

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
October 28, 1997**

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Judith A. Spalding, Recorder

(Commissioner D. Christian Brugman was not present due to illness.)

COURTHOUSE GROUNDBREAKING AND RENOVATION CEREMONIES

Commissioners Thompson, Eagan, and Jarboe attended the Courthouse groundbreaking and renovation ceremonies.

CALL TO ORDER

The meeting was called to order at 12:05 p.m.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (County Attorney's Evaluation), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (County Attorney Evaluation)

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

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

Time Held: 12:25 p.m. - 1:10 p.m.

Action Taken: The Commissioners continued review of the County Attorney's evaluation.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, October 21, 1997 as corrected. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Check Register. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the agenda as amended (deleting Commission for Women's Annual Report and deleting the work session on solid waste scheduled for Thursday, October 30). Motion carried.

CONSENT AGENDA

Correspondence:

1. To Chair of Regional Infrastructure Advisory Committee concerning \$50,000 matching grant for the Naval Air Test and Evaluation Museum.
2. To United States Coast Guard requesting the installation of a light on Day Beacon Red 4 in Cuckhold Creek.

3. To David Scoot and Denise Bennett concerning the Take It Easy Ranch Road Special Taxing District.
4. To Executive Director of the Historic St. Mary's City Commission concerning elements of the Draft Comprehensive Land Use Plan.
5. To Chair of the Buildings and Grounds Committee, Cedar Lane Apartment, regarding the Request for Proposals on the Colton endowment.
6. To Travis Campbell regarding remedies for traffic concerns on Route 235.
7. To Chair of the Agriculture and Seafood Commission concerning name change for the Commission to include Forestry.
8. To Wilmer Bowles concerning request for information protected under the Public Information Act.
9. To individuals concerning support of the Draft Comprehensive Land Use Plan.
 - a. John Horton
 - b. Katherine Owens
10. To Samuel Litten concerning the Draft Comprehensive Land Use Plan and expansion of the Lexington Park Development District southward.
11. To various individuals concerning Smart Growth Initiatives and the Comprehensive Land Use Plan.

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

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Board of Education**

Also Present: Steven Welkos, Director of Finance

a. **Categorical Transfer**

Letter to Board of Education approving the budget category transferring \$60,000 from the Instructional Salaries category to the Fixed Charges category which is the result of the final settlement with Blue Cross/Blue Shield for the year ending June 30, 1997.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign the letter to the Board of Education as presented. Motion carried.

b. **Education Maintenance of Effort - Nonrecurring Costs**

Letter to Maryland Department of Education submitting request for nonrecurring cost exclusions for Fiscal Year 1998 (in the amount of \$1,293,054 which has been identified in seven budget categories).

During discussion Commissioner Thompson questioned the State's methodology of calculating the Maintenance of Effort and suggested that a letter be drafted to the legislators requesting they look into this.

After discussion Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign the letter to the Maryland Department of Education as presented. Motion carried.

2. **Department of Public Works Documents**

a. Public Works Agreements:

- (1) **Stratton Subdivision** with a completion date of December 1, 1997, backed by a Letter of Credit in the amount of \$71,300 provided by Northern Central Bank.

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

- (2) **Shannon Farms Subdivision** with a completion date of August 1, 1998, backed by a Letter of Credit in the amount of \$236,300 provided by Nations Bank.

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

- (3) **Forrest Farm Subdivision** with a completion date of September 1, 1998, backed by a Letter of Credit in the amount of \$587,400 from First National Bank of St. Mary's.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Agreement as presented. Motion carried 3-0-1 with Commissioner Eagan abstaining in that she is on the Board of Directors for First National Bank of St. Mary's.

b. Claim Letters

- (1) **Summerwood Subdivision, Section 2;** for Grading Permit No. 91-24; calling Letter of Credit in the amount of \$40,000 provided by First National Bank of St. Mary's.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Claim Letter as presented. Motion carried 3-0-1 with Commissioner Eagan abstaining in that she is on the Board of Directors for First National Bank of St. Mary's.

- (2) **Summerwood Subdivision, Section 1;** for Grading Permit No. 92-03; calling Surety Bond in the amount of \$7,400 provided by International Fidelity Insurance Company.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Claim Letter as presented. Motion carried.

- (3) **Essex South Subdivision, Section 4B and C;** for Grading Permit No. 91-11; calling Letter of Credit in the amount of \$19,000 provided by Maryland Bank & Trust.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Claim Letter as presented. Motion carried.

- (4) Road Deed for potential future **FDR Boulevard** widening; Exploration Subdivision, Sections IV, V, and VI.

Commissioner Chesser moved to approve and authorize Commissioner Thompson to sign the Road Deed as presented. Motion died for lack of a second.

During discussion the Commissioners questioned the purpose of the Road Deed and whether the County would be required to build that portion of FDR Boulevard if the Commissioners accepted the Deed.

Later in the meeting Director of Public Works Dan Ichniowski explained that the Deed was for the widening of the right of way in anticipation of construction of FDR Boulevard. He pointed out that the road would not be built at that location because it would be disjointed and not connected to any other road.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Road Deed as presented. Motion carried.

5. Police Protection Report for Fiscal Year

(The report, which is a requirement of the Maryland State Police in order to continue participating in the annual grant which totaled \$730,000 this year, reflects police enforcement expenditures of the Sheriff's Office.)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Police Protection Report as presented. Motion carried.

6. Fiscal Year 1999 Budget Instructions

(Letter to All Spending Units setting forth instructions for the Fiscal Year 1999 budget submission.)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign the Letter to All Spending Units as presented. Motion carried.

**7. Department of Recreation and Parks
Project Playground**

Also Present: Phil Rollins, Director

Request to name Project Playground after the Wieck family who donated \$50,000 toward the project; rename the Leonard Hall Recreation Area Grounds after Robert Miedzinski, whose family donated \$25,000 toward the project; and waiver of Recreation and Parks policy for naming parks.

Mr. Rollins noted that he had contacted six of the eight Recreation and Parks Board members who concurred with the naming of the referenced facilities.

Areas of discussion during the motion included the definition of "park" and whether the area should be considered a park; the specific area to be designated; future ramifications if it is designated as a park; and the need for similar playgrounds in other parts of the County.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to waive the Recreation and Parks' policy for naming of parks; to name the Playground as the *Joseph Wieck Playground*; and to name the area the *Robert Miedzinski Park*. Motion carried.

8. **Ordinance No. 97-42**
Erosion and Sediment Control Plan Review Fees
(follow up to 10/7/97 public hearing and 10/21/97 discussion)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Ordinance No. 97-42 as presented. Motion carried.

7. **Ordinance No. 97-43**
Supplemental Appropriation
(follow up to 10/14/97 public hearing)

To increase the Fiscal Year 1998 Budget in the amount of \$21,600 which is estimated to be available from the Medical Assistance revenues and client fees to the Office on Aging to provide for Saturday openings for the Medical Adult Day Services program.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign Ordinance No. 97-43 as presented. Motion carried.

PROCLAMATION
NATIONAL HOSPICE MONTH

The Commissioners presented the referenced Proclamation designating November as National Hospice Month.

RESOLUTION NO. 97-44
HOMESTEAD PROPERTY TAX CREDIT

Present: Steve Welkos, Director of Finance

Mr. Welkos advised that Chapter 221 of the Laws of Maryland of 1993 made several changes in the homestead property tax credit law including: the annual deadline for setting and notifying the Department of Assessments and Taxation of the County's homestead percentage is November 15; failure to notify by November 15 will result in continuation of the cap currently in effect; and that homestead percentages must be expressed in increments of one percentage point (not fractions).

Mr. Welkos reviewed his handout which included projected fiscal impact of different credit percentages; and current county homestead credit percentages and advised that the Commissioners had lowered the cap on taxable assessment increases in St. Mary's from 10% to 5% for Fiscal Years 1997 and 1998. During his presentation Mr. Welkos inquired whether the Board would be making a change in the current homestead percentage.

Commissioner Eagan moved to keep the cap at 105%. The motion died for lack of a second.

Commissioner Jarboe moved, to set the homestead tax credit at 103%. The motion died for lack of a second.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to maintain the 105% Homestead Tax Credit. Motion carried three to one with Commissioner Jarboe voting against.

COUNTY COMMISSIONERS' TIME

Comprehensive Plan - Financial Impact

Commissioner Eagan requested that the Commissioners be provided with a financial statement setting forth the impact and ramifications of the Comprehensive Plan. In addition Commissioner Thompson suggested that Director of Planning and Zoning Jon Grimm provide the Commissioners with an explanation of the 1992 Planning Act requirements (including the time frame, in that the St. Mary's County has a five-year capital improvement program). County Administrator Kachmar pointed out that the seventh vision of the Plan is budget. County Attorney Durkin advised that jurisdictions had five years to implement the 1992 Planning Act, and therefore, there is no information as to the impact of the Plan.

Citizen Opinion Survey

Commissioner Thompson referred to the budget amendment for \$20,000 approved last week for the Citizen Opinion Survey. She suggested that after the first of the year, the Commissioners have a planning session to review it in conjunction with budget requests and performance indicators in order to make determinations for the budget, the Annual Report, and the County's goals and objectives.

The Commissioners gave their concurrence.

KINGSTON CREEK WATERWAY IMPROVEMENT DISTRICT EASEMENT

Present: Douglas Durkin, County Attorney

County Attorney Durkin advised that the previously executed Easement Agreement for the Kingston Creek Waterway Improvement District only allowed the County and/or State access to the property up to April 1997. The document has expired and it is now necessary to execute a new agreement extending the time period for access through April 1998.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the *Temporary Dredge Material Placement Site License Agreement and Construction Easement*, as presented. Motion carried.

ST. MARY'S CIRCUIT COURT EXPANSION AND RENOVATION PROJECT UPDATE

Present: Dan Ichniowski, Director, DPW
Tom Vandaveer, HDR Consultants
Frank Broccolina, Deputy State Court Administrator
Bill Butler, Court Consultant
John H. Briscoe, Circuit Court Judge
Marvin Kaminetz, "

The referenced individuals appeared before the Commissioners to present a status report on the Courthouse construction and renovation project and to present alternatives. The report included the projects goals and objectives; current issues (design activities are on schedule; action required to define and commit to funding requirements; communications among parties); "move or stay" issues (logistics, identification of alternatives, construction phase, noise attenuation, budget and cost, and accommodation of parking needs); project design schedule; construction schedule options; available options (all operations remain in building during construction; relocating all operations from courthouse during construction; or partial relocation); advantages and disadvantages of "to move or not to move;" and costs for each of the options.

After the presentation Mr. Vandaveer advised that it was HDR's recommendation that relocation was the most viable option with the least risk (less disruption and construction time would be shortened by three to four months).

Discussion ensued as to available relocation sites (in temporary modular facilities; leased space or a split--Court and Clerk Court Operations vacate and Land Records and Register of Wills remain at the Courthouse), including the possibility of locating the modular units at the Governmental Center, and that the units could be used by the Board of Education when the courthouse project is completed.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept Option B1 as recommended by the Consultant (that all vacate the existing Courthouse during construction and locate in temporary facilities at the Governmental Center). Motion carried.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss a matter of Pending Litigation (Lindsay Family Trust vs. Hayden, et al), as provided for in Article 24, Section 4-210(a)8. Motion carried three to one with Commissioner Jarboe voting against.

Commissioner Chessser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Property Acquisition (Indian Bridge Road), as provided for in Article 24, Section 4-210(a)11. Motion carried.

Commissioner Chessser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried.

Property Acquisition (Indian Bridge Road)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chessser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Douglas Durkin, County Attorney
Dan Ichniowski, Director, Department of Public Works
George Erichsen, Engineering Supervisor
Judith A. Spalding, Recorder

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

Time Held: 4:35 p.m. - 4:50 p.m.

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

Pending Litigation (Lindsay Family Trust vs. Hayden, et al)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chessser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Douglas Durkin, County Attorney
Steve Norman, Assistant County Attorney
Dan Ichniowski, Director, DPW
Judith A. Spalding, Recorder

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

Time Held: 4:50 p.m. - 5:10 p.m.

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

Personnel

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
Judith A. Spalding, Recorder

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

Time Held: 5:10 p.m. - 5:50 p.m.

Action Taken: The Commissioners discussed a personnel matter and came to a consensus in addressing the issue.

ADJOURNMENT

The meeting adjourned at 6:00 p.m.

**Minutes Approved by Board of
County Commissioners on 11/4/97**

Judith A. Spalding

**Judith A. Spalding
Recording Secretary**