

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
SEPTEMBER 30, 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 1:05 p.m.

**APPROVAL OF MINUTES**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, September 23, 1997 as presented. Motion carried.

**APPROVAL OF BILLS**

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

**ADDITIONS/DELETIONS TO THE AGENDA**

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

**CONSENT AGENDA**

The Consent Agenda included the following:

1. Various letters to individuals relating to the Comprehensive Land use Plan revision and possible expansion of the Lexington Park Development District southward:
  - a. Candice and Samatha Lamper
  - b. Morton S. and Catherine F. Beyer
  - c. Robert & Jean Bain
  - d. Katie "Max" McConnell
  - e. Robert D. & Virginia R. Thompson
  - f. Chuck Maxcy
  - g. James Conrad
  - h. Raymond J. Cannetti & Julia A. King
2. To various individuals relating to possible expansion of the Lexington Park Development District southward during the Comprehensive Land Use Plan revision and dangers of nutrient run-off into our watershed areas:
  - a. Robert M. White
  - b. John and Gail Harmon
  - c. Mr. & Mrs. Kevin E. Newbold
  - d. Myron and Margaret Marley
3. To Mr. & Mrs. J. Macguire Mattingly, III, regarding the upcoming demolition /construction of the historic courthouse in Leonardtown.

4. Various letters to individuals concerning a building moratorium
  - a. Letty U. Fernandez
  - b. Wanda Florence
  - c. W. Vernon Gray
5. To President of Tall Timbers Citizens Association regarding logging of 80 acre s.f. trees in Tall Timbers.
6. To MD Department of the Environment regarding Sewage Sludge Utilization Permit Application.
7. To Hans Svane, The Pool Company, concerning zoning regulations related to in-ground swimming pool setbacks.
8. To Shirley M. Cusic concerning Before and After School and Kindergarten Extended Day Enrichment Programs at old Hollywood Elementary School site.
9. To Reverend James Diggs expressing appreciation for his service on the Human Relations Commission.
10. To the Sotterley Foundation supporting the "Changing Plantation Landscape" self-guided walking tour.

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

#### **COUNTY ADMINISTRATOR ITEMS**

Present: John J. Kachmar Jr., County Administrator

1. **Human Relations Commission  
Letter of Appointment**

**Commissioner Brugman moved, seconded by Commissioner Chesser, to appoint Marie Underwood to the Human Relations Commission for a term to expire 6/30/98/2002. Motion carried.**

2. **Ordinance 97-39/Fiscal Year 1998 Supplemental Appropriation - \$250,000  
Follow Up to 09/09/97 Public Hearing – Office of County Administrator**  
(For the purpose of funding a comprehensive assessment of the County's emergency communications requirements by MCI Systemhouse. This assessment will include specific recommendations regarding the upgrade and consolidation of St. Mary's emergency communication facilities as well as upgrade or replacement of existing equipment.)

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

3. **Grant Documents – (Alliance for Alcohol/Drug Abuse Prevention)  
Governor's Office of Crime Control & Prevention; St. Mary's County Youth  
Service Corps II – FY 1997 (\$40,000; \$14,000 local match)**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the grant documents (Grant Award and Certified Assurances) as presented. Motion carried.**

4. **Board of Education Categorical Transfers – Fiscal Year 1997**  
(As required by State Law [Section 5-105 of the Education Article of the Maryland Annotated Code] requesting approval of the County Commissioners to transfer funds between major categories of the Board of Education (BOE) budget. Requests represent expenditures already incurred.)

Also Present: Elaine Kramer, Director of Budget 7 Finance, BOE

Ms. Kramer explained that the items are centrally budgeted then transferred to the appropriate categories as part of the year-end closeout. They represent severance costs, and additional facilities management, telephone and contract therapists costs.

**Commissioner Jarboe moved, seconded by Commissioner Chessser, to approve and to sign correspondence to the President of the Board of Education granting the transfer request. Motion carried.**

5. **Lease Agreement – Leonard Hall Junior Naval Academy**  
(Consideration as to whether to conduct a public hearing for the lease of this county property or to sign the lease agreement as presented.)

During discussion, it was noted that public hearings have not been conducted in the past for the lease of the Leonard Hall property. The lease differs in that it is for a one-year period.

**Commissioner Chessser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Leonard Hall Junior Naval Academy Lease Agreement. Motion carried 4- 0 with Commissioner Jarboe abstaining. Motion carried.**

6. **SMARTCO, Inc. – Memorandum of Understanding**

Referencing the discussion of September 16, 1997, it was noted that SMARTCO has lost its space. They have received a donation of 100 computers from the Navy with the stipulation that they accept immediate delivery. A county-owned single-family dwelling on Old St. Andrews's Church Road could be used for storage. The provision of this space for storage only purposes for a 30-day period will allow SMARTCO to accept the donation of computers and provide additional time for the company to locate an operating facility.

During discussion the County Administrator noted that the old Hollywood Elementary School facility is no longer under consideration as an option as the Board of Education and other county agencies are currently using the space for storage.

The Commissioners expressed appreciation for the services provided by SMARTCO and encouraged the private sector to come forward to assist SMARTCO in obtaining space.

**Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and sign the Memorandum of Understanding to expire on October 31, 1997. Motion carried.**

7. **School Enrollment Projects (tri-county)**

In response to an inquiry by Commissioner Eagan at a previous meeting, the County Administrator provided current enrollment vs. projected statistics for Calvert, Charles and St. Mary's Counties. The shortfalls of actual against project was 88 for Calvert (as of 9/08); 158 for Charles (9/23); and 405 for St. Mary's (9/22). Concern was expressed that St. Mary's projections are perpetually on the high side, most likely the result of a slot system methodology. Commissioner Eagan inquired of the possibility of determining how many of the projected enrollments have actually entered St. Mary's parochial schools.

## 8. Clarification of Courthouse Issues

Also Present: Judge John Hanson Briscoe  
Judge Marvin S. Kaminetz

The judges indicated they are appearing before the Commissioners in an effort to clear up the issues and rumors related to comments made at the Commissioners' September 16, 1997 meeting concerning the courthouse project. To "set the record straight," Judge Briscoe stated that the sole purpose of their presentation to the Commissioners on September 9 was to provide a status report on a third Circuit Court Judge, the interview that appeared in the *Enterprise* soon after relative to their concerns about the courthouse project occurred on August 27 or 28; and they have not met with William Butler, the architect specializing in courthouse renovations, relative to the renovation plan up to this date—this meeting is scheduled for October 3.

The judges expressed concern that the renovation of the courthouse required the removal of the outside walls of the courtrooms, requiring the relocation of the courts with resulting security issues due to the current location chosen for the temporary holding cell. There was also concern related to the length of time between demolition and construction. Commissioner Eagan requested that the judges provide a listing of their concerns in writing as a checklist that must be addressed.

## PROCLAMATIONS

The following proclamations were presented:

- Mental Illness Awareness Week
- Tootsie Roll Month
- Breast Cancer Awareness Month

## ST. MARY'S PUBLIC SCHOOLS

Present: J. Bradley Clements, Director of Facilities, Maintenance and Operations  
Dr. Patricia Richardson, Superintendent of Schools  
R. Lorraine Fulton, Student Services

### 1. Old Community College Site at Great Mills

Also Present: Dennis Nicholson, Deputy Dir. of House and Community Development (DECD)  
Connie Norris, Executive Director, Family Center of St. Mary's County

Brad Clements reported that the use of the former Community College site at Great Mills as a temporary facility during the renovation of the Piney Point Elementary School has proven to be very successful. Over the Christmas break, students will return to the newly renovated Piney Point facility. One year was trimmed from the construction timeline because of this relocation and resulted in cost savings of \$250,000.

Mr. Clements indicated that the Board of Education is hoping to utilize this facility to house a portion of Esperanza Middle School students and staff during that school's renovation from July 1998 through July 2000. From July 2000 to July 2001 they would like to continue the use of the facility during the renovation of the Lexington Park Elementary School.

The Commissioners inquired as to how the continued use of the facility by the school system would affect the grant application by the Family Center for construction of a facility on a portion of this county-owned site which represents the front left corner of the site currently being used for parking by volunteer staff. Mr. Nicholson indicated that grant awards will be announced in November and that the Family Center has not been able to identify any other suitable county-owned site in the Lexington Park area. The County Administrator suggested that the school system identify its parking needs at this site to determine if dual use of this site is feasible and that Mr. Nicholson continue to look into other alternatives in the interim.

2. **State Capital Improvement Program**

(The regulations of the State Interagency Committee (IAC) for Public School Construction require local governing body approval of the annual local Board of Education State Capital Improvements program. The County Commissioners must forward preliminary approval to the IAC in order to receive State funding consideration for FY 1999.)

Mr. Clements provided an overview of the Public Schools capital improvement program state funding requests for FY 1999 as well as an overview of future project requests through FY 2004. State funding approval for construction during FY 1999 include: additions and renovation for Chopticon High and Esperanza Middle, and systematic renovations consisting of HVAC for Town Creek Elementary and roof for Green Holly. Requests for planning approval for FY 1999 include: additions and renovations for Leonardtown High, Banneker Elementary and Margaret Brent Middle.

**Motion was made by Commissioner Eagan, seconded by Commissioner Chessser, to authorize the Board of County Commissioners to sign and forward the preliminary approval letter for the FT 1998 Capital Improvements program as submitted by the County Board of Education. Motion carried.**

**COUNTY COMMISSIONERS' TIME**

**Letters of Response**

Commissioner Jarboe requested that the Board respond to letters he received relative to the surveying of Mechanicsville Road and the loud noise at Charlotte Hall House of Ribs.

**Permit Fee Abatement**

Relative to correspondence the County Commissioners received requesting a waiver of building permit fees for the repair of a home damaged by fire in Hollywood. Commissioner Brugman indicated that exemptions should be included in the rewrite of the Zoning Ordinance. Commissioner Thompson indicated that the Board recently signed an ordinance relative to abatement of permit fees and believed this exemption was included. Staff was directed to research this issue.

**EXECUTIVE SESSIONS**

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to meet in Executive Session with the Board of Education and public school staff to discuss a matter relative to litigation as provided for in Article 24, Section 4-210(a)8, and to meet in Executive Session relative to potential litigation/ personnel issues, as provided for in Article 24, Section 4-210(a)8/1. Motion carried.**

*(Board of Education motion: Mike Hewitt moved, seconded by Julie Randall, to meet in Executive Session with the Board of County Commissioners and staff to discuss a matter relative to litigation. Motion carried.)*

1. **Litigation (Joint Session with St. Mary's Public Schools)**

**Present:** Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chessser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Douglas S. Durkin, County Attorney  
James P. Haley, Procurement Officer  
Steven E. Welkos, Director of Finance  
Dee Kramer, Benefits Coordinator  
Mary M. Langley, Recording Secretary

Mary M. Washington, Chair, Board of Education  
Michael L. Hewitt, Vice-Chair, Board of Education  
Robert P. Bailey, Jr., Board of Education  
Julie B. Randall, Board of Education  
Dr. Patricia M. Richardson, Superintendent of Schools  
Elaine M. Kramer, Director of Budget and Finance  
William May, Director of Human Resources

Authority: Article 24, Section 4-210(a)8  
Time Held: 3:45 p.m. – 5:00 p.m.  
Action Taken: Staff provided information relative to the issue, and the County Commissioners and the Board of Education agreed to take action in open session.

#### OPEN SESSION

**Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to move forward with the completion of the health insurance bid process by informing employees, preparing a Memorandum of Understanding between the County and the Board of Education, and awarding the contract to the successful vendor. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to continue to move forward with the consolidation of life insurance. Motion carried.**

*(Board of Education motion: Mike Hewitt moved, seconded by Julie Randall, to brief school employee groups meet in Executive Session with the Board of County Commissioners and staff to discuss a matter relative to litigation. Motion carried.)*

#### 2. Litigation (Joint Session with St. Mary's Public Schools)

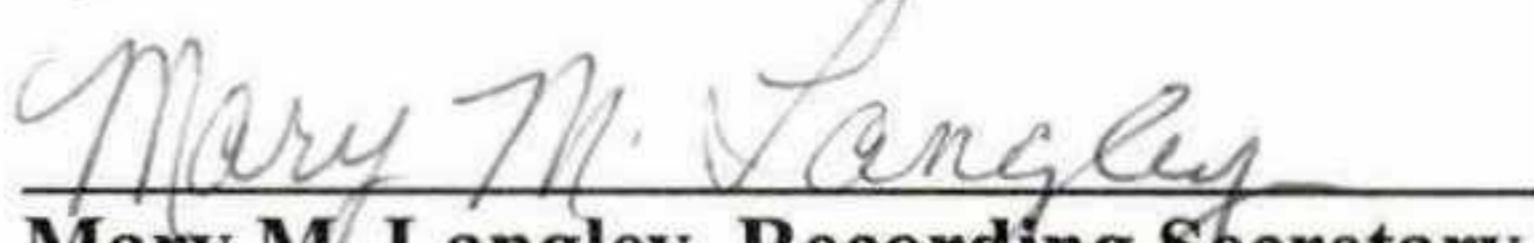
**Present:** Commissioner Barbara R. Thompson, President  
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John J. Kachmar Jr., County Administrator  
Douglas S. Durkin, County Attorney  
Mary M. Langley, Recording Secretary  
Dr. Ebenezer Israel, Health Department  
Jennine Miller, Mental Health Authority Board  
Betty Bennett, “  
Marie B. Daugherty “ (left at 5:17 p.m.)  
Corrine Banks, Department of Social Services  
Alexis Zoss, Department of Social Services

Authority: Article 24, Section 4-210(a)8/1  
Time Held: 5:10 p.m. – 6:45 p.m.  
Action Taken: The Commissioners discussed issues relative to personnel and potential litigation and agreed to continue discussion at next week's meeting.

#### ADJOURNMENT

The meeting adjourned at 6:45 p.m.

Minutes Approved on 10/2/97  
by the Board of County Commissioners

  
Mary M. Langley, Recording Secretary