

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
SEPTEMBER 16, 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 1:10 p.m.

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, September 2, 1997 as presented. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO THE AGENDA

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

CONSENT AGENDA

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

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence:

- a. To Alan Pagenhardt concerning the conservation of open space to preserve farm and watershed land areas.
- b. To various board, commission and committee members whose terms have come to an end expressing appreciation for their service to the county.

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. **Budget Amendment No. 98-5 / County Commissioners**
To provide \$5,750 for roof repairs to the Family Assistance Center as approved by the County Commissioners at their August 26, 1997 meeting.

Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-5. Motion carried.

2. **Grant Agreement - Office on Aging**

Mass Transit Administration -- \$72,116 / Statewide Special Transportation Assistance Program (SSTAP)

To provide state funding from 7/1/97 through 6/30/98 to partially fund transportation services for seniors and handicapped adults, primarily demand-response trips for medical appointment. Local funding in the amount of \$23,857 (25% match) is budgeted in the current fiscal year.

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

3. **Ordinance No. 97-36 / Recission of the St. Mary's County Sewer Use Ordinance enacted on May 25, 1977 -- Effective October 1, 1997** [to coincide with adoption of MetCom Ordinance]--(Follow up to public hearing on August 19, 1997.) To repeal the St. Mary's County Sewer Use Ordinance to avoid duplication with proposed St. Mary's County Metropolitan Commission (MetCom) Sewer Use Regulations.

Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and sign the Ordinance as presented. Motion carried.

4. **Southern Maryland Interagency Consortium for Children and Families, Inc.**

Consideration of correspondence from Jean Dean, President, requesting to contract with St. Mary's County Government for the services of Becky Stevens, Office of Community Services, to provide administrative support and guidance to the Consortium in the event two grant applications are awarded (October 1, 1997 through September 30, 1998). Mr. Kachmar explained that the contract would cover reimbursement for Ms. Stevens' overtime rate of pay for a specified number of hours. It was noted that hiring Ms. Stevens as an independent contractor would be in conflict to the county's ethic code.

The Commissioners gave their concurrence to proceed.

5. **SMARTCO, Inc.**

Consideration of correspondence from A. E. Forsman, Vice Chair, requesting to use part of the old Hollywood Elementary School to continue its "computers to school" project which provides refurbished personal computers and peripheral equipment to the public, private and parochial schools in the tri-county area of Southern Maryland.

Mr. Kachmar stated that a number of issues needed to be addressed prior to granting use of county space, including costs for additional insurance to cover equipment, metering of utilities, climate control modifications, as well as the development of contract terms and conditions. The County Attorney has also advised that a Public Hearing be conducted. This process will take some time.

As SMARTCO needs to vacate its current space by October 1, it was suggested by Commissioners Eagan and Chessser that Mr. Forsman investigate other space alternatives with the Board of Education, the Commissioners of Calvert and Charles Counties, and the Fair Board. Ms. Eagan requested that a letter be drafted to Mr. Forsman noting that the county will not be able to provide space by October 1st, and that he exhaust other alternatives prior to the county initiating the process for granting space.

6. **Information Release - Groundbreaking Ceremony at St. Mary's County September 18, 1997.**

The Commissioners authorized the distribution of the referenced Information Release as presented.

7. **Department of Public Works Documents**

a. **Traffic Resolution #97-30**

Posting 25 mph speed limit on Richey Road, County Route 30298, 2nd Election District.

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and sign Traffic Resolution #97-30 as presented. Motion carried.

b. **Public Works Addendums**

- (1) **Avenmar Subdivision**--extending completion date to 9/01/98; backed by a Letter of Credit in the amount of \$340,000 provided by the First National Bank of St. Mary's.

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner President 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.

- (2) **Kedges Strait (Cedar Cove) Subdivision**--extending completion date 9/01/98; backed by a Letter of Credit in the amount of \$517,300 provided by Nations Bank.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Thompson to sign the Public Works Agreement as presented. Motion carried.

- (3) **Southern Pines Subdivision**--extending completion date to 9/01/98; backed by a Surety Bond in the amount of \$213,700 provided by the Frontier Insurance Company.

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner President Thompson to sign the Public Works Agreement as presented. Motion carried.

C. **Chestnut Hills Subdivision (Third Election District)**

- (1) **Road Deed** for Deer Park Drive and Hickory Creek Court located in Chestnut Hills Subdivision, Section 2.

- (2) **Traffic Resolution No. 97-26** posting 25 mph speed limit on Deer Park Drive (County Route 31149) and Hickory Creek Court (County Route 31241).

- (3) **Traffic Resolution No. 97-27** establishing a stop sign at the intersection of Hickory Creek Court and Deer Park Drive.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner President Thompson to sign the Road Deed and Traffic Resolutions No. 97-26 and 97-27 as presented. Motion carried.

d. **Pickett's Harbor Subdivision (Eighth Election District)**

- (1) **Road Deed** for Pickett's Court located in the Pickett's Harbor Subdivision.
- (2) **Traffic Resolution #97-28** posting 25 mph speed limit on Pickett's Court (County Route 31242).
- (3) **Traffic Resolution #97-29** establishing a stop sign at the intersection of Pickett's Court and Long Lane.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and authorize Commissioner President Thompson to sign the Road Deed and Traffic Resolutions #97-28 and #97-29 as presented. Motion carried.

e. **Claim Letters**

- (1) **Johnson Farmstead, R-20 Entrance Permit**; to Maryland Bank & Trust Company in the Amount of \$1,500.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner President Thompson to sign the claim letter as presented. Motion carried.

- (2) **St. George's Hundred, Phases 2 & 3, Grading Permit #90-02**; to Old Line National Bank in the amount of \$27,500.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner President Thompson to sign the claim letter as presented. Motion carried.

- (3) **Breton Bay P.U.D. Subdivision, Grading Permit #89-05**; to Signet Bank in the amount of \$60,500.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner President Thompson to sign the claim letter as presented. Motion carried.

- (4) **Glebe Run Subdivision, Public Works Agreement**; to Maryland Bank & Trust Company in the amount of \$286,800.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner President Thompson to sign the claim letter as presented. Motion carried.

8. **Public Works - Household Hazardous Waste Day**

Consideration of Memorandum from Director of Public Works requesting concurrence to hold a Fall Household Hazardous Waste on Saturday, October 18, 1997 at the Frank Knox School in Lexington Park.

Mr. Kachmar noted that a collection day was held this year on June 14, which was cut short due to the collection of potentially explosive substance, and continued on June 28, and that there are sufficient monies encumbered to hold another event.

The County Commissioners gave their concurrence to proceed.

9. **Ordinances -Fiscal Year 1998 Supplemental Appropriations**
(Follow up to 8/26/97 Public Hearings)

- a. **Ordinance No. 97-38 / Department of Planning & Zoning**
\$3,000 for update of geographic data

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign Ordinance 97-38 as presented. Motion carried.

- b. **Ordinance no. 97-37 / Office on Aging**
\$79,430 (anticipated revenue from fees for commuter transportation service to Patuxent River Naval Air Station)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Ordinance No. 97-37 as presented. Motion carried 4-1 with Commissioner Brugman opposed.

10. **Boards/Committees/Commissions**
Letters of Appointment

Commissioner Brugman moved, seconded by Commissioner Jarboe, to make the following appointments and to sign the letters of appointment as presented. Motion carried.

<u>Human Relations Commission</u>	<u>Terms to Expire</u>
Tyrone Harris	06/30/98/2002
<u>Mental Health Authority Board</u>	
Sandra J. Kolwey	12/31/97/2000
<u>Metropolitan Commission</u>	
Allen P. Perrie, Jr.	06/30/2000
<u>Social Services Board</u>	
Charles W. Ridgell	06/30/2000
Elizabeth Walker (reappointment)	06/30/2000

ST. MARY'S COUNTY FAIR BOARD
PRESENTATION / INVITATION TO COUNTY FAIR

Present: John Richards, President
Elwood Cusic, Vice President

Members of the County Fair Board appeared before the Commissioners to present them with passes and this year's T-shirts for the St. Mary's County Fair which will run from Thursday, September 18 through Sunday, September 21, 1997. The Commissioners were also invited to participate in the parade on Saturday.

**DEPARTMENT OF PLANNING & ZONING
RURAL LEGACY PROGRAM**

Present: Jon Grimm, Director of Planning & Zoning
Teresa Pierno, MD Dept. of Natural Resources
Tim Brower, MD Dept. of Natural Resources
Phil Rollins, Director of Recreation and Parks
Donna Sasscer, Agriculture/Seafood Specialist, Dept. of Economic & Cmty. Dev.

Mr. Grimm appeared before the County Commissioners as the commissioner-appointed county contact for the program to present the basics of the Rural Legacy Program and to seek direction on the publicity about the program. The Rural Legacy Program, a component of the Governor's Smart Growth Initiative, supplements current state programs for land conservation and preservation, relies on voluntary landowner participation sanctioned by the local elected Board through an application and award process, is competitive across the state and has multiple program goals.

Mr. Grimm noted that the Comprehensive Land Use Plan identifies certain areas which meet the criteria for the program; however, participation is entirely voluntary. Those areas include the St. Mary's River and McIntosh Watersheds, Killpeck Creek and Wicomico River.

The Commissioners gave their concurrence for Mr. Grimm to issue a public information release about the program identifying the Department of Planning and Zoning as the contact point for applications and additional information.

FOLLOW UP TO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct the County Attorney to move forward in litigation against St. Mary's Disposal as discussed in Executive Session. Motion carried.

COUNTY COMMISSIONERS' TIME

Courthouse Expansion

During the review of the County Commissioners' Calendar of Events, Commissioner Eagan asked for clarification on the groundbreaking for the Courthouse expansion, noting that construction is not scheduled to begin until February and that the contract has not yet been awarded. Mr. Kachmar indicated that this will be the "official" groundbreaking and that the expansion will begin with the demolition process.

As the judges have indicated that there will be "no noise toleration," Commissioner Eagan asked for assurances that this can be accomplished. The architect has worked on similar courthouse projects, including the La Plata Courthouse, and Mr. Kachmar suggested that the Commissioners might like to invite the Executive Director of the American Institute of Architecture to brief them on the process.

Commissioner Eagan requested that a letter be drafted to the judges assuring them that their concerns relating to security and noise are being addressed. Commissioner Thompson also requested that the architect be asked to forward a letter to the County Commissioners assuring that there will be no attendant costs to enforcing the no-noise requirement during the renovation and construction phase.

Draft Consultant Reports on Nursing Center

Commissioner Chesser requested that the Commissioners be provided with copies of the draft report on the Nursing Center. Mr. Kachmar noted that he has received three reports to date and that the reports are preliminary and incomplete. He cautioned against release of the draft

reports and noted that they are not public documents. Commissioners Brugman and Jarboe stated that they prefer to wait until the report is finalized. Commissioner Chesser stated that he would either like to talk directly with the consultants engaged in this audit or be provided with a copy of the draft report.

Commissioner Chesser stated that there are rumors going around that the county is planning to sell the Nursing Center. Mr. Kachmar indicated that the consultant has listed that as a possible option the county could consider, but that the county has no intention of selling the facility. He also reported that the employees of the Nursing Center have repeatedly been told that the county is not considering this option.

MARYLAND DEPARTMENT OF TRANSPORTATION ANNUAL HIGHWAY PROGRAM PRESENTATION TOUR

Present: David L. Winstead, Secretary of MD Department of Transportation
Parker F. Williams, Administrator, State Highway Administration
Theodore E. Mathison, Executive Director, MD Aviation Administration
Lawrence Elliott, Assistant Director, Engineering/Traffic

Also Present: Staff from the MD Dept. of Transportation / State Highway Administration
Daniel Ichniowski, Director of Department of Public Works
Delegate John F. Slade, III
Delegate John F. Wood, Jr.
Dick Myers, representing Senator Dyson

Secretary Winstead presented an overview of the State Report on Transportation, indicating that this is the first year it has included the State Transit Plan. He noted that the state started to react to the Navy expansion at Patuxent River in 1994 and has since provided \$88 million in highway projects to St. Mary's County alone; \$91 million including the airport; the tri-county area has received \$226 million in funding. The State Transportation Plan addresses the Governor's Smart Growth Initiative which will go into effect next Fall; although there are about 10 projects not consistent with that law, these do not include projects for St. Mary's.

Projects discussed included:

Upgrade of MD 235: Primary Construction Program/Phase 1, from Pegg Road to MD 4 (3.76 miles); Primary Development & Evaluation Program/Phase 2, from MD 246 to Pegg Road (0.94 miles). The first phase should come in line in 1999; the second phase in 2001. The state considers this a top priority and is seeking to fast track. To assist in lessening congestion, the state is looking at fixing the shoulders to accommodate a third line; this is a \$2 million project expected to be completed by next year's construction season. The state has also provided a \$200,000 grant to the county to continue studies on FDR Boulevard. In response to a question from Delegate Slade, the Secretary stated that acceleration of Phase 2, by shifting funding from later years, would require a \$11-12 million funding increase in FY98; construction could be started the following year.

Replace Bridge over Tomakokin Creek (Oakley Road/MD 270), Secondary Construction Program: the bridge opened yesterday (9/15/97) at a cost of \$663,000.

Point Lookout Road (MD Route 5), Secondary Development & Evaluation Program -to upgrade and widen to provide shoulders from Camp Brown Road south to the causeway in Point Lookout State Park (2.30 miles); hiker/biker needs will be examined. The design phase began this month; the right-of-way acquisition is currently funded for \$6 to \$8 million.

Chancellors Run Road (MD Route 237), Secondary Development & Evaluation Program -to upgrade and widen to a multi-lane highway from Pegg Road to MD 235 (2.71 miles). Funds are not programmed for the design of this project. Need \$1 million to begin design and an additional \$20+ million for right-of-way acquisition and construction.

St. Mary's County Airport. A passenger demand study projects a 70,000 passenger per year potential. \$1.4 million is budgeted in FY97 and \$643,000 in FY98 for the airport and terminal construction with completion scheduled for September 1998. In response to an inquiry by Delegate Wood, it was noted that the airport's capital plan calls for lengthening the runway within 3 to 5 years which accommodate executive jets.

Delegate Slade inquired into the possibility for a capacity analysis of the Thomas Johnson Bridges, noting that traffic congestion results from multi-lanes leading to this single-lane bridge and that this is an important piece of the picture in alleviating congestion on Route 235. Secretary Winstead indicated he would look into it, also highlighting the work of the Route 235 Task Force.

Delegate Wood noted that traffic is moving to Route 5 and Great Mills Road because of congestion on Route 235. Delegate Slade suggested that a few relatively simple geometric improvements could ease congestion, and requested that the state realign Flat Iron and Indian Bridge Roads at their intersection with Route 5. Commissioner Chesser requested that the state install a traffic light at the Route 5 and 249 intersection in Callaway. Commissioner Eagan, noting that the new light at the intersection of Route 5 and Fairgrounds Road is only tripped by traffic at the intersection, requested that the state look into adding a timing element to provide a traffic break during school hours to allow school buses to exit the parking lot.

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser, to meeting Executive Session to discuss matters of Personnel (Reorganization Proposal), as provided in Article 24, Section 4-210(a)1. Motion carried 4-1, with Commissioner Jarboe voting against, stating that he would abstain from participation.

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator

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

Time Held: 4:55 p.m. – 7:15 p.m.

Action Taken: The County Administrator presented a proposed reorganization plan to the County Commissioners.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Minutes Approved on 9/23/98
by Board of St. Mary's County Commissioners

Mary M. Langley
Mary M. Langley, Recording Secretary