellowship Church who indicated that they had planned to use the facility this Sunday, February 5. Commissioner Jarboe inquired whether the church could be allowed to use the Center even though the Commissioners had not approved the proposal. County Administrator Cox pointed out that use of the Center has been allowed under other procedures. Therefore, the Commissioners agreed for the Unitarian Fellowship to use the Activity Center as requested.

### **Annual Reports**

Commissioner Brugman requested that the Annual Reports being presented by the various boards, committees, and commissions be submitted to the Commissioners a week in advance and if the Commissioners had questions they could come before the Board.

County Administrator Cox pointed out that some of these groups never get an opportunity to meet with the Commissioners and the annual reports allows them to meet board to board.

In conclusion the Commissioners requested that the Annual Reports be submitted a week in advance and that the committees and boards meet with the Commissioners to highlight principal issues and address specific goals.

### **Resolution No. 91-26** **Legal Advertising**

As a continuation of the discussion relative to legal advertising, Commissioner Jarboe restated his opinion that Resolution No. 91-26 was discriminatory. He explained his contacts with Charles and Calvert Counties' Governments has revealed they put legal advertising in all publications without regard for circulation requirements.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman to rescind Resolution No. 91-26.

During discussion on the motion, questions were raised regarding the method of advertising in more than one paper; the system used by the county prior to Resolution No. 91-26; proper drafting of RFP's so as not to cause discrimination; getting the "best value;" the need to reach as many citizens as possible, circulation figures of county and other papers; and the need to present an alternative to replace No. 91-26.

In conclusion Commissioner Jarboe agreed that more information was needed and to withdraw his motion and Commissioner Brugman his second. The Commissioners agreed to delay action until the following information is received: circulation figures for all appropriate newspapers; what will replace Resolution No. 91-26; information about the system in place prior to No. 91-26; and copies of Charles and Calvert Counties' newspapers.

**Senate Bill No. 98 - Semi Annual Payment of Taxes**

Commissioner Chesser referred to Senate Bill 98 which pertains to semiannual payments of property taxes and stated that the MACo Legislative Committee has expressed opposition to the bill. He pointed out that some counties have this provision and it should be left to the discretion of each jurisdiction and not mandated.

County Administrator Cox advised that the Director of Finance prepared a fiscal impact note on the bill which has been forwarded to MACo with a copy provided to the Commissioners.

**FISCAL YEAR 1996 BUDGET REVIEW**

At this time the Commissioners reviewed the following departmental budgets: County Commissioners/County Administrator, Finance, County Attorney, and Treasurer's Office. In addition Mr. Wade reviewed projected Revenues for Fiscal Year 1996.

**ADJOURNMENT**

The meeting adjourned at 4:30 p.m.

**Minutes Approved by Board of  
County Commissioners on 2/7/95**

*Judith A. Spalding*  
**Recording Secretary**