

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
APRIL 8, 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  
Mary M. Langley, Recording Secretary

**CALL TO ORDER**

The meeting was called to order at 10.10 a.m.

**ZONING ORDINANCE WORK SESSION**

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Keith Lackie, Deputy Director; Jeffrey Jackman, Senior Planner; Laura Clarke, Planner III; and Peggy Childs, Recording Secretary. Also present were County Administrator John Kachmar, Jr.; Doug Durkin, County Attorney; and Steve Norman, Assistant County Attorney.

**NEW DEPUTY DIRECTOR**

Mr. Grimm distributed a press release announcing that Keith Lackie was named DPZ's new Deputy Director as of March 31, 1997. The Commissioners welcomed Mr. Lackie to his new position.

**ZONING ORDINANCE DISCUSSION**

This is a follow-up to last year's discussion in August. Staff is asking direction from the Commissioners regarding what Ordinance changes they would like to see. Some areas identified for further discussion were: (1) Rezoning applied for on individual basis and not in conjunction with Ordinance update; (2) TDRs; (3) Setbacks and bufferyards, especially along Route 235; (4) Growth Allocation Cases; (5) Animal shelters and kennels. The principal discussion concerned the Sign Regulations, with the resulting concerns and actions requested:

**58.3 Special Event Signs**

Consistent application and enforcement. Non-profit, charitable organizations must be able to advertise fund raisers. 30 days prior to event and 15 days after the event is adequate time limit to advertise and remove. Staff to also look at civic signs such as for County Fair and a sign requested by the Tri-County Council welcoming people to NAWC.

**58.4 Location of Signs**

SHA will only allow off-site signs on commercial properties in state highway setbacks. Commissioners should look at during Legislative review.

**58.3 Portable/Mobil Signs**

Discussed, but no change.

**58.6 Directional Signs**

- Staff to investigate allowing "community sign boards" under certain parameters for businesses in Village Centers on other designated districts which front on a service road but need to advertise on State highways. Will add this to draft update of Comprehensive Plan.

- Use of the Assessment Log suggested to send copies of sign requirements to commercial and industrial property owners, with a request for comment as to what they would like to see changed.

- Change off-site advertising distance for small businesses from "within 10 miles of business" to "within 20 miles of business."

- Design Standards; establish community standards or standards through approving authority for uniformity and consistency.

- Investigate allowing double-faced signs with different message on each side.

58.7 Bus Shelters

Require 10 ft. Setback rather than the current 5 ft.

58.8 Illumination

No flashing lights which distract drivers; no strobe lights, Ms. Guazzo requested the Commissioners consider not allowing neon lights around entire structures.

58.9 Obsolete, Damaged, Abandoned and/or Nonconforming Signs

Staff will check PC minutes to see if there was a reason the amortization schedule was not recommended for approval by the Planning Commission. It will be brought back to the planning Commission for reconsideration.

58.10 Size of Signs

Current regulation of 32 sq. ft. seems reasonable. For signs on the side of buildings, staff would support size ratio of sign to structure.

58.11 Number of Signs

Seems to be problematic as evidenced by the number of variances and appeals; staff will bring back options or recommendations for the Commissioners to review with the Planning commission.

58.12 Permitting Requirements

Annual Renewal - Tagging of signs would be beneficial to staff from an inventory standpoint and to control/track damaged or obsolete signs.

Height Limitation

Ms. Guazzo says the Planning Commission would like to see regulations controlling the height of free-standing signs.

At the end of the discussion, Mr. Grimm asked the Commissioners' consideration for some Thursday work sessions on the Zoning Ordinance. Commissioner Thompson replied, if Mr. Grimm has specific things he would like to have discussed the Commissioners would like to know what generated it; the sessions should have a definite purpose. She stated also that she has heard criticism of the Ordinance being so large, and if there is a way to provide guidelines to minimize the size of the ordinance, allow some flexibility and make it more user-friendly, that is a goal she would like to see.

Mr. Grimm replied, among other things, staff is attempting to remove some of the non-regulatory policy statements in the Ordinance to reduce its length. He also noted that close to 200 pages of the Ordinance are "mandated" critical area, forest conservation, and floodplain regulations.

This meeting was adjourned at 12.38 p.m.

## **APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, April 1, 1997, as corrected (to indicate that minutes of March 25 and March 27 were approved as corrected). Motion carried.**

## **APPROVAL OF BILLS**

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

## **ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the Agenda as amended (to add time to discuss Hollywood athletic fields and an executive session for Personnel: Recreation and Parks). Motion carried.**

## CONSENT AGENDA

The Consent Agenda included the following correspondence:

- a. To Melissa Georgiou, Project Playground, authorizing the use of approximately one acre of county land (final site to be approved by the County Commissioners), for the construction of a community playground.
- b. To James Shircliffe, Boy Scouts of America Troop 908, congratulating him on the occasion of his award of the rank of Eagle Scout.
- c. To George Kalnasy, Chair of Electrical Examiners Board, expressing appreciation for the submittal of the Board's Annual Report.
- d. To William Carroll, MD Office of Planning, indicating that Clearinghouse Application #MD970313-0180 (Environmental Assessment and FONSI F/A-18 E/F Stores Separation Testing at NAS Patuxent River Complex), is consistent with county's plans, programs and objectives.

**Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the Consent Agenda as presented. Motion carried.**

## COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

### 1. Budget Amendment

**No. 97-43 - Finance Office: \$650**

(To transfer funds from reserve account to cover burial expenses for indigent citizen.)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-43 as presented. Motion carried.**

### 2. Grant Applications

- a. From Department of Social Services to MD Department of Human Services for \$75,600 in funding through the Emergency and Transitional Housing and Services Program (ETHS) and Homeless Prevention Program (HPP).

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the grant application to the MD Department of Human Services as presented. Motion carried.**

- b. From Department of Social Services and Three Oaks Center to MD Dept. of Housing and Community Development for \$31,500 in funding through the Emergency Shelter Grant Program.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the grant application to the MD Department of Housing and Community Development as presented. Motion carried.**

- c. From Office of the Sheriff to Governor's Office of Crime Control & Prevention for \$64,329 in funding through the Domestic Violence Intervention and Prevention Grant Program. It was noted that \$21,000 in matching funds was required and that funding anticipated by grant award was included in the FY98 budget request.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the grant application to the Governor's Office of Crime Control & Prevention as presented. Motion carried.**

- d. From Office of the Sheriff to MD Dept. of Human Resources for \$176,282 in funding through the Child Support Enforcement Grant Program.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the grant application to the MD Department of Human Services as presented. Motion carried.**

### 3. Mosquito Control Budget

Proposed Mosquito Control Budget for Calendar Year 1997 (FY98 settlement); the total budgeted by the Maryland Department of Agriculture for St. Mary's County's program is \$145,992, of which \$25,920 is the county's share. It was noted that the recommended FY98 budget includes \$26,000 for this purpose.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the budget for the St. Mary's County - Mosquito Control for FY98. Motion carried.**

### 4. Board Appointment

Correspondence to Julie M. Owens requesting acceptance of appointment to the Recreation and Parks Board of an unexpired term ending December 31, 1998 and a full term ending December 31, 2002.

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the appointment letter to Julie M. Owens to the Recreation and Parks Board. Motion carried.**

## **PROCLAMATION INTERNATIONAL BUILDING SAFETY WEEK**

The Commissioners issued a Proclamation designating the week of April 6-12, 1997 as International Building Safety Week.

## **CENTER FOR CHILDREN**

Present: Frank Munsterteiger, Program Director  
Court Appointed Special Advocate of St. Mary's County

Mr. Munsterteiger appeared before the Commissioners to request that the mission statement of the Court Appointed Special Advocate (CASA) of St. Mary's County be acknowledged by a proclamation from the County Commissioners.

Mr. Munsterteiger noted that the CASA program was undertaken based upon the recommendation of a Task Force established by the Juvenile and Domestic Master of the Seventh Judicial Circuit Court of Maryland. The mission is to provide comprehensive services to empower children and their families to heal the wound of abuse.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the proclamation acknowledging the mission of the Court Appointed Special Advocate program. Motion carried.**

**PERSONNEL OFFICER  
SICK LEAVE BANK**

Present: George A. Foster, Personnel Officer

As a follow-up to a previous meeting on March 4, 1997, Mr. Foster appeared before the Board of County Commissioners for guidance in establishing parameters for either a sick leave bank or donation program for county employees. The Commissioners concurred with the establishment of a sick leave donation program due to the lack of historical data as to usage. The Commissioners reviewed recommendations concerning various elements of the program and directed the Personnel Officer to prepare a draft of the policy for distribution to department heads and the Employees' Association for comments. Following input, the proposed policy will be presented to the Commissioners for final action.

**PUBLIC HEARING  
TOWER ESTATES (DILLON COURT)**

Present: George A. Erichsen, Department of Public Works  
Douglas Durkin, County Attorney

The Board of County Commissioners conducted a public hearing for the purpose of abandoning an existing 20' private right-of-way and constructing a county road (Dillon Court) to serve a proposed five (5) lot subdivision. The work is being done in conjunction with the Tower Estates Subdivision in Mechanicsville, Maryland, Fourth (4th) Election District and is located on the west side of Yowaiski Mill Road, approximately 450' north of West Tintop School Road.

Mr. Erichsen advised that a Notice of Public Hearing was published in *The Enterprise* on March 7, 14, and 21, 1997 which he then read into the public record.

The Developer's Engineer, Billy Higgs, produced receipts of certified mailings to surrounding property owners and reviewed the proposed improvements. He noted that, although the road alternation is for a private driveway, the County Attorney had advised that the hearing is necessary according to the definition of "road" in the Annotated Code of Maryland.

It was indicated by Commissioner Jarboe that the county has introduced legislation to remedy this definition and to place approval of private roads within the authority of the zoning administrator.

Ben Burroughs, property owner, expressed displeasure with the County Attorney's interpretation of "road" to include private roads, and the unavailability of the County Attorney to speak with him concerning this project.

Doug Durkin noted that this interpretation was not selective and that it has consistently been applied.

There being no other comments, the Public Hearing was closed at 3:25 p.m. The record will remain open for ten days, after which time a resolution to authorize the abandonment of the private right-of-way and construction of Dillon Court will be presented to the County Commissioners for signature.

**COUNTY COMMISSIONERS' TIME**

**Hollywood Athletic Fields**

Commissioner Brugman requested that the Board consider a budget amendment at the next meeting to allocate up-front funding for the design of the Hollywood athletic fields at the Hollywood Elementary School. If funding were provided July 1, construction could not begin until next year, and the fields could not be utilized until the following season.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to direct staff to prepare a Budget Amendment for the Board's consideration at the next meeting to advance-fund the design of the Hollywood athletic fields. Motion carried.**

#### **Nursing Center Advisory Board**

Commissioner Jarboe stated that he had been questioned by a member of the Nursing Center Advisory Board as to what role the Commissioners expected them to play. The County Attorney stated that the bylaws for the Nursing Center were still under review and will be presented to the Commissioners for approval. Commissioner Thompson indicated that each board, commission and/or committee is formed by a Resolution adopted by the County Commissioners which clearly indicates its purpose. It was also noted that a study of the county's existing boards, commissions and committees is being undertaken by the University of Maryland. Commissioner Eagan requested that the consultant's meet with the County Commissioners concerning their progress and findings.

#### **Mail Log**

Concerning the County Commissioners' Mail Log, Commissioner Jarboe inquired of the County Attorney as to whether the Commissioners can make it a policy to include anything that comes to the Commissioners on the mail log. Mr. Durkin stated that the matter is covered by the Maryland Information Act and the General Assembly has decided that you cannot do that. He reiterated that if a secretary in the Commissioners' Office placed protected information on the mail log, the secretary would have committed a criminal offense as an individual, not as a employee of the county.

#### **EXECUTIVE SESSION**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive Session to discuss matters of Personnel (Potential Litigation--Sheriff's Department and Golf Course Manager Contract--Recreation and Parks), as provided for in Article 24, Section 4-210(a)1 and 8. Motion carried.**

##### **Personnel/Potential Litigation**

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  
George Foster, Personnel Officer  
Sheriff Richard J. Voorhaar  
Capt. James K. Raley  
Lt. Donald W. Purdy  
Mary M. Langley, Recording Secretary

Authority: Article 24, Section 4-210(a) 1 and 8

Time Held: 3:58 p.m. - 7:05 p.m.

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

#### **FOLLOW UP TO EXECUTIVE SESSION**

**Commissioner Brugman moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session in regards to potential litigation. Motion carried.**

**EXECUTIVE SESSION**

**Personnel (Golf Manager Position)**

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  
George Foster, Personnel Officer  
Mary M. Langley, Recording Secretary

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

Time Held: 7:10 p.m. - 7:23 p.m.

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

**FOLLOW UP TO EXECUTIVE SESSION**

Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize County Commissioner President Barbara R. Thompson to sign the employment contract of the selected candidate. Motion carried.

**ADJOURNMENT**

The meeting adjourned at 7:25 p.m.

Minutes approved on 4/15/97  
by Board of St. Mary's County Commissioners

Mary M. Langley  
Mary M. Langley, Recording Secretary

