

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
OCTOBER 1, 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 1:05 p.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, September 24, 1996, as corrected, and the Special Meeting of September 26, 1996. Motion carried.

**APPROVAL OF BILLS**

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

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to amend the Agenda of 10/1/96 as follows: to delete executive session - Personnel (Health Officer); to reschedule Executive Session - Property Acquisition ( Wicomico Shores) to 10/8/96; and to add an executive session for property acquisition (Myrtle Point). Motion carried.

**CONSENT AGENDA**

The Consent Agenda included the following documents:

1. **Correspondence**
  - a. To J. Frank Raley, Southern Maryland Navy Alliance advising that the Commissioners have selected County Administrator John Kachmar as the voting member of the Alliance and Director of DED as a non-voting attendee.
  - b. To Department of Economic Development expressing appreciation for making the arrangements for Secretary Brady's visit to St. Mary's County.
  - c. To Donald Irving responding to his concerns regarding safety at the intersection of Route 5 and 242.
  - d. To Michael McDaniel regarding the lack of local shooting facilities.
  - e. To Kathleen Chenoweth regarding drainage problems at Hickory Lane.
  - f. To Eula Thomas responding to her letter of appreciation regarding the County's transit system.

2. **Boards, Committees, Commissions**

Letters of Appointment to FDR Boulevard Focus Group: Gary Dobson, Dan Ichniowski, Wayne Smith, Jon Grimm (or his designee), Commissioner Lawrence D. Jarboe, Patrick Mudd, Frank Taylor, Richard Harvey.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the Consent Agenda as presented. Motion carried.**

**COUNTY ADMINISTRATOR ITEMS**

Present: John J. Kachmar, County Administrator

1) **Clearinghouse Projects**

The County Administrator presented the following clearinghouse projects recommended to be forwarded to the State with the comments that the projects are consistent with the County's plans, programs and objectives.

- \* Project No. MD 960828-0796 - Chance Water System Upgrade  
(Reviewed by DPZ and Environmental Health)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the letter of transmittal. Motion carried.**

- \* Project No. MD 960906-0837 - Environmental Assessment Store Separation Testing - Patuxent River Naval Air Station  
(reviewed by DPZ)

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the letter of transmittal. Motion carried.**

3) **Budget Amendments**

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance:

**No. 97-9 - Department of Social Services**

Justification: To provide funding for burial assistance - \$650

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-9 as presented. Motion carried.**

**No. 97-10 - Public Works**

Justification: To return funds to the ADA Building Accessibility Account from the ADA Street Curb Account in that improvements have been completed (\$5,413)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-10 as presented. Motion carried.**

3) **Fiscal Year 1997 Supplemental Appropriation Ordinances**

As a follow up to the September 17, 1996 FY '97 Supplemental Appropriations Public Hearing, the County Administrator presented the following Ordinances:

No. 96-27

Youth Service Corps

Supplemental Appropriation of \$42,500 in Federal and private grant fund to the Office of Community Services for the purpose of supporting the Alliance for Alcohol and Drug Abuse Prevention to establish the St. Mary's County Youth Services Corps, providing year-round Counselors-in-Training Program for high risk youth, which supplements the existing Summer of Safety Counselors in Training Program.

No. 96-28

Local Interagency Childhood Committee

Supplemental Appropriation of \$3,200 in State grant funds to the Office of Community Services for the purpose of providing support for the Southern Maryland Interagency Children's Committee to plan programs for parent and community education concerning family and children issues, promoting collaboration among family-serving agencies in the county.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the referenced Ordinances as presented. Motion carried.**

4) **Interim Health Officer**

a. **Memorandum of Understanding**

The County Administrator presented the Memorandum of Understanding between St. Mary's County Commissioners and Calvert County Commissioners approving the sharing of Calvert County's health officer until a St. Mary's County Health Officer is selected.

**The Commissioners gave authority at the Commissioners' meeting of 9/24 for Commissioner Thompson to sign the Memorandum of Understanding; and she therefore signed the MOU as presented.**

b. **Introduction of Dr. David Rogers**

Personnel Officer George Foster introduced Dr. David Rogers, Calvert County's Health Officer, who will be sharing health officer duties with St. Mary's County until a successor to Dr. Marek is selected.

5) **Resolution No. 96-29  
Operation of St. Mary's Nursing Center**

The County Administrator presented a Resolution indicating that the Board of County Commissioners will assume the management responsibilities and operation of the St. Mary's Nursing Center effective Noon, October 3, 1996; and further accepting the resignation of the Nursing Home Board of Directors and appointing them as an advisory board for the remainder of their terms.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 96-29 as presented. Motion carried.**

6) **Personnel**  
**Department of Public Works**  
**Civil Engineer Position**

As a follow up to last week's action, the County Administrator presented a memorandum from the Personnel Officer recommending the promotion of Scott Alexander, Civil Engineer II, Grade 10, to Civil Engineer II, Grade 11, Step 3, in the Department of Public Works.

**Commissioner Eagan moved, seconded by Commissioner Chessser, to approve the promotion as requested, effective October 1, 1996. Motion carried.**

**PROCLAMATIONS**

The Board of County Commissioners presented the following Proclamations:

- \* **Mental Illness Awareness Week** (Week of October 6 - 12, 1996)
- \* **National 4-H Week** (Week of October 6 - 12, 1996)
- \* **Crime Prevention Month - October**
- \* **Domestic Violence Awareness Month - October**

**COUNTY COMMISSIONERS' TIME**

**Commissioners' Forum**

Commissioner Chessser indicated he would like to have a Commissioners' forum at the southern end of the county at the end of October or first of November and requested the Public Information Officer to make the arrangements.

**COUNTY ATTORNEY**

Present: Doug Durkin, County Attorney

**Municipal Infractions**

Mr. Durkin advised that the Commissioners, with the consent of the State's Attorney and District Court Judge Raley, had previously designated the State's Attorney's Office to prosecute municipal infractions in accordance with Article 23A, §3(a)(15). In the mean time the State's Attorney has requested that the County Attorney's Office assume that responsibility once an Assistant County Attorney is hired, and therefore, County Attorney Durkin requested the Commissioners' approval to designate the County Attorney's Office as the office responsible for prosecution of municipal infractions.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, that upon the hiring of the Assistant County Attorney, to delegate authority for the prosecution of municipal infractions to the County Attorney's Office. Motion carried.**

Later in the meeting the County Attorney presented a Resolution implementing the Commissioners' decision to designate the County Attorney's Office as the office to handle municipal infractions.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 96-30 designating the County Attorney's Office as being responsible for the prosecution of municipal infractions upon the appointment of the Assistant County Attorney.**

**PRB Associates (Ground Lease vs. Sale of Property)**

As a follow up to last week's discussion regarding the advantages and disadvantages of the sale of the 4.23 acres adjacent to the St. Mary's County Airport versus a ground lease, the County Attorney requested direction from the Board.

**After discussion Commissioner Brugman moved, seconded by Commissioner Eagan, that the County proceed with negotiations for the sale of the 4.23 acres to PRB, subject to covenants, restrictions and easements. Motion carried three to two with Commissioners Chesser and Jarboe voting against.**

**DEVELOPMENT REVIEW FORUM  
(STREAMLINING IMPROVEMENTS)**

Present:	F. Elliott Burch, Jr., Chair )	James Beavan
	Jon Grimm, Director, DPZ )	Pete Breck
	Tom Russell, Dir., Env. Health	Bill Mehaffey
	Larry Petty, MetCom	Herb Redmond

As a follow up to the Annual Report presentation to the Board of County Commissioners on June 4, the referenced members of the Development Review Forum appeared before the Board to request approval of certain changes to the permit process:

1. To require permits to be dropped off rather than process "on demand" which would require a modification to the counter hours at the Department of Planning and Zoning (the counter could be closed to permit processing from 2 p.m. - 4:30 p.m. on Mondays and Thursdays).
2. To exempt minor exterior construction from the drop off process and to prepare a new *Customer Assistance Guide* to identify the new process.

**(The Commissioners indicated their concurrence for Items One and Two (with the understanding that the closing of the counter during the specified period would be reviewed at a later time to determine its effectiveness and whether it was disruptive to citizens.)**

3. To provide for centralized fee collection by the Department of Planning and Zoning.
4. To provide for an updated *Customer Assistance Guide* #1 (How to Obtain a Building Permit) to reflect the new procedures.

**The Commissioners gave their concurrence for Items Three and Four.**

5. To eliminate the Economic Impact Fee deferral process and associated deferral agreement form recording, tracking, and collection of deferral fees This recommendation is based on the fact that the conditions which prompted the decision to defer EIF payments no longer exists; there appears to be no economic justification to support it; and rescinding the deferral will provide a one-time infusion of capital for the County's use during a period of expected growth (which requires a rescission of Resolutions #91-10 and 93-23 and reestablishing the EIF collection at the time of the building permit issuance).

After discussion the Commissioners agreed to the concept and requested the Director of Planning and Zoning and the County Administrator to develop a draft Resolution for the Commissioners' consideration for the rescission of Resolutions No. 91-10 and 93-23 and giving a time frame for implementation.

**EMERGENCY MANAGEMENT AGENCY  
RADIO COMMUNICATIONS STUDY**

Present: Frederick G. Griffin, P.C.  
Paul Wible, Director, EMA  
Phil Cooper, Deputy Director, EMA

Mr. Griffith appeared before the Commissioners to present a report on the radio communications study conducted for St. Mary's County. The study identified deficiencies in the present system and presented alternatives to remedy communication difficulties along with estimated costs. Mr. Griffith review a summary of existing deficiencies (in-building coverage, capacity - air time access, lack of inter-agency communications, equipment past useful life, and no communications infrastructure for anticipated future growth.); recommended solutions including: 800MHz Trunking and ten channels for 15 years growth; time sequencing; and capital costs (total costs over a 20 year period are estimated to be \$12M.

After discussion of the associated costs for the communications system, impact on capital budgets; who would implement the modifications to the system (in-house or outside contractor), the Commissioners requested the County Administrator to work with staff to develop a plan of action, which improvements to consider, and to recommend what improvements would be a priority.

**DEPARTMENT OF PUBLIC WORKS**

Present: George Erichsen, Deputy Director, DPW

Mr. Erichsen appeared before the Commissioners to present the Board of Public Works Capital Projects Grant Agreement for the addition to the St. Mary's County Adult Detention Center. The handout included with the Agreement provided information relative to the Scope of Work, Funding (Grant, State, and Local); local sponsor/project requirements; project schedule.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Capital Projects Grant Agreement for the addition to the St. Mary's Adult Detention Center. Motion carried.**

**OFFICE OF COMMUNITY SERVICES  
(DEPARTMENTAL BRIEFING)**

Present: Cynthia Brown, Director

Ms. Brown appeared before the Commissioners to present an update on the Office of Community Service's major projects which included:

- \* Summer of Safety Arts Camp (which was very successful)
- \* Youth Service Corps \$54,000 grant for program starting in October
- \* Volunteer Connection which connects volunteers with organizations that have a need for volunteers.
- \* AIDS Awareness Program (educational sessions)
- \* VISTA door-to-door surveys evaluating OCS's performance
- \* Eighth Annual Community Services Day (Saturday, October 26)
- \* Tomorrow's Child pilot program
- \* Puppet Theatrical Program (Kids on the Block) to deliver message of prevention

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

**EXECUTIVE SESSIONS**

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Potential Litigation, as provided for in Article 24, Section 4-210(a)8. Motion carried.

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel/Potential Litigation, as provided for in Article 24, Section 4-210(a)1 and 8. Motion carried four to one with Commissioner Brugman abstaining.

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Property Acquisition (Myrtle Point), as provided for in Article 24, Section 4-210(a)11 Motion carried.

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.

Commissioner Chesser moved, seconded by Commissioner Eagan, 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.

**Potential Litigation**

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  
 James Haley, Airport Manager  
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 4:22 p.m. - 4:35 p.m.

Action Taken: The County Attorney gave recommendations to the Commissioners and the Commissioners agreed to take action in open session.

**Property Acquisition (Myrtle Point)**

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  
 Phil Rollins, Director, Recreation and Parks  
 Martin Fairclough, Director, DECD  
 Judy Pedersen, Information Officer  
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:35 p.m. - 5:25 p.m.

Action Taken: The Commissioners discussed the referenced issue and reviewed options and gave direction to staff.

**Personnel**

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  
Martin Fairclough, Director, DED  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 5:25 p.m. - 5:45 p.m.

Action Taken: The Commissioners discussed a personnel issue relative to the Department of Economic Development and agreed to take action in open session.

**Personnel/Potential Litigation**

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  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1 and 8

Time Held: 5:45 p.m. - 5:58 p.m.

Action Taken: The Commissioners discussed the referenced issue and options for handling.

**Personnel (Ethics Commission)**

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  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 6:00 p.m. - 6:30 p.m.

Action Taken: The Commissioners discussed an issue relative to staff support for the Ethics Commission

**Personnel**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe

Authority: Article 24, Section 4-210(a)1

Time Held: 6:30 p.m. - 7:00 p.m.

Action Taken: The Commissioners discussed a matter of personnel.



7:00 P. M.

**FOLLOW UP TO EXECUTIVE SESSIONS**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize staff to refrain from further audits of the airport rent accounts because they have not proven to be cost effective. Motion carried.

Commissioner Brugman moved, seconded by Commissioner Chesser, to direct staff to begin hiring process for the Economic Development Coordinator position in the Department of Economic Development using grant funds from the Economic Development Administration, with the understanding that if the grant ends, the position may be terminated; further to authorize the increase from 30 hours to 40 hours one of the two permanent part time positions (Office Specialist) in the Department of Economic and Community Development. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session regarding staff support for the Ethics Commission. Motion carried.

**PUBLIC FORUM**

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

**Doug Ritchie** - Requested the Commissioners take action regarding public access channels (to request additional time on Channel 10).

**Leonard Greess** - (1) Requested that citizens be given adequate time to evaluate documents prior to the public hearings on the Comprehensive Plan and Zoning Ordinance updates. (2) Cautioned the Commissioners regarding the update of the Sign Ordinance and that factors be developed for determining what is equitable and taking into consideration the quality of life in the County and not those few who say they need signs to stay in business.

**Doug Ritchie** - spoke in support of allowing small businesses to have signs.

**Allie Bursey** - Reiterated her concerns regarding her rezoning application to commercial of her property in the northern end of the County and requested to be informed when public hearings were scheduled.

**ADJOURNMENT**

The meeting adjourned at 8:10 p.m.

Minutes Approved by Board of  
County Commissioners on 10/2/96

*Judith A. Spalding*  
Recording Secretary