

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
APRIL 1, 1997**

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

CALL TO ORDER

The meeting was called to order at 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, March 25, 1997 and the Special Meeting of Thursday, March 27, 1997, as corrected. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the Agenda as amended (adding a Proclamation for Public Health Week and additional time at 7:30 p.m. for presentations to child care providers). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

1. **Correspondence**

- a. To President, Cedar Lane Apartments, regarding the Colton Endowment
- b. To Governor's Appointment Office designating Commissioner Brugman to replace Commissioner Thompson as St. Mary's County's representative on the Patuxent River Commission
- c. To Kevin and Inger Michael clarifying the County's position regarding taxes in St. Mary's County
- d. To Potomac River Association responding to suggestions regarding the Sheriff's firing range and the development of Myrtle Point
- e. To Michael Burrell responding to questions regarding the Wicomico Shores Recreational Complex.

Commissioner Eagan moved to accept the Consent Agenda with the exception of Letter c. to Kevin and Inger Michael. Motion failed for lack of a second.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to take action on each letter separately. Motion carried.

Letter a. Commissioner Eagan moved, seconded by Commissioner Brugman, to sign and send the letter to the President of Cedar Lane Apartments. Motion carried.

Letter b. Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and send the letter appointing Commissioner Brugman to replace Commissioner Thompson on the Patuxent River Commission. Motion carried.

Letter c. Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the letter to Kevin and Inger Michael as amended (adding Fiscal Year '95's tax rate of \$2.18). Motion carried.

(During discussion Commissioner Eagan stated that the letter did clearly address their concerns regarding the income tax and tax rate in general, but she felt that it should have gone further to explain that the Commissioners understood their concerns and would continue looking at possible reductions of the local income tax.)

Letter d. Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letter to Potomac River Association. Motion carried.

Letter e. Commissioner Brugman moved, seconded by Commissioner Chesser, to send the letter to Mr. Burrell. Motion carried.

(Commissioner Jarboe inquired whether the Commissioners would entertain addressing the issue of leasing out the golf course versus county management. It was the consensus of the Commissioners to not address this issue at this time.)

COUNTY ADMINISTRATOR ITEMS

Present: Sue Wilkinson, Administrative Officer (on behalf of County Administrator)

1. **Budget Amendments**

- a. **No. 97-41 - Economic & Community Development**
(Matching Grant awarded from Alternative Agriculture Program to the Watermen's Association - \$2,500)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-41 as presented. Motion carried.

- b. **No. 97-42 - St. Mary's Public Schools**
(Additional funds needed to award the construction contract for the Leonardtown High School Track Resurfacing project - \$2,500.)

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-42 as presented. Motion carried.

2. **Fiscal Year 1997 Grant Award - Board of Education**

Letter to Board of Education approving grant awards in the Bd/Ed's Fiscal Year 1997 budget as follows:

- * Schools for Success - \$2,289
- * Stream Monitoring - \$1,000

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the letter to the Board of Education approving the inclusion of the grant awards, as presented. Motion carried.

3. **Ordinances**
Fiscal Year 1997 Supplemental Appropriation
Office of Community Services

(follow up to 3-18-07 public hearing)

- * \$10,000 from Department of Health and Mental Hygiene for providing HIV/AIDS education.
- * \$12,400 from Maryland Department of Transportation to increase public awareness regarding alcohol/drug impaired driving.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 97-12 and No. 97-13 for the Supplemental Appropriations as presented. Motion carried.

4. **Ordinance No. 97-14**
Inmate Fee for Weekenders

(follow up to 3-18-97 public hearing) Ordinance providing that "weekend" inmates and prisoners shall pay a reasonable fee equal to 50% of the estimated cost of incarceration. The charge will be applied per day and will be effective April 1, 1997.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and sign Ordinance No. 97-14 as presented. Motion carried.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- * Designating the Month of April as National Auctioneers Month
- * Designating April 1997 as Fair Housing Month
- * Designating April 7 -13, 1997 as Public Health Week

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1. **Stormwater Management Maintenance Inspection Contract**

Mr. Ichniowski reviewed the Scope of Work to be performed by the Maryland Environmental Services (MES); the funding for each phase (Fiscal Years 1997 through Fiscal Year 2000); local sponsor project requirements; and the project schedule.

Mr. Ichniowski presented the Contract between St. Mary's County and Maryland Environmental Service which will enable MES to provide environmental, administrative, and technical services for the County on an as-needed basis to establish a management system for inspection, maintenance, and notification procedures for the County's storm water structures as set forth in the Scope of Work.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and to authorize Commissioner Thompson to sign the Contract as presented. Motion carried.

2. **Asphalt Overlay/Surface Treatment Program**

For the Commissioners' information Mr. Ichniowski presented and reviewed the following: Asphalt Overlay Program for Fiscal Year 1997; Asphalt Overlay for Fiscal Year 1998; and Surface Treatment Program for Fiscal Year 1997.

3. **Transfer Station Hours**

Commissioner Thompson stated she received telephone calls from individuals wanting to know the transfer station hours, and she requested Mr. Ichniowski to have the hours announced on a voice mail and through information releases. Commissioner Eagan pointed out that when the transfer station is not open some people throw the trash over the fence, and she inquired whether DPW checks for mail in that trash to determine the name of the person doing this. Mr. Ichniowski responded that DPW does and will continue to check for names and send out letters to those individuals.

COUNTY COMMISSIONERS' TIME

Recreation and Parks Board

Commissioner Jarboe referred to an individual who spoke at the March public forum indicating an interest in women's sports, and he suggested that she be appointed to the Recreation and Parks Board to fill the vacancy created by the death of Jack Rue.

Therefore, Commissioner Jarboe moved, seconded by Commissioner Brugman, to appoint Julie Owens to the Recreation and Parks Board. Motion carried three to one to one, with Commissioner Chesser voting against and Commissioner Thompson abstaining stating she believed that this should have been an item added to the agenda during Additions/Deletions to the Agenda.

Letter from Piper and Marbury

Present: Steven Norman, Assistant County Attorney

Commissioner Jarboe referred to a request for a letter from Piper & Marbury which stated it was not a client-attorney privilege correspondence and neither was the March 14 letter from Piper and Marbury. He stated he had no problem with releasing the letter and inquired whether the Board agreed.

Mr. Norman indicated that because of the issue of attorney-client privilege, he believed it should be protected by that privilege. He pointed out that the decision for releasing was not Mr. Diana's decision but the County Attorney's.

Ms. Pedersen, Information Officer, advised that the County Attorney is drafting a response to Mr. Diana indicating that he does not agree that the letter is not a matter of attorney-client privilege.

After discussion because County Attorney Durkin was not present, the Commissioners agreed to defer a decision on this issue until hearing from Mr. Durkin.

Employees Health Advisory Council

Commissioner Brugman stated that he had requested that the Employees' Health Advisory Committee meetings not be held Tuesday mornings, and the next meeting is scheduled for Thursday at 8:30 a.m. He pointed out that morning meetings were difficult for him with his schedule and indicated he would step down as a member.

PROPERTY ACQUISITION - WICOMICO SHORES

(Although the referenced subject was scheduled for executive session, it was the consensus of the Commissioners to conduct the discussion in open session.)

Present: Phil Rollins, Director, Recreation and Parks
Jon Grimm, Director, Planning and Zoning
Steven Norman, Assistant County Attorney

Mr. Rollins reviewed with the Commissioners the chronology of the negotiations with Wicomico Inc. for the property at Wicomico Shores adjacent to the public landing and being used by the county for parking. Mr. Rollins explained the offers made by the County (from request for donation to a \$10,000 offer) all of which have been rejected, and further advised that Wicomico Inc. has now given written notice to the County to terminate the month-to-month lease at the end of April.

Areas of discussion included:

- * that Wicomico, Inc. had not indicated ownership of the property until the County brought it to its attention after having a survey done;
- * whether the parcel was buildable giving the restrictions;
- * whether Wicomico, Inc. would request the County to remove the asphalt and restore the property to a vegetative state (as required in the lease agreement);
- * whether the County could require that the land be dedicated for open space purposes as part of Wicomico, Inc.'s subdivision process;
- * the issue of money in lieu of land versus impact fees;
- * that the property is not in the wetlands but is encumbered by the 100 foot critical area buffer requirement;
- * whether there was a potential for the property to have water and sewer (Commissioner Eagan said it was her understanding that if the property was going to have water and sewer, it would have been done when the taxing district was established.)

After discussion the Commissioners directed Mr. Rollins to determine the cost for removal of the asphalt and restoring the property to a vegetative state and inform the board, after which the Commissioners will make a decision whether to make an additional offer to Wicomico, Inc.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Personnel (Reclassifications and Workmen's Compensation), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Workmen's Compensation)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Steven Norman, Assistant County Attorney
George Foster, Personnel Officer
Evelyn Wood, Assistant Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 3:35 p.m. -4:05 p.m.

Action Taken: The Commissioners discussed the referenced personnel matter and agreed to continue discussion at next week's meeting.

Personnel (Reclassifications)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
George Foster, Personnel Officer
Evelyn Wood, Assistant Personnel Officer
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 4:05 p.m. - 4:50 p.m.

Action Taken: The Commissioners discussed the requests for reclassifications and agreed to continue discussion at a later meeting.

7:00 P. M.

**PUBLIC HEARING
ROAD NAME CHANGES**

Present: Jeff Jackman, Planner, Department of Planning and Zoning

The Board of County Commissioners conducted a public hearing on petitions for road name changes.

Mr. Jackman advised that the Notice of Public Hearing was published in the *Enterprise* Newspaper on March 14 and 28.

Walters Lane to Mariner Lane, Sixth District

No comments received.

Pops Run Way to Deer Pond Lane, Eighth District

No comments received.

Copperhead Lane to Meadow Farm Lane, Fourth District

Alfreda Wood (who does not own property on the road questioned whether the road could be named Anderson Road after her father). She pointed out that the road sign says "Anderson Road;"

The Commissioners suggested that she submit the request in writing (and that she could get the signatures of the property owners) and submit it within the ten day open record period.

MONTH OF THE YOUNG CHILD

The Commissioners presented a Proclamation designating April as Month of the Young Child.

In addition the Commissioners presented Commendations to the following Child Care Providers: Lorraine Alderman, Kelly Boswell, Christina Butler, Deborah Carter, Ruth Chedester, Vivian Downs, Donna Graves, Lucy Hammett, Janet Knott, Lisa Kohut, Deborah Kurtz, Sharon Latham, LaDon Lay, Jane Mockabee, Agnes Monteith, Joanne Murphy, Jean Nial, Bonnie Parker, Jody Payne, Theresa Piovesan, Ann Queal, Linda Reeves, Penny Shissler, Dianna Stone, Joyce Tucker, Terry Williams, Head Start Centers (Holland Forrest, Patuxent Woods, Dynard, Tubman Douglas).

PUBLIC FORUM

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

Russell Miller (on behalf of Hollywood Optimists) - Expressed concerns regarding the Sign Ordinance relative to portable signs and stated that DPZ notified Mr. Bernard Bailey that the trailer used by the Hollywood Optimist for its banner was not permissible under the Zoning Ordinance. (The Commissioners advised that they will be having a work session on the Zoning Ordinance next week, and that is one of the issues to be addressed.)

Leonard Greess - Referred to the County Attorney's testimony before the House Economic Matters Committee regarding the parcel of record legislation in February and questioned whether the Commissioners had given approval. He stated there were several mistakes in the testimony and there were comments that were unbecoming to a county official.

Larry Pinto - Expressed appreciation to the Commissioners for giving assistance and support in setting up the meeting in the northern end of the County regarding the creation of a northern county development district. The meeting has been scheduled for April 17, 7 p.m. at Lettie Dent School.

Allie Bursey - Reiterated her difficulties encountered with the Department of Planning and Zoning with regard to her efforts to rezone her property in Mechanicsville to commercial. She stated she did not know what her property has been designated in the draft comprehensive plan. The Commissioners directed staff to contact DPZ to determine the designation as well as the list of meeting dates for the update of the comprehensive plan and zoning ordinance. In addition Commissioner Eagan inquired whether the Commissioners had to approve the zoning ordinance in its entirety or in separate segments.

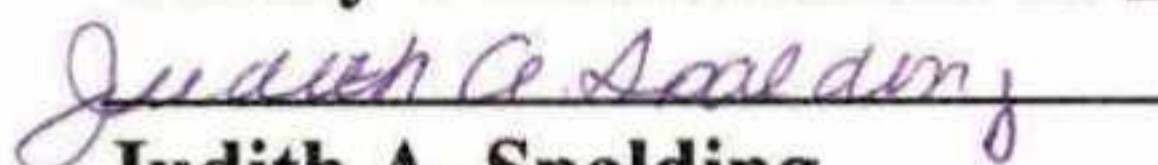
Lori Schemdle - Encouraged Commissioners to keep the needs of small businesses and civic organizations in mind as they address the Sign Ordinance.

(A tape of the proceeding is on file in the Commissioners' Office.)

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Minutes Approved by Board of
County Commissioners on 4/8/97


Judith A. Spalding
Recording Secretary

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