

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
FEBRUARY 11, 1997**

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
Judith A. Spalding, Recorder

PATUXENT WOODS TOWNHOMES

The Commissioners attended the Ribbon Cutting Ceremony for the Patuxent Woods Townhomes.

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, February 4, 1997 as amended. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize payment of the bills. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Jarboe moved, seconded by Commissioner Chesser, to accept the Agenda as presented. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To Alliance for Concerned Taxpayers responding to his suggestion regarding the Transfer Tax.
- b. To Secretary of Transportation Winstead expressing appreciation for his visit and presentation to the County on January 27.
- c. To Executive Director, Timothy Smith, NAS, expressing appreciation for his hospitality during Secretary Winstead's visit to the County.
- d. To Edith C. Dameron responding to her letter of support of Carroll's Equipment rebuilding efforts.
- e. To Students and Faculty of Father Andrew White expressing appreciation for thank you note.
- f. To Benjamin R. Wilkerson, Knights of Columbus, regarding public school calendar.

Commissioner Brugman moved, seconded by Commissioner Eagan, to accept the Consent Agenda as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **February 18 Draft Agenda
(Community College Legislation Proposal Public Hearing)**

During discussion of the draft agenda for February 18, County Administrator Kachmar pointed out that there has been some question to proceed with the public hearing on the community college. He stated that the Community College Advisory Board had been discussing the proposal at some length, and because of that Board's interest, it was his recommendation that the hearing be held.

The Commissioners agreed to go forward with the public hearing.

2. **Budget Amendment No. 97-28
County Administrator**

(To provide additional funding for personnel advertising - \$5,000)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-28. Motion carried.

3. **Boards, Committees, Commissions**

a. **Letters of Appointment**

<u>Airport Commission</u>	<u>Terms To Expire</u>
Harold A. Tafe	6/30/97/2000
Thomas Van Heest	6/30/99/2002
 <u>Coastal Resource Advisory Committee</u>	
Mary Ann Foote	12/31/99
 <u>Marcey House Board</u>	
Oliver D. Stewart - <i>Reappointment</i>	12/31/99
 <u>St. Mary's Interagency Children's Committee</u>	
Susan Copsey - <i>Reappointment</i>	NO TERM
Laraine M. Glidden - <i>Reappointment</i>	NO TERM
Robert L. Hill - <i>Reappointment</i>	NO TERM
Linda Himmelheber - <i>Reappointment</i>	NO TERM

b. **Letters of Appreciation**

(Letters to individuals no longer able to serve.)

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

4. **Correspondence**

a. To Maryland Department of Natural Resources regarding proposed wetland crossing in conjunction with the Summitt Hill, Section III project.

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

- b. To Maryland Historical Trust supporting the Grant Application of The Sotterley Foundation - "Archaeological Investigations at Sotterley Planation."

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

- c. To Maryland Department of Agriculture requesting reconsideration to allow St. Mary's and Charles Counties to continue operation of the Farmers' Market in conjunction with the WIC program as last year (to allow the selling of produce at the Health Department to WIC participants).

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

5. Information Release

Announcing the effective date of February 15, 1997 for the revised Transfer Tax which provides for a \$30,000 exemption on the conveyance of owner-occupied residential property.

6. Office Space Conversion Funding

Mr. Kachmar advised the Commissioners of the relocations planned for the Cooperation Extension (to the Health Department Building), Procurement (to the Cooperative Extension space on the third floor) and Finance and Treasurer (to use the vacated Procurement space). He stated that the total costs for the renovations will be approximately \$15,800 and requested approval for that expenditure stating he would be returning next week with a budget amendment.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the \$15,800 expenditure with the understanding that a budget amendment will be submitted to the Board with a source of funding. Motion carried.

OFFICE OF COMMUNITY SERVICES (DEPARTMENTAL BRIEFING)

Present: Cynthia Brown, Director

Ms. Brown appeared before the Commissioners to present an update on the activities of the Office of Community Services. Projects underway in the Office of Community Services include: Child Welfare Day; Tomorrow's Child; WalMart "Month of the Young Child" Project; Wellness Program; Volunteer Connection (Commissioner Eagan suggested that OCS contact applicant's for OCS's boards and committees that had not yet been selected to serve); Maryland Grant Planning; Child Care Survey; ongoing grants; Human Relations Commission; plans to consolidating the Council on Mental Health, Substance Abuse and Victims Advisory with the Community Services Coordination Committee; Prevention Bus; VISTA program, and Youth Service Corps. In addition Ms. Brown advised that plans are underway for a *Day Care Provider Appreciation Day*.

LENGTH OF SERVICE AWARDS

<u>15 years</u>		<u>20 years</u>	<u>25 years</u>
Timothy I. Bennett	Francis F. Klear	William L. Buckler	Howard A. Adams
Mark C. Clark	Mary A. Walters	Michael E. Mattingly	Ernest S. Carter
Elizabeth Fritz	Mary A. Winters	Shirley L. Wood	Joseph P. Jones
Joseph I. Holly	Michael D. Yates	George C. Yates	

STATE SCHOOL PERFORMANCE AWARDS

The Commissioners presented Commendations for demonstrating significant increases in student learning over the past two years to representatives of the following schools: **Banneker Elementary; Green Holly; Leonardtown Elementary; Margaret Brent Middle; Park Hall Elementary; Ridge Elementary; Dynard Elementary; Hollywood Elementary; Lettie Marshall Dent; Oakville Elementary; Piney Point Elementary; Carver Elementary; Lexington Park Elementary; Greenview Knolls Elementary; and White Marsh Elementary.**

SUBDIVISION STREET DEED PROPOSAL

Present: Douglas S. Durkin, County Attorney
Dan Ichniowski, Director, DPW

Mr. Durkin explained that the county's system to accept title to subdivision streets results in defects because the deeds, when recorded, convey no title or only title to a portion of the subdivision street. However, until the subdivision regulations and road ordinance are amended, the Director of Public Works, and he recommended continuing with the current system in order to avoid delays. He pointed out, however, that he would no longer include a statement on the deeds relative to the legal sufficiency and form of the deed.

Mr. Durkin and Mr. Ichniowski indicated that the way to resolve this situation was through the County accepting title to subdivision streets upon recordation of the subdivision plat approved by the Planning Commission, but postponing acceptance of the subdivision streets into the county's road system until the Commissioners execute a resolution. Mr. Durkin indicated he would request the Planning Commission to expedite an amendment to the Subdivision Regulations and Road Ordinance which would in effect streamline the development processing process, rather than waiting for the comprehensive plan review.

In conclusion Mr. Durkin and Mr. Ichniowski presented the following nine deeds (which are two to six years old), even though there may be title defects, so that the developers' performance bonds may be released.

- * Dated September 1994, with Quality Built Homes, Inc. For Barkentine Court in Heard's Estate.
- * Dated May 12, 1993 with Quality Built Homes, Inc. for Brigantine Court and part of Clipper Court in Heard's Estate.
- * Dated December 12, 1996 with Fowler Properties Partnership for Shannon Court in Lockes Creek Estate.
- * Dated April 16, 1991 with Wayne A. And Anne P. Wise for Fall Court and Stoney Run Drive in Summerwood.
- * Dated June 18, 1993 with James Dobry for Valleyview Drive in Haydens Green.
- * Dated April 23, 1995 with Robert L. Welch and Katherine G. Welch and Mike Casey Associates Limited Partnership for Carpenter Drive, Erin Drive, and Dublin Court in Shannon Run Subdivision.
- * Dated February 20, 1995 with Shirley E. Thompson for Dallas Drive, East Cusic Court, and West Cusic Court.

Commissioner Eagan moved, seconded by Commissioner Chesser, to accept and authorize Commissioner President Thompson to sign the referenced deeds as "Quit Claim" deeds. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to move forward to develop a new method for acceptance of subdivision and street deeds. Motion carried.

COUNTY COMMISSIONERS' TIME

Smart Growth Legislation

Also Present: Jon Grimm, Director, DPZ

Commissioner Brugman advised that MACo will be taking a formal position and making a recommendation to the Maryland General Assembly and he inquired whether the Commissioners would like to provide any comments or concerns. Mr. Grimm reviewed with the Commissioners issues relative to the bill which Mr. Brugman will take to MACo.

County Commissioners' Mail Log

As a follow up to last week's discussion, Commissioner Eagan in reviewing the list prepared by staff of items that go on the mail log and those that do not, questioned the fact that interdepartmental memoranda were not going on the mail log.

Elected School Board

Proposed Amendment to 1996 Legislation

Commissioner Thompson advised that the Commissioners received a letter from the former members of the Elected School Board Task Force recommending an amendment to the law adopted by the 1996 Maryland General Assembly. The amendment would shift the responsibility of the Board's compensation from the County to the Public Schools and that the Board of Education would address the matter of benefits. Commissioner Thompson indicated some of the Board members had signed on for benefits and she questioned whether the law should be amended this year.

After discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to send a letter to the County's Legislative Delegation endorsing the previous Elected School Board Task Force's recommendation to amend the law regarding compensation by removing the Board of Education as county employees. Motion carried four to one with Commissioner Thompson voting against stating she wanted to know whether the amendment would jeopardize those who have signed up for benefits.

EXECUTIVE SESSIONS

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

Commissioner Chesser moved, seconded by Commissioner Eagan, 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 stating that he believed that discussion of Parcel of Record should be "laid out on the table from now on."

Personnel - Department of Public Works

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
Dan Ichniowski, Director, DPW
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 3:55 p.m. - 4:15 p.m.

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

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
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
Jon R. Grimm, Director, DPZ
Judith A. Spalding, Recorder


Authority: Article 24, Section 4-210(a)11
Time Held: 4:15 p.m. - 5:50 p.m.

Action Taken: The Commissioners discussed the referenced legal issue, gave direction to staff, and agreed to take action in open session.

ADJOURNMENT

The meeting adjourned at 6:10 p.m.

**Minutes Approved by Board of
County Commissioners on 2/18/97**


**Judith A. Spalding
Recording Secretary**