

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
AUGUST 26, 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 11:45 a.m.

EXECUTIVE SESSIONS

(Commissioner Brugman was not present during motions for executive session.)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Workers' Compensation - Sheriff's Department), 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 (Boards, Committees, Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried 3 to 1 with Commissioner Jarboe voting against.

Personnel (Workers' Compensation Leave Requests (Sheriff's Department))

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
Evelyn Wood, Acting Personnel Officer
Kirsten Cox, Personnel Technician
Judith A. Spalding, Recorder

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

Time Held: 12:05 p.m. - 12:15 p.m.

Action Taken: The Commissioners discussed memoranda from the Human Resource Office and agreed to take action in open session.

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
Judith A. Spalding, Recorder

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

Time Held: 12:15 p.m. - 12:45 p.m.

Action Taken: The Commissioners reviewed the current status sheet and gave direction to staff.

FOLLOW UP TO EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, that the reclassifications in the Department of Law be considered during the Fiscal Year 1999 budget cycle. Motion carried four to one with Commissioner Brugman voting against.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to extend the Compensation Leave for Sergeant Charles Malone and for DFC William B. Cease as requested. Motion carried.

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, August 19, 1997 as presented. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the agenda as amended (removal of the former Great Mills Community College site discussion; the addition of Route 235 drainage problem discussion; and the addition of a motion to release information relative to the County Commissioners' mail log). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. (2 letters) To Sarah E. Weller and to Stephen and Suzanne DeBarr regarding proposed expansion of the Lexington Park Development District Line from Hermanville Road to Park Hall Road during the Comprehensive Land Use Plan revision process.
- b. To Secretary Department of Housing and Community Development supporting The Tourtelot Company's tax credit application for Lexington Park Senior Apartments, a 74-unit development.

Commissioner Eagan 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. Ordinances

Fiscal Year 1998 Supplemental Appropriations

- a. No. 97-28
Office of Community Services
\$25,000 from Department of Juvenile Justice
- b. No. 97-29
Department of Economic Development
\$25,000 from MD Department of Business & Economic Development
- c. No. 97-30
Department of Recreation and Parks
\$5,000 from Department of Natural Resources (Waterway Improvement)

- d. No. 97-31
Department of Recreation and Parks
\$20,000 from Department of Natural Resources (Program Space)
- e. No. 97-32
Department of Public Works
\$290,500 from Maryland Rock Industries, Inc.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign the referenced Ordinances (No. 97-28 through 97-32) as presented. Motion carried.

**2. Road Resolutions
Old Tall Timbers Road/Tall Timbers Road**

(As a follow up to previous discussions the County Administrator re-presented the following Road Resolutions which have been amended by the Department of Public Works.)

- a. No. R97-22 Old Tall Timbers Road
(posting speed limit at 25 mph)

Commissioner Chesser moved seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Road Resolution No. R97-22 as presented. Motion carried.

- b. No. R97-23 Tall Timbers Road
(posting speed limit at 25 mph)

Commissioner Chesser moved seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Road Resolution No. R97-23 as presented. Motion carried.

**3. Sale of Skipjack Property
Release of County Appraisals to U. S. Postal Service**

County Administrator Kachmar advised that the County Attorney has requested authorization from the Board of County Commissioners to release the county-performed appraisals of the Skipjack Property to the U. S. Postal Service.

Commissioner Chesser moved, seconded by Commissioner Eagan, to release the appraisals to the Postal Service as requested. Motion carried.

COUNTY COMMISSIONERS' TIME

**Release of Information
County Commissioners' Mail Log Process**

Commissioner Eagan pointed out that there have been several requests (including requests from Ken Hastings and the media) for information relative to the Commissioners' mail log process including information as to what documents do and do not go on the mail log. She advised that she had spoken with the County Attorney who advised that because of the attorney/client privilege only the Commissioners could make the decision to release the information.

Therefore, Commissioner Eagan moved, seconded by Commissioner Jarboe to release the following information to the public: Memorandum dated February 12, 1997 to the Board of County Commissioners, County Administrator and staff from County Attorney regarding mail log; memorandum dated January 16, 1996 from County Attorney to County Administrator Loker; memorandum dated January 11, 1996 from County Attorney to County Administrator Loker regarding Maryland Public Information Act: Applications for Boards and Commissions; memorandum dated January 19, 1996 from County Attorney to County Administrator Loker regarding Public Information Act: Mail Log; memorandum dated February 11,

1996 from County Administrator Loker to County Commissioners regarding Open Meetings Act/ Public Information Act; memorandum dated July 3, 1996 from County Attorney to Planning Director regarding Public Information Act: Investigation Records; memorandum dated April 15, 1991 from County Attorney Densford to Paula Martino, DPZ regarding anonymous signing complaints. Motion carried.

During discussion of the motion Commissioner Thompson suggested that the Commissioners' Office staff have questions as to how information should be handled (whether or not it should be entered on the mail log), someone should be available to seek counsel (e.g., County Administrator or County Attorney).

Reading of Poem

In response to comments throughout the community regarding the various "Welcome" signs, Commissioner Eagan read a poem written by H. Edward Potts (Thomas J. Shyrock Masonic Lodge #223) entitled *Touched by the Maker's Hand*, which is about Southern Maryland being a wonderful place to live and work.

**RESOLUTION NO. 97-33
GENERAL OBLIGATION BOND AUTHORIZING RESOLUTION**

Present: Steve Welkos, Director of Finance
Samuel Ketterman, Financial Advisor, H.C. Wainwright and Co.
James E. Cumbie, Bond Counsel, Venable, Baetjer and Howard

Mr. Welkos presented a Resolution for the Commissioners' approval authorizing the County to issue and sell general obligation bonds upon the County's full faith and credit to finance \$23,070,000 of various county projects. The 15-year serial bonds have an average coupon interest rate of 4.5% with a final maturity date of September 1, 2012. The Resolution further authorizes the County to issue and sell general obligation bonds upon the County's full faith and credit to refund \$3,305,000 in outstanding bonds from a 1986 bond issue. The refunding bonds fully mature in the year 2005. Major projects to be funded in the bond issue include: Chopticon High School Addition/Renovation; Courthouse Addition/Renovation; Great Mills High School Addition/Renovation; Indian Bridge Road; and Piney Point Elementary School Addition/Renovation.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 97-33 authorizing the issuance and sale of general obligation bonds. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

**Route 235 Drain Pipe
(Vicinity of Runco Realty)**

Also Present: James Owens, State Highway Administration

At the request of the Commissioners the referenced individuals appeared before the Board to address the drainage problem on Route 235 in the vicinity of Runco Realty and Super 8. Mr. Ichniowski explained that an 18-inch concrete pipe is under the railroad right-of-way and that the water was intended to back up onto the land in the area. Subsequently development occurred which did not require a stormwater management plan because it was under the 5,000 square feet area to be managed. Super 8 and Lowes were required to provide proper stormwater management. He pointed out that the engineer for Runco Realty was aware that the 18-inch pipe was not adequate to carry the runoff from the drainage areas.

Mr. Ichniowski indicated there were several options: (1) to build up the land so that the head water would not back up; (2) to enlarge the pipe under the railroad right-of-way; however, there are houses down stream with drainage channels by those houses. He stated that the drainage problem was the property owner's responsibility, but that he was willing to work with them to correct it. In addition he noted that DPW has kept SHA aware of the problem and that during the widening of Route 235 this problem could be mitigated.

After discussion regarding design criteria for culverts, design parameters, stormwater management requirements, storm drainage issues and possible solutions (through cooperation of all parties), Mr. Ichniowski advised that he would get a copy of the State's design standards and inquire if the problem could be permanently corrected and will report back to the Commissioners.

Road Safety

Mr. Ichniowski stated that with school starting and the increased traffic from the transfer of NAVAIR to the County, he requested approval to hold a meeting with the Sheriff's Department, State Police, School Transportation, SHA, and County staff to address any major problems and interim solutions. The Commissioners gave their concurrence.

Family Assistance Center

The Commissioners referred to the water leak in the roof of the Family Assistance Center and questioned how the repairs could be done. According to the lease agreement the Center is responsible for interior and exterior maintenance and repairs of the facility. The estimated cost for the project is \$5,750.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to do what is necessary to give the Family Assistance Center a mid-year grant. Motion carried.

VOLUNTEER PROGRAM PRESENTATION

Present: Peter Lane, National Association of Counties

Mr. Lane appeared before the Board to give a presentation on volunteer programs and showed a video on the use of volunteers in non-traditional volunteer activities. During his presentation Mr. Lane stated that NACo's Volunteerism Project is funded by the Kellogg Foundation to promote volunteerism in county government and to assist counties that want to establish and maintain effective volunteer programs. Mr. Lane made the following benefits of using volunteers:

- * used to expand services or initiate new projects
- * not to replace employees but to enhance work of paid staff
- * to educate citizens about county services and programs
- * take advantage of skills and education of volunteers
- * provide experience to college students or for those who are changing careers

Included in the presentation were: *The Volunteer Toolbox* (a book that covers the volunteer projects in more detail); volunteerism in county government survey results; checklist for starting a volunteer program; and sample documents from other counties.

Other areas of discussion included liability issues, federal and state restrictions for certain activities (water testing; Mr. Lane will check with Anne Arundel County to see how its program is run); volunteer deputy program in Arizona; that many St. Mary's County volunteers serve on boards and committees and whether they are being utilized as well as they could be).

In conclusion the Commissioners thanked Mr. Lane for his presentation and the information he provided on volunteer programs.

**PUBLIC HEARINGS
FISCAL YEAR 1998 SUPPLEMENTAL BUDGET**

Present: Steve Welkos, Director of Finance

The Commissioners conducted public hearings on the following supplemental appropriations:

Department of Planning and Zoning

Also Present: Jon Grimm, Director, DPZ

To consider supplemental appropriation of \$3,000 in State grant funds for the purpose of obtaining and keeping current such geographic data as land use, property boundaries, satellite imagery, etc. to enhance local planning.

Office on Aging

Also Present: Gene Carter, Director, OOA

To consider a supplemental appropriation of \$79,430 in Program revenue for the purpose of implementing a new program to support the transportation needs of Navy contractors.

The hearing was opened for comments from the audience:

Ernie Keller (Keller Bus) - Stated that he believed the transportation system for the contractors would be better served by private enterprise. (The Commissioners responded that no private provider came forward when the contractors and Navy base requested this service.) Mr. Keller indicated he would contact the contractors.

The public hearing was closed; the record will remain open for ten days for comments.

**DEPARTMENT OF RECREATION AND PARKS
FY '98 PROGRAM OPEN SPACE CONSOLIDATED GRANT APPLICATION AND
PROJECT AGREEMENT**

Present: Phil Rollins, Director

Mr. Rollins appeared before the Board to present the Annual Open Space Program and Consolidated Grant Application for Fiscal Year 1998. The program includes three projects: (1) an acquisition project to purchase property adjacent to the Fifth District Park in Charlotte Hall for needed park expansion; a planning project for park master planning for Nicolet Park in Lexington Park; and a development project for Phase I construction of Willow Road Park in Lexington Park.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser to authorize Commissioner Thompson to sign the Fiscal Year 1998 Program Open Space Consolidated Grant Application. Motion carried.

DEPARTMENT OF LAW

Present: Douglas Durkin, County Attorney

Proposed Sale of Clements Landfill Property

Also Present: Dan Ichniowski, Director, DPW
Louise Somerville

As a follow up to last week's discussion the Commissioners reviewed the plat of the Clements Landfill property, sited the location of Ms. Somerville's property, and the location of the covered landfill and the current convenience station site.

Discussion ensued whether the Commissioners should honor the previous board's Memorandum of Understanding; survey of the property; whether to proceed with a public hearing (which would provide an opportunity for any other expression of interest in the property); the policy established by the Commissioners in 1991 requiring sale of property by auction and the possible setting of a precedence; and the number of acres requested by Ms. Somerville (and she was cautioned about extending it to the road access).

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to direct staff to research the issue regarding the amount of acreage and to return to the Board for a decision whether to proceed with a public hearing to dispose of the property. Motion carried four to one with Commissioner Jarboe voting against stating he believed that the sale of property should be done at a public auction.

Skipjack Property

Also Present: William Eisenrauch
Dan Ichniowski, Director, DPW

As a follow up to previous discussions County Attorney Durkin brought the Commissioners up to date relative to the proposed sale of the Skipjack property to the U. S. Postal Service and reviewed each of the current issues:

* **Community Development Block Grant Restrictions**

The County may sell the property to the Post Office or Bay District Fire Department and the County may retain a portion to construction the road; however, the County may not use proceeds of the sale to construct the road. Any revenues are program money and can be used in one of two ways: (a) returned to the State to resupply grant program; (b) establish a local revolving loan fund (amount of which will be determined by the State).

* **Reconstruction of Coral Place and Stormwater Management**

Referring to the drainage ditch (the old road right-of-way--extension of Willows Road), the question were whether the County would require additional land or construction easements; whether the County will require any of that land for stormwater management with regarding to Coral Place or other projects. In addition Mr. Durkin pointed out the boundary line for extension of Tulagi Place which requires a 100-foot right-of-way for shoulders, paving, etc.

Because of time restrictions (Thursday, August 28 is the deadline for funding commitment), County Attorney Durkin indicated that these issues will be dealt with in good faith with the post office.

* **Environmental Assessment**

Post Office has received preliminary report which indicates insignificant traces of asbestos and lead paint and anticipates receiving final report with remediation plan and estimated costs of clean up. A clause has been added to the Offer to Sell that the County has 180 days from the date the environmental report is received to terminate the contract if the costs are prohibitive.

* **Sales Price of Property**

Review and comparisons of the three appraisals (original appraisal from Gatewood - \$425,000 taking the draft Lexington Park Master Plan into effect, the seconded appraisal from Gatewood - \$640,000 for 2.44 acres, and appraisal from Post Office - \$470,000); and the amount of land required by the post office.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Offer to Sell. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Eagan to sign and forward the letter to the U. S. Postal Service forwarding the Offer to Sell and clarifying the sovereign immunity issue. Motion carried.

PROPOSED ORDINANCE
TAX CREDITS FOR AGRICULTURAL LAND

Present: Donna Sasscer, Agricultural/Seafood Specialist
Steve Norman, Assistant County Attorney
Steve Welkos, Director of Finance

As follow up to the Commissioners August 12, 1997 public hearing Ms. Sasscer and Mr. Norman reviewed the draft Proposed Ordinance which would provide tax credits for Agricultural Land in St. Mary's County. Mr. Norman pointed out that revisions were made to the original draft which provided greater detail of the implementation of the tax credit program.

Areas of discussion included the funding in the budget for purchase of easements and those individuals already in the process for the purchase of easements program; the Transfer of Development Rights issue; whether it should be done in the context of the Comprehensive Plan; whether to make the tax credits retroactive to July 1, 1997 or to do it in the next budget cycle (FY '99); whether to place a cap on the amount of tax credits; and whether to use surplus funds from FY '97 to fund the program in FY '98.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign the Ordinance for the Agricultural Tax Credit program and that it be effective July 1, 1998. Motion carried.

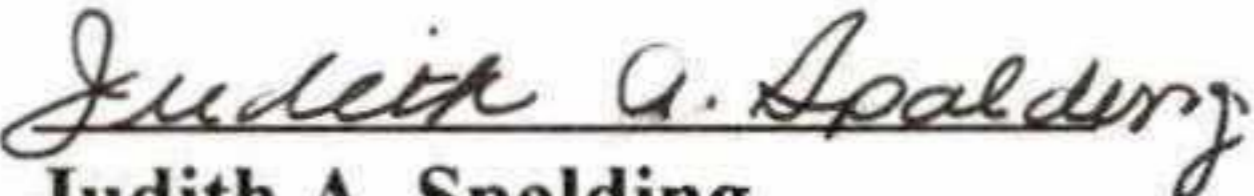
In response to a comment made by Commissioner Chesser during discussion of the motion (he did not "know what the underlying reason is on this, but this is the change to get this moving"), Commissioner Brugman made the following statement for the record: If any board member has a different opinion from Commissioner Chesser, they have underlying reasons or a hidden agenda.

In closing County Administrator Kachmar recommended that staff contact NACo to advise as to which states have had an agricultural tax program and whether it was successful.

ADJOURNMENT

The meeting adjourned at 7:05 p.m.

**Minutes Approved by Board of
County Commissioners on 9/2/98**


**Judith A. Spalding
Recording Secretary**