

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JANUARY 7, 1997**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Steve Welkos, Director of Finance (on behalf of 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, December 31, 1996. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to amend the agenda as follows: to delete the Consent Agenda and Department of Public Works; and add an Executive Session on Personnel. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the Agenda as amended. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Steve Welkos, Director of Finance (on behalf of the County Administrator)

Fiscal Year 1998 Budget Schedule

Mr. Welkos presented a handout setting forth a proposed schedule for the development of the Fiscal Year 1998 Budget. The handout included tentative dates for review, meetings with department heads, tentative recommended budget approval, public hearings, and adoption of final budget. Included in the packet of information were calendars (February through May) showing tentatively scheduled meetings with departments to review their budgets.

DEPARTMENT OF LAW

County Attorney Douglas Durkin introduced his new legal staff: Stephen P. Norman, Assistant County Attorney; Marcia Egan, Paralegal; and Linda Opdyke, Paralegal.

**INFORMATION RELEASE
PARCEL OF RECORD**

Present: Douglas Durkin, County Attorney
Judy Pedersen, Information Specialist

The County Attorney presented an Information Release announcing that the County Commissioners' appeal of the Parcel of Record lawsuit filed by the Potomac River Association and Mrs. Mary Janssen was heard on January 3, 1997 by the Maryland Court of Special Appeals. The Court is expected to rule on the case in the near future, and the County Attorney is preparing options for the Commissioners' consideration should the county not prevail.

COUNTY COMMISSIONERS' TIME

Dukehart's Creek

Commissioner Jarboe advised that a group got together with Army Corps of Engineer and Waterway Improvement representatives to discuss the funding for the needed dredging at Dukehart's Creek. Since there is not enough commercial development in the area, the project does not qualify for 80% ACOE funding. He stated that he informed the group, in response to an inquiry as to whether the County could do the project, that the County could not do the work. Since it is the responsibility of the property owners, the Director of Public Works is developing different proposals for the property owners to consider. Commissioner Jarboe stated that as the Commissioners review the Comprehensive Plan that they keep in mind areas that will need to be dredged, that consideration be given to locating commercial facilities in these areas in order to have access to federal dollars.

RFP for Solid Waste

Commissioner Thompson requested a status report on the RFP for the disposal of solid waste and suggested that it come before the Board for discussion and consideration.

Correspondence from Dan Miller

Commissioner Jarboe referred to correspondence from Dan Miller, who appeared at the Commissioners' December Public Forum regarding difficulties he has been encountering in trying to get his sedimentation problem at his home in Patuxent Knolls resolved. He stated that Mr. Miller will be contacting the Attorney General's Office regarding the situation, and Commissioner Jarboe suggested that staff prepare correspondence to the Attorney General requesting that this issue be addressed.

Correspondence from Mr. and Mrs. Joyner

Commissioner Jarboe referred to correspondence from Mr. and Mrs. Joyner relative to a parcel of property they acquired at a tax sale and because of a deed problem was never able to claim the property. Mr. Joyner is claiming that they have never received the money from the County that they had paid at the tax sale.

Staff will investigate the issue and advise the Commissioners of the outcome.

PUBLIC HEARING FISCAL YEAR 1997 SUPPLEMENTAL BUDGET

Present: Steve Welkos, Director of Finance
Becky Stevens, Community Services Coordinator

The Commissioners conducted public hearings as follows:

Teen Pregnancy Prevention

To consider a supplemental appropriation of \$8,000 in State grant funds to the Office of Community Services for the purpose of providing support for the St. Mary's Interagency Children's Committee to plan programs for a tri-county project targeted to involve and educate the public on teen pregnancy prevention.

Child Physical and Sexual Abuse Prevention

To consider a supplemental appropriation of \$10,000 in State grant funds to the Office of Community Services for the purpose of providing support for the St. Mary's Interagency Children's Committee to plan programs for a tri-county project, in cooperation with local Wal-Marts, to provide awareness education about child physical and sexual abuse prevention to parents.

There were no comments from the audience, and the public hearing was closed. The record will remain open for ten days.

TRANSFER TAX AMENDMENT

Present: Douglas Durkin, County Attorney
Steve Welkos, Director of Finance

As a follow up to the December 3, 1996 public hearing on the issue of amending the current transfer tax Resolution, the County Attorney reminded the Commissioners of the Attorney General's opinion that the County's exemption provision was unlawful because it was not in keeping with the enabling statute. Mr. Durkin reviewed in detail the four options presented at the public hearing to amend the exemption portion of the transfer tax ordinance. In addition Mr. Durkin recommended that the Commissioners reenact the entire transfer tax ordinance with the addition of a severability clause.

Mr. Welkos presented a handout setting forth transfer tax revenues for fiscal year 1991 through five months of 1997; status of transfer tax application to the capital budget; and May 1994 data on the transfer tax exemption.

After discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to adopt Option B with an exemption of the first \$40,000 of consideration. Motion failed two to three with Commissioners Thompson, Jarboe, and Chesser voting against.

Commissioner Jarboe moved to accept Option A to repeal the existing unlawful portion of the Transfer Tax Ordinance. Motion failed for lack of a second.

Commissioner Chesser moved to adopt Option C and that the exemption be for the first \$30,000. Motion failed for lack of a second.

Discussion ensued relative to the various options and the Commissioners agreed to defer a decision until the January 21 meeting.

The Commissioners requested Mr. Welkos to get a survey of the amount of exemptions from other counties.

COMMUNITY COLLEGE PROPOSAL

Present: Steve Welkos, Director of Finance
Douglas Durkin, County Attorney

(Present in the audience were members of the St. Mary's County Board for the Community College and community college staff.)

As a follow up to the December 17 presentation by Dr. Sine, President, Charles County Community College, Commissioner Thompson advised that the three boards of county commissioners will be meeting on Thursday, January 9 at the Prince Frederick Courthouse to discuss the reorganization proposal of the community college.
semblance

Mr. Welkos distributed a handout setting forth a comparison of major provisions of current state law for regional colleges (Title 16) and the community college proposal (including membership of board of trustees; funding shares; and budget review and approvals). The handout further included information regarding source of revenue, commissioners' approval budget; board of trustees approved budget; and proposed budget for proposed College of Southern Maryland - St. Mary's Campus.

County Attorney Durkin reviewed the provision of Title 16 as it relates to establishment of community colleges, borrowing authority, and acquisition of land.

In conclusion Commissioner Thompson requested a clarification on the deeds for the buildings and indicated that it would be appropriate for the Commissioners to come up with a counter proposal.

EXECUTIVE SESSIONS

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 (Boards, Committees, Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried three-one-one with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

Commissioner Eagan moved, seconded by Commissioner Chesser, 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.

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
Steve Welkos, Director of Finance (on behalf of County Administrator)
Douglas Durkin, County Attorney
Phil Rollins, Director, Recreation and Parks
Linda Opdyke, Legal Assistant
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 3:40 p.m. - 4:20 p.m.

Action Taken: The County Attorney reviewed the status of the acquisition of Myrtle Point and the Commissioners agreed to take action in open session prior to the Public Forum.

Personnel (Boards, Committees, Commissions)

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

Authority: Article 24, Section 4-210(a)1
Time Held: 4:20 p.m. - 4:55 p.m.

Action Taken: The Commissioners reviewed the current status sheet 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

Authority: Article 24, Section 4-210(a)1
Time Held: 4:55 p.m. - 5:20 p.m.

Action Taken: The Commissioners discussed a matter of personnel.

7:00 P. M.

FOLLOW UP TO EXECUTIVE SESSION

County Attorney/Myrtle Point

Commissioner Jarboe moved, seconded by Commissioner Eagan, to allow the County Attorney to volunteer his time to negotiate easements for private property owners relative to the Myrtle Point purchase. Motion carried.

PUBLIC FORUM

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

Dick Myers - (Animal Welfare League) (1) Reiterated his concern regarding the Commissioners' action to not go forward with an RFP for an Animal Shelter in St. Mary's County and inquired as to whether there has been any progress regarding the update to the Zoning Ordinance and Animal Control Regulations. Commissioner Thompson indicated that the update of the Zoning Ordinance is being done concurrently with the update of the Comprehensive Plan which must be adopted by July 1, 1997. Mr. Myers offered a copy of a proposal for an Animal Shelter which he had provided to the County Administrator. The Commissioners indicated that they could not accept it because it was an unsolicited proposal and it would jeopardize the League's opportunity to bid in the future.

(2) Inquired what citizens of the County could do with regard to housing cats and dogs in the County. He stated that the Board of Appeals denied the use of a barn, an accessory building, as a place for keeping of cats, kittens and puppies. He stated there appears to be some confusion as to what can be done legally and he believed the Board of Appeals was wrong in its decision.

Gail Lacey, Summitt Hill - Expressed concern with regard to proposed road going through the swamp for the Summitt Hill, III project because of the impact on traffic and the environment.

Commissioner Thompson advised that she spoke with an MDE representative who advised her of a change in the project (that the bridge will be a culvert rather than freestanding), and that MDE would have to review it again. MDE indicated it would not issue a permit for crossing wetlands without a public hearing.

Jack Hoffman - Advised that he purchased a home in 1987 on Beechwood Lane off of McIntosh Road, and that he has had serious problems with the drain field since that time. He has contacted the Health Department who advised that there was too much clay in the drain field and that the individual from the Health Department who inspected it was no longer working there. He stated that he holds the Health Department responsible. He advised that the Health Department has offered to put in an experimental system, but that he would have to pay a percentage (20%), and inquired as to what recourse he had. The Commissioners agreed to contact the Health Department to determine what the ramifications and liabilities are if an approved inspection turns out to be faulty.

Gary Varesko - Referred to the Commissioners' decision on the road name of *Hicks Drive* and the fact that four of the seven property owners requested that it be named *Holly Oaks Drive*. He stated that a new petition has been submitted and inquired whether another public hearing would be necessary. Commissioner Thompson stated that the Commissioners made the decision based on information provided to them, and that according to the County Attorney a public hearing would be required on the resubmitted petition.

Daniel Miller: Reiterated his continued difficulties in trying to resolve the soil erosion problem at his home in Patuxent Knolls and requested the Commissioners' intervention to assist him in resolving it. The Commissioners advised that they had agreed earlier in the meeting to prepare correspondence to the Attorney General's Office requesting response to Mr. Miller's concerns and further agreed to prepare correspondence to MDE indicating that this project, even though it is a single family dwelling, is important. Mr. Myers, Legislative Assistant to Senator Dyson, advised that there were provisions in the Zoning Ordinance that if something is construction in violation of the Ordinance the County has the right to force correction action. Other areas of discussion included Soil Conservation District requirements, problems with certain builders (Al Stewart of SCD advised that only a simplified sedimentation control plan is required for single family homes, which he stated was a privilege; however, if those builders cause additional problems, they will be required to submit a full plan), problems with MDIA inspections (Terry Miller, member of the Board of Appeals indicted that this is the third instance of a problem with MDIA inspections of which he has been made aware).

Minnie Russell: Reiterated her concerns regarding littering and suggested that the Sheriff's Office be made aware of the State Law regarding littering.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Minutes Approved by Board of
County Commissioners on 1/14/97

Judith A. Spalding
Recording Secretary