

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JANUARY 21, 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 11:45 a.m.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Interview for Planning Commission Membership), 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 Brugman, to meet in Executive Session to discuss a matter of Litigation (Parcel of Record), as provided for in Article 24, Section 4-210(a)8. Motion carried four to one with Commissioner Jarboe voting against.

Personnel (Interview for Planning Commission Membership)

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: 11:50 a.m. - 12:05 p.m.

Action Taken: The County Commissioners interviewed an individual for Planning Commission membership.

Litigation (Parcel of Record)

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
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 12:05 p.m. - 1:30 p.m.

Action Taken: The County reviewed seven options should the County not prevail in the appeal of PRA's suit against the County.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, January 14, 1997. Motion carried.

APPROVAL OF BILLS

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

ADDITION/DELETION TO AGENDA

Commissioner Thompson pointed out the following amendments to the Agenda: deletion of Consent Agenda; addition of Chair of Southern Maryland Wood Treatment Plant Task Force to give an update on the monitoring wells at 3:30 p.m.

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

CONSENT AGENDA

There was no Consent Agenda.

COUNTY ADMINISTRATOR ITEMS

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

1. **Budget Amendment No. 97-27**
Public Works

(To move funds from Airport Improvements to Airport Grant #10 (Interim Commuter Air Service - \$210,923)

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

2. **Department of Public Works**
Addendum to Public Works Agreement

(Sycamore Hollow, Section 2 - extending deadline for completion to January 1, 1998; backed by Letter of Credit in the amount of \$35,000 with First National Bank of St. Mary's)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Addendum to Public Works Agreement as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors for First National Bank of St. Mary's.

3. **Maryland Small Cities Community Development Block Grant Application**
Lexington Park Neighborhood Revitalization - Phase II

a. **Grant Application**

Sidewalk Improvements - Coral Place and Lexwood Drive; Reactivation of Community Development Corporation in support of Lexington Park - Tulagi Place Master Plan

CDBG Request - \$800,000; Local Funds - \$108,400; Other Funds - \$26,600;
Total - \$935,000)

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the grant application as presented. Motion carried.

b. **Resolution No. 97-03**

Authorizing the submittal of the application for Community Development Block grant funds in the amount of \$800,000; and authorizing Commissioner Barbara Thompson to execute all documents required for the submission of this application.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 97-03 as presented. Motion carried.

4. **Fiscal Year 1997 Supplemental Appropriation Ordinances**
(Follow up To 1/7/97 public hearing)

* **Ordinance No. 97-01**

St. Mary's Interagency Children's Committee Program for awareness education about child physical and sexual abuse prevention (\$10,000)

* **Ordinance No. 97-02**

St. Mary's Interagency Children's Committee Program for program to educate public on teen pregnancy prevention.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign Ordinance Nos. 97-01 and 97-02 as presented. Motion carried.

5. **Boards, Committees, Commissions**

Letter of Appreciation to individual no longer able to serve on Nursing Center Board.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the grant application. Motion carried.

6. **Fiscal Year 1998 Budget Schedule**

For the Commissioners' information, Mr. Welkos distributed the Fiscal Year 1998 Calendar for February as well as the Fiscal Year 1998 Budget Review Schedule.

**DEPARTMENT OF PLANNING AND ZONING
BUILDING CODE CONSOLIDATION**

Present: Jon Grimm, Director, DPZ
Harry Knight, “

The referenced representatives of the Department of Planning and Zoning appeared before the Board to present a proposal for the consolidation of construction codes. Mr. Grimm advised that St. Mary's County had adopted construction codes (plumbing, natural gas, electric and building) independently from each other, and the building code consolidated the codes by reference only when it was adopted in 1990. Mr. Grimm referred to his January 14, 1997 memorandum which indicated that the Code of Public Local Laws contains ten separate chapters relating to building construction and “licensed disciplines” which could be consolidated into one comprehensive building code.

In addition Mr. Grimm suggested that since the County is investigating the possibility of consolidating boards, committees, and commissions to look into consolidating the boards associated with building codes (Electrical Examiners Board, Plumbing and Gas Board; and BOCA Appeals Board.

Mr. Grimm noted that such a consolidation project would require extensive and technical input and, if the Commissioners agreed to proceed, that Department of Planning and Zoning would work with the Department of Law to develop a proposal for the Commissioners' consideration.

Discussion ensued regarding HVACR licensing; license testing responsibility and whether the State could assume the responsibility for license testing.

After discussion the Commissioners gave concurrence for the Departments of Planning and Zoning and Law to proceed with developing a proposal with a draft to be submitted to the Board by mid summer, followed by a public hearing, and with the anticipated completion time frame of October 1997 (the state's mandated adoption of BOCA 1996).

TRANSFER TAX

Present: Douglas Durkin, County Attorney

As a follow up to the December 3 public hearing and January 7 discussion, the Commissioners continued discussion on amending the Transfer Tax by repealing the current unlawful exemption provision. Mr. Welkos reviewed his memorandum of January 10 which set forth information relative to transfer tax rates and exemption provisions in other Maryland counties and estimated revenue reductions at certain exemption rates.

After discussion Commissioner Eagan moved, seconded by Commissioner Thompson, to accept Option B with a \$30,000 exemption. Motion carried.

During discussion on the motion Commissioner Brugman moved to amend the motion to change the exemption to \$35,000 because of increased cost of housing. Motion failed for lack of a second.

Commissioner Chesser moved, seconded by Commissioner Brugman, to set the effective date as February 15, 1997. Motion carried.

Later in the meeting the County Attorney presented, and the Commissioners signed, Ordinance No. 97-04 repealing §267-33(B) and re-enacting it with a \$30,000 exemption for owner-occupied residential property, for the buyer's principal residence for seven months out of a 12 month-period; and adding a severability clause through a new section (§267-44).

PARCEL OF RECORD

Present: Douglas Durkin, County Attorney

As a follow up to the Executive Session, Mr. Durkin reviewed the Commissioners' seven options should the County not prevail in the January 3, 1997 appeal of the court case filed against the County by Potomac River Association. The options included: complying with Court Order; reverting to Planning Commission granting exceptions; reinstating settlement negotiations with PRA; pursuing legislative remedy; requesting that the matter be heard by the Court of Appeals; instructing the Planning Commission to draft customary exemptions (boundary line adjustments, right-of-way alignments), basic and minor subdivision exemptions, and separate provisions for retrospective and prospective applications (which could possibly result in litigation); and skipping Planning Commission and having Board of County Commissioners adopt amendments.

Discussion included:

- * The number of violations that would have to be corrected and impact on staff and citizens if the Commissioners were to comply with the Judge's Order; time frame for compliance, and to whom it would apply; the financial impact of compliance (attorney time, title search, locating individuals and serving documents).

- * The details of the Consent Decree between PRA and the County Commissioners and the issue of PRA eliminating the request for illegal payment for attorney's fees, and reinserting the requirement to prosecute violators; whether to reopen settlement negotiations with PRA;
- * Whether to schedule a public meeting with PRA to discuss the issues;
- * That Commissioner Brugman will contact Senator Dyson to inquire as to why he was opposed to the legislative remedy;
- * That the Commissioners were in agreement with 6a (instructing the Planning Commission to draft customary exemptions) and for staff to determine how this problem has been solved in other Maryland counties.

SOUTHERN MARYLAND WOOD TREATMENT PLANT MONITORING WELL UPDATE

Present: Ralph Guenther, Chair, Task Force

Mr. Guenther appeared before the Board to present a report on monitoring well samples from the Southern Maryland Wood Treatment Plant. He advised that samples from Monitoring Well 27, which is located at a low point about 75 feet outside the sheet pile wall, have shown some low level contamination in five of the ten sampling periods, and he pointed out that it appears that as the ground begins to get saturated with water it carries some contamination with it. He noted that there is no major impact to the community; however, because of the pattern of contamination, the containment wall may not be as sound as it was. Mr. Guenther stated he would be bringing this situation to Region 3 of EPA's attention and request them to expedite the project.

EXECUTIVE SESSIONS

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

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

Personnel (Continuation of Interviews for Planning Commission)

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 (from 5:20 p.m. - 5:25 p.m.)

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

Time Held: 4:05 p.m. - 5:25 p.m.

Action Taken: The Commissioners conducted additional interviews of candidates for the Planning Commission and gave direction to staff.

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
Douglas Durkin, County Attorney
Phil Rollins, Director, Recreation and Parks
Judy Pedersen, Public Information Officer
Judith A. Spalding, Recorder

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

Time Held: 5:25 p.m. - 7:25 p.m.

Action Taken: The County Attorney reviewed the status of the acquisition of Myrtle Point and the Commissioners agreed to continue discussion at next week's meeting with an executive session and an open meeting.

ADJOURNMENT

The meeting adjourned at 7:25 p.m.

**Minutes Approved by Board of
County Commissioners on 1/28/97**

Judith A. Spalding
Recording Secretary