

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JULY 22, 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 11:35 a.m.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Personnel (Interviews with Planning Commission applicants; and Boards, Committees, Commissions) as provided in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against. (Commissioner Jarboe indicated he voted against the motion because the boards and committees matter was combined in one motion with the interviews.)

Personnel (Interview for Planning Commission Membership)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe

(Commissioner Brugman did not participate in this session.)

Authority: Article 24, Section 4-210(a)1
Time Held: 11:50 p.m. - 12:10 p.m.
Action Taken: The Commissioners conducted an interview for Planning Commission membership.

Personnel (Boards, Committees, Commissions)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe (left the session at 12:10 and returned at 12:45 p.m.)
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 12:10 p.m. - 1:00 p.m.
Action Taken: The Commissioners reviewed status sheets and gave direction to staff.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, July 15, 1997. 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 Brugman moved, seconded by Commissioner Jarboe, to approve the agenda as amended (to add a Proclamation for Recreation and Parks Month and for the Babe Ruth Baseball Team - 11 to 12 year olds). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To Chair, Commission on Aging, responding to comments contained in the COA's Annual Report.
- b. To various individuals/organizations/companies (Hollywood Optimist Club; Hayden Auto Supply, Inc.; Cherry Cove Land Development Company; Chamber of Commerce; W. M. Davis, Inc.; John R. Drury Insurance; and H&R Block) expressing appreciation for contributions in support of Fire/Rescue Appreciation Day.
- c. To Chuck Maxcy responding to concerns relative to traffic problems along route 235 corridor and other areas of the community.
- d. To Raymond A. Ballew Jr. regarding the use and development of Myrtle Point Park.
- e. To Maurice Thompson, c/o the Detention Center, responding to concerns regarding food service at the detention center.
- f. To Gerald H. Jameson regarding charges for photocopies at the detention center.

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

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Boards, Committees, Commissions

a. Letters of Appointment

Commissioner Eagan moved, seconded by Commissioner Chesser, and motion carried, to sign and forward letters of appointment to the following individuals:

<u>Housing Authority</u>	<u>Terms to Expire</u>
Phyllis Greer	6/30/2002
<u>Private Industry Council</u>	
Charles Walton	6/30/2000/2004
<u>So. Md. RC&D Dev. Board</u>	
Bea Dewing	3/1/2000
<u>Wicomico River Commission</u>	
Eugene Guazzo	12/31/2001

b. Letters of Appreciation for Serving

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

2. **Department of Public Works Documents**

- a. Road Resolution No. 97-18 establishing a 25 mph speed limit on River Shores Drive, Second Election District.

Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the Road Resolution as presented. Motion carried.

- b. Road Deed from F. Elliott Burch and Donald B. Burch for the widening along Mt. Wolf Road associated with Construction Permit 05/94 ROW-01 issued for the Charlotte Hall Food Lion site.

Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Road Deed as presented. Motion carried.

- c. Public Works Agreement Addendum for Hunting Quarter Subdivision, Section 2 extending completion date to 7/1/98; backed by Letter of Credit in the amount of \$39,000 provided by Maryland Bank & Trust Company.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Addendum to Public Works Agreement as presented. Motion carried.

- d. Public Works Agreement for Cellar Hill Estates Subdivision; backed by Letter of Credit in the amount of \$61,200 provided by First National Bank of St. Mary's.

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

3. **Grant Documents**

a. **Adult Detention Center Grant**

- (1) Grant Agreement for planning and designing of a 32-bed addition to the Detention Center (\$418,000 - State; \$335,000 - County).

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Grant Agreement as presented. Motion carried.

- (2) Affidavit to be filed with Comptroller's Office certifying that the County has not paid or promised to pay state funds to any legislative agent, attorney, or lobbyist for services rendered to obtain the grant.

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

b. **St. Clements Island - Potomac River Museum Grant**

Affidavit to be filed with Comptroller's Office certifying that the County has not paid or promised to pay state funds to any legislative agent, attorney, or lobbyist for services rendered to obtain the grant.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Affidavit as presented. Motion carried.

c. **Department of Planning and Zoning
Historic Preservation Grant Agreement (Phase 4)**

Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Grant Agreement as presented. Motion carried.

4. **Housing Revenue Bond Program - 1996 Bond Authority
Homeownership Program**

Also Present: Dennis Nicholson, Executive Director, Housing Authority

Mr. Nicholson referred to the Commissioners letter of September 24, 1996 to the Community Development Administration transferring the County's 1996 housing revenue bonding authority (representing \$1,418,725) for the issuance of housing bonds on behalf of St. Mary's County. By correspondence dated July 9, 1997 the Secretary of Housing and Community Development requested how St. Mary's County would "like to shape" the upcoming OBO bond issue.

The Commissioners need to make determinations regarding upcoming bond issue:

- * maximum eligibility mortgage amount (up to FHA limit) and family income (up to federal limits);
- * whether to finance existing or newly constructed homes;
- * target the bond home ownership dollars (\$1,418,725) to specific areas of St. Mary's County.

Discussion ensued regarding average home price; income levels, preferences to low-income families; and concentration of the program (whether or not to limit the program to development districts).

After discussion the Commissioners gave their concurrence to:

- * use the maximum eligible mortgage amount for existing homes;
- * use the maximum family income window;
- * implement the program county-wide with preference to development districts.

Mr. Nicholson will prepare a letter for the Commissioners' signatures setting forth the referenced decisions for presentation on August 5.

5. **Local Government Investment Report**

(Required by State for jurisdictions having an annual budget exceeding \$1 million to file the report with the State treasurer)

Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Local Government Investment Report as presented. Motion carried.

6. **Personnel
Department of Public Works**

Memorandum dated July 2, 1997 from the Personnel Officer requesting (1) approval to convert the vacant Grade 9 Engineer I position in the Department of Public Works to Grade 7, Engineer Technician III position, and (2) to hire Stephen McGee in that position at Grade 7, Step 5.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the conversion of the position to Engineer Technician III and further to hire Stephen McGee in that position. Motion carried.

7. **Ordinance No. 97-27 - Brown's Way
Brown's Manor Taxing District**

As a follow up to the June 24 public hearing and subsequent discussion, the County Administrator presented the Ordinance establishing a road improvement special taxing district for Brown's Way in Brown's Manor Subdivision, Fourth Election District subject to the provisions and conditions contained therein.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign Ordinance No. 97-27 as presented. Motion carried.

8. **Correspondence**

- a. To Attorney General Curran regarding proceeds from future tobacco lawsuit settlement.

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

- b. To Maryland Department of Business and Economic Development endorsing the Southern Maryland Higher Education Center Board of Governor's proposal to locate and operate a business incubator in St. Mary's County.

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

9. **Budget Amendment No. 98-2
Finance**

Forward funding for Chopticon High School Addition/Renovation Project - \$7,365,000

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

10. **Telecommunications Project**

The County Administrator advised that the deadline for receipt of bids was two weeks ago and one proposal was received (from MCI), and he will be meeting with them during the week of July 28.

**MARCEY HOUSE BOARD
ANNUAL REPORT**

Present: Sam Baldwin, Chair
Larry Harvey, Director
Terry Sznukowski, Addictions Counselor

The referenced individuals appeared before the Board to present the Marcey House Board's Annual Report for 1996. The Report included an Introduction (establishing of Marcey House, a 15-bed facility that accommodates six females and nine males, in 1989); activities of the past year (effective case management; fund raising activities; negotiations with St. Mary's Hospital Psychiatric Unit; increased community awareness and annual golf tournament; acquisition of supplemental funding); problems and challenges (continued funding shortfall); and plans for the current year (continuing increase of community awareness; continuing investigation of other funding resources; increasing occupancy rate; and initiating process to identify Detention Center inmates who would benefit from treatment at Marcey House). Included in the report were statistical data (admission status; average length of stay; utilization/capacity; county residency at admissions, etc.).

A copy of the report is on file in the Commissioners' Office.

**METROPOLITAN COMMISSION
SEWER USE ORDINANCE**

Present: Douglas Durkin, County Attorney
Larry Petty, Director, MetComm
Joseph Mitchell, Attorney, MetComm
Tom Russell, Director, Environmental Health

County Attorney Durkin advised that the purpose of the meeting was to get the Commissioners' authorization to conduct a joint public hearing with MetComm to repeal in its entirety the current Sewer Use Ordinance and for MetComm to enact its own sewer use policies. He pointed out to the Commissioners that he had forwarded a memorandum to various departments/agencies regarding the sewer use ordinance and responses are included in the handouts.

Mr. Mitchell advised that the Ordinance, which had been adopted in 1977 by the Board of County Commissioners, is no longer adequate, and further that because of the enactment of the Clean Water Act and the upgrade of the Pine Hill Run Plant, MetComm would like to adopt revised sewer use regulations.

Areas of discussion included authority to adopt regulations; checks and balances; that there was no need to address private septic system provisions in the revised regulations; and that the Metropolitan Commission was given implementation responsibilities by MDE.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed with the advertisement of a public hearing for repeal of the 1977 Sewer Use Ordinance and for enactment of new regulations by the Metropolitan Commission. Motion carried.

SOUTHERN MARYLAND REGIONAL TOURISM COMMITTEE REPORT

Present: Cindy Woodburn, St. Mary's County Tourism Coordinator
Herman Schieke, Calvert County Tourism Specialist
Maggie Schwartz, Chairperson
Joanne Roland, Director, Charles County Tourism
Kathy Kazimer, Charles County

The referenced individuals appeared before the Commissioners to present the Southern Maryland Travel and Tourism Committee Report for Fiscal Year 1997. The report included revenue sources and amounts (\$20,147.03); expenditures (actual - \$8,414.38; committed - \$11,600); legislative initiatives; marketing projects (advertisement in *Mid-Atlantic Weekends*; participation in the tabloid *Hooked on Southern Maryland* published by the *Calvert Independent*; contracted with for design and layout of a Southern Maryland bicycle ad and ads to promote the *Southern Maryland Bicycle Map*; familiarization tours; and brochure development); memberships; and Southern Maryland Heritage Area Partnership.

A copy of the report is on file in the Commissioners' Office.

**HUMAN RELATIONS COMMISSION
ANNUAL REPORT**

Present: Valentine Ojo, Chair
Bonnie Hernandez
Cynthia Brown, Director, OCS

The referenced individuals appeared before the Commissioners to present the Human Relation Commission's Annual Report for 1996. The report included the Commission's purpose; significant activities of the past year (enactment of legislation to restore authority to investigate and mediate discrimination complaints in a confidential manner; cosponsored the annual interracial meal; establishment of an ad-hoc committee to address recruitment and retention of minority teachers in the public school system; held Annual Human Relations Awareness Day Breakfast and

Awards); problems and challenges (there are currently five vacancies and there is a need to appoint dedicated volunteers to take into consideration the diversity of the community (clergy, higher education and women); plans for the current year including setting of goals (specific guidelines for handling complaints and referrals to State Commission on Human Relations; case processing and mediation training; increased participation in activities and organizations concerned with improved human relations; establishment of a Human Relations Corporate Award; and hosting a workshop for all Human Relations Commissions in the State in collaboration with the State Commission on Human Relations.

A copy of the report is on file in the Commissioners' Office.

AGRICULTURAL LAND PRESERVATION RANKINGS

Present: Donna Sasscer, Agricultural/Seafood Specialist
James "Bubby" Norris

Ms. Sasscer appeared before the Commissioners to request formal approval to submit eight of the ten properties that had been ranked (for the Fiscal Year 1998 Easement Acquisition Program) according to the system developed by the Agricultural Land Preservation Advisory Board. Criteria in the ranking system included size of farm; percentage used for crop land; family member participation, percentage of SCS farmland soils; comparability with comprehensive land use plan. The eight properties are: Brian K. Russell - #18-04-97-01A; Glen E. Russell - #18-04-97-03A; Louie Lyon, et al - #18-04-97-04; Walter F. Russell, Sr. - #18-04-97-02A; Walter F. Russell.

Ms. Sasscer pointed out that once the properties are selected, the State will begin the appraisal process.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letter to the Maryland Agricultural Land Preservation Foundation. Motion carried.

COUNTY COMMISSIONERS' TIME

Traffic Signal Timing

Also present: Dan Ichniowski, Director, DPW

Commissioner Jarboe reported that a constituent called regarding the staggering of the traffic lights on Route 235. It was this individual's understanding that the traffic lights along Route 235 were supposed to be staggered and asked if the Commissioners could contact State

Highway Administration to request that the lights be checked. If they are not working properly, he asked if they could be set to be staggered.

Mr. Ichniowski will contact SHA and provide a response to the Commissioners.

BABE RUTH BASEBALL LEAGUE CHAMPIONS

The Babe Ruth baseball team for eleven to twelve year olds, who won the championship and are on their way to the 1997 Mid Atlantic Regional competition, appeared before the Commissioners to introduce themselves and to have their picture taken with the Board.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Property Disposition (Skipjack Property) as provided in Article 24, Section 4-210(a)11. Motion carried four to one with Commissioner Brugman voting against.

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Department of Public Works), as provided 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 Personnel (Employment Contract), as provided 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 Personnel (Legal Department Reclassifications), as provided in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.

Property Disposition (Skipjack Property)

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
Dan Ichniowski, Director, Department of Public Works
Martin Fairclough, Director, Economic Development
Linda Opdyke, Legal Assistant
Bill Eisenrauch, U. S. Postal Service (left the session at 5:17 p.m. and returned at 5:40 p.m.)
Judith A. Spalding, Recorder

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

Time Held: 4:30 p.m. - 5:45 p.m.

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

Personnel (Employment Contract)

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

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

Time Held: 5:45 p.m. - 6:00 p.m.

Action Taken: The Commissioners discussed an Employee Contract and gave direction to the County Administrator

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
Douglas Durkin, County Attorney
Dan Ichniowski, Director, DPW
Bil Chen, County's Attorney from LGIT
John J. Kachmar Jr., County Administrator
Judith A. Spalding, Recorder

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

Time Held: 6:20 p.m. - 7:05 p.m.

Action Taken: The Commissioners discussed the details of the referenced personnel matter.

Personnel (Legal Department Reclassification Appeal)

Because of time constraints the referenced executive session was not held and will be rescheduled for Tuesday, August 5.

FOLLOW UP TO EXECUTIVE SESSION

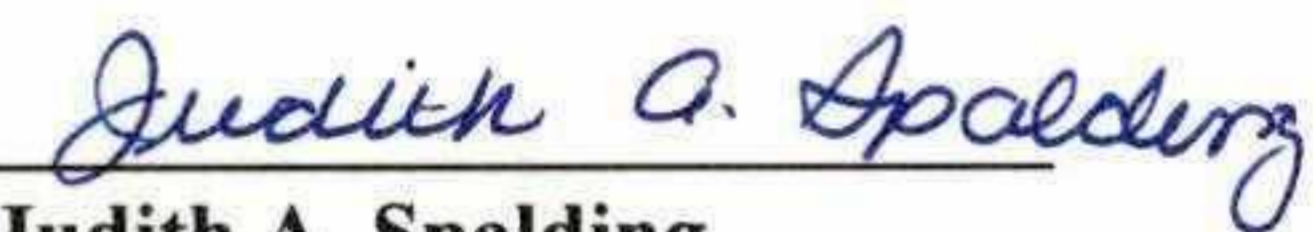
Property Disposition (Skipjack Property)

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Letter of Intent (as discussed in Executive Session) for the purchase of the Skipjack property by the U.S. Postal Service. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

**Minutes Approved by Board of
County Commissioners on 8/5/97**


**Judith A. Spalding
Recording Secretary**

