

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JULY 2, 1996**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 12:05 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, June 25, 1996, Thursday, June 27, 1996, the Planning and Zoning portion of the June 18 meeting (Lexington Park Master Plan), and the Planning and Zoning portion of the June 25 meeting (Comprehensive Water and Sewer Plan and Compton Self-Help Project). Motion carried.

APPROVAL OF BILLS

Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize Commissioner President Thompson to sign the Check Register. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Chesser moved, seconded by Commissioner Jarboe, to add the following to today's agenda: Executive Session on Property Acquisition and a visit by the Dean of College of Agriculture for the University of Maryland. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar, County Administrator

1) **Correspondence**

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

- a. To St. Mary's County Correctional Officers' Association responding to detention center staff level concerns
- b. To Maryland Department of Environment regarding modification to sewage sludge permit application for the William Cryer site on Chingville Road
- c. To Elaine Dodson regarding the proposed widening of Md. Rt. 235 and the FDR Boulevard project.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and sign the letters as presented. Motion carried.

- d. To Potomac River Association regarding the widening of Route 235
- e. To Bernard Johnson regarding the naming of the two Governmental Center Roads.

- f. To Don Reb. Sr., Erik Jansson, and S. Norwood Graves regarding the Wicomico Shores Recreation Complex.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the letters as presented. Motion carried.

- g. To Anne McShea regarding the patching of local roadways.

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

- h. To seven individuals regarding the establishment of a car ferry crossing to Eastern Shore.

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

Commissioner Jarboe advised that the PRA has indicated it would protest a ferry boat service at Myrtle Point, and that Mr. Tobin is still in the process of locating a site.

- i. To Public Schools Building Trades Foundation, Inc. waiving the building permit fee for the house project on Lot #46 of Wilderness Run Subdivision.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign the letter as presented. Motion carried.

- j. To various individuals expressing appreciation for efforts on the County's successful defense in the lawsuit filed by The Skydiving Center.

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

- k. To department staff and volunteers expressing appreciation for efforts during the recent storm (62 letters).

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and sign the letters as presented. Motion carried.

- l. To Thaddeus S. Hess, Jr. regarding the 911 addressing system.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the letter as presented.

During discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to amend the letter to include dates of when certain events occurred (when the enhanced 911 system was mandated; appointment of task force; and deadline for implementation).

Vote on the main motion was passed unanimously.

2) **Personnel Issues**

As a follow up to a previous executive session, the County Administrator presented the following:

- a. Letter to a County Employee expressing appreciation for outstanding accomplishments and dedication to duty
- Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the letter as presented.**
- b. Letter to a County Employee expressing appreciation for performing additional duties.
- Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and sign the letter as presented.**
- c. Proposed Changes to Personnel Manual (regarding overtime for sworn law enforcement officers)
- * Change in maximum hours for overtime entitlement to 171 during a 28-day period
 - * Change the method of payment for sworn law enforcement officers.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the changes to the manual as requested. Motion carried.

3) **Grant Documents**

The County Administrator presented the following grant documents for the Commissioners' consideration:

- a. Sheriff's Department Operation Community Watch II - Grant Award - \$37,188 (federal); \$12,396 (match)
- Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Grant Award and related documents, as presented. Motion carried.**
- b. Office of Community Services - Community-based program for prevention of child physical and/or sexual abuse. (\$10,000 grant from Department of Human Resources)
- Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

4) **Maryland State Clearing House Project No. MD960529-0377
Implementation of Maryland's Coastal Zone Management Program**

The County Administrator presented correspondence addressed to the Maryland Office of Planning indicating that the referenced project has been reviewed by the County's Department of Planning and Zoning and stating that the project is consistent with the County's plans, programs, and objectives.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the letter as presented. Motion carried.

5) **Resolution No. W/S96-03
Comprehensive Water and Sewer Plan Amendments**

As a follow up to February 20 public hearing and the June 25 discussion and decision, the County Administrator presented the following documents:

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- * Letter to Maryland Department of Environment forwarding the approved amendments
- * Resolution No. W/S96-03 approving the water/sewer amendments.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign the letter and Resolution as presented. Motion carried.

6) **Proposed Ordinance to Appropriate Additional Funds
St. Mary's County Circuit Court**

Also Present: Steve Welkos, Director of Finance

Mr. Welkos explained that the Maryland General Assembly appropriated funds in the Fiscal Year 1997 budget for the establishment of contractual master services to supplement judicial resources. Judge Briscoe had indicated that this may be a one time only appropriation and not available in future fiscal years. In that this amount had not been included in the County's FY '97 budget, a public hearing would be required for the adoption of a Supplemental Appropriation Ordinance. Mr. Welkos suggested that the hearing be held July 23.

The Commissioners gave their concurrence to proceed with a public hearing.

COOPERATIVE EXTENSION SERVICE

Jean Dean, Director of the Cooperative Extension Service introduced Dr. Tom Fretz, Dean of the College of Agriculture for the University of Maryland to the Board of County Commissioners.

**SHERIFF'S DEPARTMENT
QUARTERLY REPORT**

Present: Sheriff Richard Voorhaar

Sheriff Voorhaar appeared before the Commissioners to present the Sheriff's Department's quarterly report. He thanked the Commissioners for their support in the Fiscal Year 1997 Budget and updated the Board on his department's activities (establishment of a new schedule which allows for shift overlap; will be recouping funds from the State for the transportation of juveniles; bringing on patrol deputies who have recently graduated; looking a global tracking of equipment; and instituting a computerized "Hello, are your Okay" Program.

OFFICE ON AGING

Present: Gene Carter, Director, Office on Aging
Jennie Page, Office on Aging

Mr. Carter appeared before the Commissioners to present the following grant documents:

Notification of Grant Award for RSVP

Grant Renewal of the third year of the three year approved Retired Senior Volunteer Program (which had been approved by the Board of County Commissioners on May 7, 1996 and are a part of the county budget)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant Award as presented. Motion carried.

Title III Fiscal Year 1996 Notification of Grant Award

Final Notification of Grant Award for Title III funds for the period October 1, 1995 through September 30, 1996.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Grant Award as presented. Motion carried.

Fiscal Year 1997 Senior Care Plan

State long-term care service delivery program which coordinates services provided by both public and private agencies. The program, which assists persons 65 and over who are at risk of entering a nursing home to remain in the community in their own homes, is coordinated among the Office on Aging, Department of Social Services, and the Health Department.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the FY '97 Senior Care Plan as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Tri-County Council

Commissioner Brugman stated that it was reported at the July 1 Tri-County Council meeting that Mr. Hodge has not reported his outside employment with the tobacco industry. Therefore Commissioner Brugman requested a letter be drafted to the State Ethics Commission inquiring whether Mr. Hodge was required to file the fact that he receives payment from the tobacco industry for his marketing of Southern Maryland tobacco. Mr. Hodge had indicated that he did not believe he was required to report that employment on his financial disclosure statement.

Center for Business and Industry
Charles County Community College

Commissioner Thompson stated that she attended the dedication ceremony of The Center for Business and Industry and suggested that a tour be set up for the Commissioners at a later date. The Commissioners agreed to set Thursday, July 25 at 1 p.m. for the tour.

Commissioner Jarboe suggested including a tour through the northern end of the county to look at agribusiness sites.

PUBLIC HEARING
FSUB #95-0048 - GLEBE RUN SUBDIVISION
(Renaming portion of Graves Road)

Present: Mike Paone, Deputy Director
Jeffrey Jackman, Senior Planner
Peggy Childs, Recording Secretary.

Requesting name change for a portion of the existing Graves Road to Glebe Road. The subdivision contains 105.727 acres, is zoned RPD, and is located on the east side of Morganza-Turner Road, south of its intersection with Graves Road; Tax Map 13, Block 17, Parcel 46.

Also Present: William R. Mattingly, Owner/Applicant
Billy Higgs, of Little Silences Rest, Inc., Agent
Evelyn & Donald Richards)
Charles & Linda Goldsmith)
James O. Buckler) Area Residents
James & Deborah Mayfield)
William J. Johnson, Sr.)
Nelson & Beverly Blanton)

Legal Ad published in The Enterprise on 6/12/96 & 6/19/96.

The property was posted by staff on June 13, 1996.

#A-1 - Certified Receipts of notification to contiguous property owners

On May 28, 1996, the County Commissioners approved the realignment of portions of Graves Road to meet safety requirements of the Road Ordinance, subsequent to preliminary subdivision approval by the Planning Commissioners. The realignment forms a "T," where Graves Road and Glebe Road, the main road through the subdivision, meet, and, under the 911 Addressing Manual, "T" roads are considered separate roads and must be named independently. Applicant is requesting approval to rename a portion of Graves Road to "Glebe Road."

The Graves Road renaming will be for only about .2 mile, and only 8 property owners at the end of the road will be affected, many of whom were in attendance. The impacted property owners are: Roy & Leslie Taylor; Paul & Mary Ann Bean; James & Theresa Mayfield; Donald & Evelyn Richards; Charles & Linda Goldsmith; Thomas Woodburn; Nelson & Beverly Blanton; and Ellen Woodburn.

Final approval of the subdivision cannot be granted until the new 911 addresses are assigned, and that cannot be done until the road is renamed. In fact, staff has intentionally avoided the assignment of 911 numbers for this section of Graves Road pending the road renaming, so the change of addresses will only have to be done by the property owners once. Staff did look at other alternatives regarding the road, but this is the only one that meets the requirements. Another reason for the name change is that the new, continuous road will be a higher road classification than Graves Road, which is a chip-stone road, with no shoulders.

After examining their decision minutes of May 28th, Commissioner Eagan said she thinks there a concern was raised at the public hearing regarding additional traffic on Graves Road because of the number of children that live and play along that road, and it was suggested that that part of Graves Road be closed. Mr. Higgs said DPW recommends leaving it open because there is very bad sight distance at the Graves Road intersection, and this is an opportunity for an intersection with good sight distance in both directions, particularly for school buses, which will now have a good access back out onto Morgana-Turner Road, and that is a big issue.

The Chair opened the hearing to public comment, reminding that no decision will be made today and there will be an open record period for written comments and to provide further information, if needed.

Evelyn Richards, of 985 Graves Road, read a prepared statement to the effect that the renaming of Graves Road will have "significant and highly disruptive impact" on the 8 families involved and asked that the name change be denied until a compromise can be reached between the current residents and developers of the subdivision.

James Mayfield, of 1015 Graves Road, stated he feels like the planners are treating them like a bunch of idiots, and said there is nothing wrong with sight distance at the Graves Road intersection except that the County doesn't keep it mowed; it is only when the brush is allowed to grow up that there is a problem. He suggested Glebe Road could end in a "Y" and continue on as Graves Road, so no renaming would be required. He maintained that Graves Road has a 40 ft. right-of-way and said there is no logical reason for the road name change; none, other than that it is what somebody wants, and it will disrupt everybody's correspondence for nothing. Mr.

Mayfield was advised that there will have to be address changes for 911; that will have to be done anyway, no matter what the road name is.

Mr. Mayfield continued there is also nothing wrong with the turn on Graves Road; it is not dangerous and they have been using it for years. There can be other alternatives than the "T" intersection and the residents are totally against it; they presented a letter in opposition before and everyone signed it. He stressed that the current residents are already in place and the subdivision is only proposed; the residents should have the voice and the Commissioners should listen to them.

Commissioner Thompson responded that the County has just spent 3 years very carefully developing a new 911 addressing system to avoid ambiguities and eliminate road name confusion to fire and rescue personnel and anyone else who has to find where people are. The Commissioners *are* listening to the residents, but we have a dilemma here and must weigh what the residents want versus the Ordinance requirements, safety requirements, and other considerations.

Mr. Paone reminded that, if it turns out that the new homes on Glebe Road are creating a lot of traffic, the residents can petition the County to close that 90 degree turn leg on Graves Road.

James O. Buckler, of 640 Graves Road, the first house in from Morganza-Turner Road, stated his father donated 1500 ft. of land for Graves Road along with George Mattingly, who gave land on the right-hand side all the way back to what was known as the "Graves Property." The road was named "Graves" because Steven Graves' wife had opened up a temporary nursing home there in the 1950s. Mr. Buckler said he thinks it should stay Graves Road; if they want to name the new road, it should stop at the "T." He reiterated Mr. Mayfield's complaint that sight-distance is bad at the Graves-MorganzaTurner Road intersection because the County does not keep it mowed.

William R. Mattingly, owner and applicant for Glebe Run Subdivision, said his family has owned this property since 1939. He said he went to DPZ to find out what could be done with the property and has done everything the State and County agencies required him to do in creating this subdivision. They started out to upgrade the old Graves Road but found out that was not feasible because of poor sight-distance at the Morganza-Turner Road intersection; it was then that DPW told them the road would have to be realigned and it was after the public hearing on the road realignment they found out the road name would have to be changed.

Mr. Mattingly said he went to Jon Grimm and asked him why the road name had to be changed and Mr. Grimm laid it all out on the table for him, and he came away that day understanding why, and he accepts it.

Mr. Buckler responded by relating several incidents where fire and rescue could not currently locate residents on Graves Road, and had to stop at his house for directions.

There were no further comments and Commissioner Thompson closed the public hearing at 3:55 p.m., advising that the record would remain open for written comment for a 10-day period, and the matter brought back for a decision at a later date.

EXECUTIVE SESSIONS

Commissioner Jarboe moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Property Acquisition, as provided for in Article 24, Section 4-210(a)11, and Personnel (County Attorney and Reclassification Requests), as provided in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1. Motion carried 3-1-1 with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

Property Acquisition

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Doug Durkin, County Attorney
Steve Welkos, Director of Finance
James Haley, Airport Manager
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 4:17 p.m. - 4:40 p.m.

Action Taken: The Commissioners discussed a matter of property acquisition and gave direction to staff.

Property Acquisition/Disposition

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Doug Durkin, County Attorney
Mike Paone, Deputy Director, DPZ
Judy Pedersen, Public Information Specialist
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 4:40 p.m. - 5:56 p.m.

(Discussion also included a matter of potential litigation, as provided for in Article 24, Section 4-210(a)8)

Action Taken: The Commissioners discussed a matter of property acquisition/disposition and gave direction to staff.

Personnel (County Attorney)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Doug Durkin, County Attorney (attended from 6:25 p.m. - 7:10 p.m.)

Authority: Article 24, Section 4-210(a)8
Time Held: 6:00 p.m. - 7:10 p.m.

Action Taken: The Commissioners reviewed the County Attorney's Performance Evaluation with the County Attorney.

7:00 P. M.

FOLLOW UP TO EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct staff to proceed as directed in Executive Session on Property Acquisition. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as directed in Executive Session on Property Acquisition/Disposition. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the County Attorney's Performance Evaluation as discussed in Executive Session. Motion carried.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum and accepted questions and comments from the audience:

Bill McCarthy - Expressed concern regarding 911 Enhanced Uniform Addressing System and stated that the system may good for rural areas but suggested that established subdivisions not be included in the five-digit numbering system. He further pointed out the cost of time and money to make the changes.

Ron Glockner - Expressed concern regarding the 911 Addressing System pointing out he realized there were public hearings for the road naming, but not for the numbering system; further pointed out that he was led to believe the numbering was a state mandate, but learned that was not the case. He stated that there was no geometric location designated by the five-digit number. Stated that in established subdivisions the old address was as unique as the new address.

(Jeff Jackman, Senior Planner for DPZ explained the grid numbering system that the numbers increase from south to north and from west to east, even on one side of the road and odd on the other, and that all addresses were unique when coupled with the number and street names.)

Dana Lantz - Expressed concern regarding the 911 addressing system stating that there was no consecutive consistency in the house numbers.

(Mr. Jackman pointed out that a number was given on the grid every 20 feet, and there may be gaps between houses to allow for possible future development. He offered to work with Ms. Lantz if there was an error in numbering.)

Doug Ritchie - Referred to the cost of making the change; stated that people should get interested in what was happening in the community and suggested that people spend 20¢ to change their party affiliation.

Bill Rymer - Suggested there are ways of changing the numbers without a lot of upheaval; that the street numbers should be consecutive; that in well-established communities with three digits three numbers could be added.

Robert Bond - Has lived in his house in Patuxent Park for over 25 years and did not want his house number changed.

Alan Schmidt - Complimented DPZ for the work it did on the addressing system which was a difficult job, but indicated he would leave his stationery and checks with the current number and put the new number on his property. He stated when he changed his stationery or checks he would add the new number to the current number.

CC Powell - Indicated Town Creek was an established neighborhood and should not be changed.

Hugh Smythe - Lived in Breton Bay and stated it would be costly to notify people of change of address.

Fred Garrett - Lived on Rosebank Road in Rosebank Subdivision for 44 years and questioned why his house number had to be changed.

Walter Burch - Reiterated his concerns regarding the sign on Route 235, stated that the Commissioners were in violation of the Zoning Ordinance by not coming up with an amortization schedule, and inquired when the Commissioners were going to come into compliance with the Ordinance.

Bill McCarthy - Stated he would bring in petitions from established subdivisions and inquired whether the Commissioners would consider the request to not change these numbers.

(The Commissioners explained the process that the Task Force went through in making the recommendations, pointing out that the Task Force was comprised of representatives from fire departments, rescue squads, emergency management, planning and zoning, SMECo, C&P, and each County Commissioner appointed a citizen. Commissioners Eagan and Thompson pointed out that many people have changed their house numbers and it would be unfair to have them change again.

Mr. Jackman pointed out that grant funds were given to the county to develop the system, and there would be no grant funds available to change the numbers back.

ADJOURNMENT

The meeting adjourned at 9:05 p.m.

**Minutes Approved by Board of
County Commissioners on 7/19/96**

Judith A. Spalding
Recording Secretary