

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
MARCH 25, 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

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, March 18, 1997, as presented. 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 Eagan moved, seconded by Commissioner Chesser, to approve the Agenda as amended (to add executive sessions: Personnel (seven issues); Personnel (Golf Course Manager) and Personnel/Litigation (Nursing Center. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

1. **Correspondence**
 - a. To Economic Development Commission responding to comments relative to the Comprehensive Land Use Plan update.
 - b. To Potomac River Association responding to suggestions concerning location of the Sheriff's firing range.
 - c. To Dale A. Dean setting forth the status of the County's review of the natural gas licensing requirement.
 - d. To Maryland Department of Environment regarding Sewage Sludge Utilization Permit Applications for the Cryer Site on Swan Road; Dorsey Site on Breton Beach Road and McNeill Site on Route 5.
 - e. To Aleck Loker responding to his suggestion for the construction of a service road connecting K-Mart and Wal-Mart Centers.
 - f. To Nancy Paige Smith responding to comments regarding the Comprehensive Land Use Plan and Scenic River designation for the St. Mary's River.
 - g. To St. Mary's County Technology Council regarding the Comprehensive Plan update and the development of FDR Boulevard.
 - h. To Southern Maryland Navy Alliance regarding the development of FDR Boulevard.
 - i. To Alan Bingman responding to comments regarding tax cut initiatives.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the Consent Agenda with the exception of Letters (b) (to Potomac River Association) and (i) to Alan Bingman. Motion carried.

Commissioner Jarboe referred to the statement in the letter to the PRA which indicated that "no significant improvements will take place" at the Myrtle Point property, and he stated that he was concerned that access for senior citizens, youth and handicapped need to be addressed sooner than two years.

Commissioner Brugman referred to the paragraph in the PRA letter regarding the firing range and suggested including the standard language that has been used in other letters relative to the firing range. Regarding the Myrtle Point property, he further requested that the words "Others have suggested a more active park" be changed to "elected officials have suggested ..."

The letter to PRA will be re-presented next week for the Commissioners' consideration.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign the letter to Mr. Bingman (letter I), as presented. Motion carried.

Having realized that the above motion was for the first revision of the letter, Commissioner Thompson moved, seconded by Commissioner Chesser to not send the letter to Mr. Bingman. Motion failed three to two with Commissioners Brugman, Eagan and Jarboe voting against.

(During discussion of the process for pulling/revising letters from the Consent Agenda, the Commissioners agreed to set a deadline of Monday at 5 p.m. for any revisions to letters in the Consent Agenda, and that the Commissioners contact the County Administrator with revisions.)

2. **Department of Public Works**

- a. Public Works Agreement Addendum for Victoria's Grant, Section 1, backed by a Letter of Credit in the amount of \$220,000 with Maryland Bank & Trust Company.
- b. Public Works Agreement for Victoria's Grant, Section 2, backed by a Letter of Credit in the amount of \$206,800 with Maryland Bank & Trust Company.
- c. Deed for roads in Greenbrier Subdivision (Red Rose Court, Lavender Place, Sunlight Court, Silver Slate Drive)
- d. Road Resolution No. 97-09 setting a 25 mph speed limit on Silver Slate Drive, Red Rose Court, Sunlight Court and Lavender Place.
- e. Road Resolution No. 97-10 designating the following as Stop Streets: Silver Slate Drive at intersection with Greenleaf Road; Red Rose Court at intersection with Silver Slade Drive; Sunlight Court at intersection with Silver Slate Drive; and Lavender Place at intersection with Silver Slate Drive.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the Department of Work's items (a through e), as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendments**

- a. **No. 97-38 - Economic & Community Development**
(To transfer funds from Housing Authority to Community Development for payroll account adjustments)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-38 as presented. Motion carried.

- b. **No. 97-39 - County Administrator's Office**
(To provide funding for Information Systems Manager and Assistant - \$41,633)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-39 as presented. Motion carried.

- c. **No. 97-40 - Planning and Zoning**
(Tree planting project for restitution received in lieu of planting- \$4,730)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-40 as presented. Motion carried.

2. **Follow Up to March 18 Executive Session**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize the County Attorney to subcontract legal services for the Sheriff's disciplinary cases. Motion carried four to one with Commissioner Chesser voting against stating he believed it was the responsibility of the County Attorney to handle these cases.

3. **Transfer Station**

Mr. Kachmar requested direction from the Commissioners relative to the bid for the transfer stations. He stated that at the prebid conference one of the potential bidders inquired whether the transfer station had to be located within St. Mary's County.

It was the consensus of the Commissioners to allow the trash to go out of the county within a "reasonable distance," and that the County Administrator would look into what would determine "reasonable distance."

**PROCLAMATION
NATIONAL COMMUNITY DEVELOPMENT WEEK**

The Commissioners issued a Proclamation designating the week of March 24 - 30, 1997, as National Community Development Week.

**RESOLUTION NO. 97-11
RIDGE VOLUNTEER FIRE DEPARTMENT
TAX EXEMPT MUNICIPAL BONDS**

Present: William Kemp, Chairperson, Emergency Services Committee
John E. Wathen, Jr., President, Ridge Volunteer Fire Department
Steven Norman, Assistant County Attorney

The referenced individuals appeared the Commissioners to present Resolution No. 97-11 approving the issuance of a Bond in an amount not to exceed \$300,000 for the acquisition and equipping of a Rescue Pumper.

Mr. Norman advised that a memorandum dated March 24, 1997 was received from the Chair of the Emergency Services Committee indicating that in accordance with Resolution No. 97-08 the ESC conducted a public hearing at the Ridge Volunteer Fire Department on the issuance of the Bond.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 97-11 as presented. Motion carried.

In addition Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign Exhibit F indicating that the actions taken by the Ridge Volunteer Fire Department, Inc. to enter into the lease purchase agreement in an aggregate principal amount not to exceed \$300,000 to finance equipment consisting of one custom rescue pumper, has been accomplished in accordance with the Internal Revenue Code of 1986, as amended. Motion carried.

**OFFICE ON AGING
RETIRED SENIOR VOLUNTEER PROGRAM**

Present: Gene Carter, Director
Mary Ruth Horton, RSVP Coordinator

Mr. Carter appeared before the Commissioners to present the Grant Application for the Retired and Senior Volunteer Program which provides funding for continuation of the Program for the next three years. The grant, which is for the period 7/1/97 through 6/30/2000, is in the amount of \$114,138 (federal) and \$58,068 (County, of which \$5,457 is "in kind"). The program, which provides an average of 32,736 hours of volunteer service to the County each year, will have the theme "Programming for Impact" over the life of the grant.

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

In addition Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Drug and Alcohol Program Certification of Compliance and the Substance Abuse Certification. Motion carried.

**CABLE FRANCHISE TRANSFER AGREEMENT
MEMORANDUM OF UNDERSTANDING**

Present: Steven Norman, Assistant County Attorney
Joseph Aman, Chief, Operations, The Gans Multimedia Partnership

As a follow up to previous discussion, Mr. Norman appeared before the Commissioners to recommend approval of the transfer of the County's current cable franchise agreement from American Cable TV Investors 5, Ltd. to Gans Multimedia Partnership. Mr. Norman indicated that the issues raised at the March 11 County Commissioners' meeting have been adequately addressed:

- * **financial position of Gans** - has been reviewed by the County's Director of Finance, who has determined that Gans is in a position to carry out its plans.
- * **\$4 rate increase** - In accordance with Telecommunications Law and the local ordinance, the County cannot regulate rates.
- * **Public Access Issues** - Gans will be providing the County with public access equipment (including two high quality remote control cameras mounted in the Commissioners' meeting room; equipment to allow the Commissioners to generate either live or taped programs with character generated captions; wiring of county buildings with cable service.

Mr. Aman expressed his appreciation to county staff and the advisory board in working with him in developing the appropriate documents for the transfer and indicated he looked forward to doing business in the County.

After discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the transfer from American Cable TV Investors 5, Ltd. to Gans Multimedia Partnership and to authorize Commissioner Thompson to sign the Memorandum of Understanding as presented. Motion carried.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Letter of Assignment from Gans Multimedia Partnership. Motion carried.

COUNTY COMMISSIONERS' TIME**North County Development District Proposal**

Commissioner Jarboe referred to the March 11 letter from the Community Preservation Coalition regarding the proposed *Comprehensive Land Use Plan* recommendation for adding a third development district to the County in the northern end of the county. The Coalition proposes to have an informational meeting addressing this issue and has requested to have representatives from county departments and boards/commissions including the Director of Planning and Zoning. The Commissioners indicated concurrence with this recommendation.

Solid Waste RFP

Commissioner Thompson inquired as to the status of the landfill RFP and County Administrator Kachmar responded that he believed that the RFP submission deadline may have been extended to May 1.

Personal Property Tax Credit Legislation

Commissioner Thompson advised that the hearings on the two proposed tax credit legislative items are scheduled for Wednesday and inquired whether any of the Commissioners could attend. The Commissioners requested staff to contact Delegate Slade to advise that none of the Commissioners or staff would be able to attend.

Patuxent River Commission

Commissioner Thompson reiterated her request for a Commissioner to serve on the Patuxent River Association. Commissioner Jarboe volunteered to serve.

FISCAL YEAR 1998 RECOMMENDED BUDGET APPEALS

Present: Steve Welkos, Director of Finance

The following departments appeared before the Commissioners to appeal their budgets in the Fiscal Year 1998 Recommended Budget: Mental Health Authority; TRICO; Recreation and Parks; Sheriff's Department; Department of Public Works; Board of Education (specific budget requests and costs and staff recommendations are set forth in a memorandum dated March 25, 1997 from the Director of Finance).

The Commissioners will consider the requests on March 27 during the Budget Work Session. (March 27 had originally been scheduled for the signing of the Recommended Budget, which has now been tentatively scheduled for April 1.)

EXECUTIVE SESSION

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

Personnel (Golf Manager Position)

Present: Commissioner Barbara R. Thompson, President
 Commissioner D. Christian Brugman
 Commissioner Paul W. Chesser
 Commissioner Frances P. Eagan (left this session at 5:10 p.m.)
 Commissioner Lawrence D. Jarboe
 John J. Kachmar Jr., County Administrator
 Phil Rollins, Director, Recreation and Parks
 George Foster, Personnel Officer (entered 5:05 p.m.)
 Judith A. Spalding, Recorder

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

Time Held: 4:55 p.m. - 5:05 p.m.

Action Taken: The Commissioners discussed the referenced position and agreed to take action in open session.

FOLLOW UP TO EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser to hire a temporary manager for the Wicomico Golf Course. Motion carried.

COMMUNITY PLAYGROUND PROJECT

Present: Phil Rollins, Director
Melissa Georgiou, Playground Committee

Mr. Rollins and Ms. Georgiou appeared before the Commissioners to present a proposal for a community-funded playground in the Leonardtown area. Mr. Rollins advised that Ms. Georgiou is in the process of organizing a community-based committee to under take the project and that the group would raise the needed funds (\$60,000) for the project. During the presentation Mr. Rollins indicated there were three potential sites in Leonardtown: (1) behind Leonardtown Library; (2) area in front of drill hall; or (3) behind the drill hall.

In closing Mr. Rollins requested the Commissioners' support for:

- * to allow the playground to be constructed on county-owned property (site to be determined)
- * to allow the use of \$6,000 in Parks capital funds currently allocated for playground improvements as seed money for this project.

During discussion Ms. Georgiou advised the Commissioners that she was seeking a non-profit organization to be a sponsor for the project in order to take advantage of tax deductions, and inquired whether the Commissioners could sponsor the committee. Other suggestions included Optimists or Rotary Club). Mr. Rollins advised he would look into the legal and financial implications of the County being the sponsor.

After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to allow the Community Playground Project Committee to use county-owned land for the construction of the project; and further to allow the use of the \$6,000 existing Parks Capital Funds as seed money. Motion carried.

EXECUTIVE SESSIONS

Commissioner Jarboe moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Reclassifications), as provided for in Article 24, Section 4-210(a)1. Motion carried. (This session was not held because of time constraints.)

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

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Sheriff's Department), as provided for 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 (Tri-County Council), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel/Potential Litigation (Nursing Center)

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
George Foster, Personnel Officer
Judy Pedersen, Information Officer
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 5:50 p.m. - 9:40 p.m.

(staff left this session at 6:50 p.m. and returned at 7:35 p.m.; Commissioner Jarboe left the session at 7 p.m.; Commissioner Brugman left the meeting at 7:15 p.m. and did not return for the rest of the meeting; Commissioner Chesser left the session at 7:25 p.m., returned at 7:35 p.m. and left the meeting at 9:00 p.m. and did not return.)

Action Taken: The County Attorney and County Administrator discussed the referenced issue and the Commissioners gave direction to staff.

Personnel (Sheriff's Department)

Present: Commissioner Barbara R. Thompson, President
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
George Foster, Personnel Officer
Judy Pedersen, Information Officer
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 9:40 p.m. - 10:25 p.m.

Action Taken: The Commissioners discussed personnel issues and gave concurrence to issue an information release.

Personnel (Tri-County Council)

Present: Commissioner Barbara R. Thompson, President
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 10:25 p.m. - 10:45 p.m.

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

ADJOURNMENT

The meeting adjourned at 10:45 p.m.

**Minutes Approved by Board of
County Commissioners on 4/1/97**
Judith A. Spalding
Judith A. Spalding
Recording Secretary

