

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Room 14, Governmental Center
NOVEMBER 4, 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 11:05 p.m.

LOCAL MANAGEMENT BOARD

Present: Douglas Durkin, County Attorney
Ella May Russell, Director, Department of Social Services
Lorraine Fulton, Chair, Local Management Board
Robert Woody, Chair, Social Services Board
Other members of the LMB

The referenced individuals appeared before the Commissioners to discuss issues relative to the formation of the Local Management Board. County Attorney Durkin reviewed the functions of the LMB as well as current membership, agency issues, employee issues, liability issues, funding explained to the Commissioners the four options that are available for consideration and the impact and ramifications of each:

- * public agency (department of County Government);
- * public agency (department of the State Government);
- * independent government agency (e.g., Board of Education);
- * non-profit corporation.

Ms. Fulton and Ms. Russell described for the Commissioners the collaborative structures and service partnerships (public agencies, providers, county government, and community) which illustrated the major structures and services that have come into existence in St. Mary's County since 1966, as well as critical elements (none began with available dollars; none directed by state or federal level to be created; major leadership provided by state agencies; groups that came together to address needs; training conferences; and that these efforts resulted in more dollars to the County); proposed LMB structure (LMB Governance Board; four advisory committees, eight district panels, and neighborhood panels); and the accomplishments of the LMB.

Commissioner Eagan inquired if the LMB had an official meeting, work session or any type of meeting to which the Commissioners were not invited or for some reason did not get an invitation, and the response from Ms. Fulton and Ms. Russell was "no."

Ms. Fulton and Ms. Russell recommended that it was in the best interest of the County to designate the LMB as a non-profit corporation, and that it function as such for two years to see what shape it takes at the State level.

Mr. Woody spoke in support of Ms. Russell's and Ms. Fulton's recommendation and pointed out the efforts provided by the care provider agencies which he indicated were the experts and have resulted in the success of the programs.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to establish a Local Management Board, as a non-profit entity with the County's support by tasking the County Administrator, the County Attorney and the Director of Finance in the development of a charter and an organizational chart which would require the Commissioners' approval, and would combine representatives from both County Government and care providers. Motion carried three to two with Commissioners Thompson and Chesser voting against stating they did not believe there should be county staff involvement in that it would have to come back to the County for approval.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, October 28, 1997 as presented and the Planning and Zoning portion of the October 21, 1997 meeting. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

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

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence:

1. To Harry Norris, Main Street Appraisals, regarding interim use of property during courthouse renovation/construction.
2. To Bill Mattingly regarding Draft Comprehensive Land Use Plan and updating of the county's zoning regulations.
3. To Vernon Gray, Sanner's Lake Sportsman Club, regarding shooting facility.
4. To Julius and Nell Levay regarding expansion of the southern boundary of the Lexington Park Development District.
5. Various letters to individuals regarding First Colony Development.
 - a. Clare Whitbeck
 - b. Thomas Lanzi
6. Various letters to individuals regarding Millstone Landing Road.
 - a. Ann Kaplan
 - b. George Donely
7. To SMC Employees' Association regarding request for mandatory leave on the day after Christmas (Friday).
8. To Leonardtown Elementary School Chorus regarding performance at judicial center renovation groundbreaking.
9. To staff who participated in training session for volunteer chairs and co-chairs (5 letters).

10. To individuals regarding Smart Growth Initiatives and the Comprehensive Land Use Plan (28 letters)
11. To Harold and Barbara Pevey regarding building permit refund.
12. To Ivan Petric concerning extended telephone calling areas.
13. To Bernie Goldsborough, NARFE, concerning decision-making process at the St. Mary's Nursing Center.
14. Various letters to individuals regarding Agricultural Preservation and RFP sections of the Draft Comprehensive Land Use Plan.
 - a. Carol Wathen
 - b. Timothy Matthews
15. To Roger Levitan regarding the Draft Comprehensive Land Use Plan and Greens Rest Farm.
16. To Nicole Green concerning work release privilege revocation at Detention Center.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Consent Agenda with the exception of Letter No. 3 to Vernon Gray. Motion carried.

Commissioner Brugman moved, seconded by Commissioner Jarboe, that the letter to Mr. Gray be revised to indicate that the subject of a public/private partnership for a shooting range could be discussed during the upcoming budget discussions and further that the revised letter refer to other facilities such as Big Foot Hunt Club.

COUNTY ADMINISTRATOR'S ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Somerville Purchase of Clements Landfill Property

As a follow up to previous discussions regarding the request from Louise Somerville to purchase county land adjacent to the St. Clements Landfill, the County Administrator requested direction on how to proceed.

After discussion the Commissioners gave their concurrence to schedule a public hearing on the sale of the property.

2. Correspondence to Board of Appeals Quasi-Judicial Public Hearings

The County Administrator presented correspondence addressed to the Board of Appeals members complimenting them on the new procedures for conducting quasi-judicial public hearing which has improved the performance of the Board of Appeals.

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

3. Office of Central Services Rural Transit Assistance Grant Agreement

(Project Description: Operating assistance for rural area public transportation for St. Mary's County; Net Project Costs : \$129,076; Federal Share: \$32,325; State Share: \$64,394; Local Share: \$32,357)

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

**4. Department of Public Works Items
Cedar Cove Farm Subdivision, Sections 1,2, and 3**

- a. Road Deeds
- * Cedar View Court - Part One of Two
 - * Cedar View Court - Part Two of Two
 - * Old Village Road - Part One of One
 - * Cedar Grove Street
 - * Hidden Pond Court - Part One of Two
 - * Hidden Pond Court - Part Two of Two

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

- b. Road Resolutions
- * Posting Cedar Grove Street, Hidden Pond Court, and Cedar View Court at 15 miles per hour.
 - * Designating the following as Stop Streets:
 - Cedar Cove Street at its intersection with Old Village Road;
 - Cedar Cove Street at its intersection with Hidden Pond Court;
 - Cedar View Court at its intersection with Old Village Road.

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

**6. Signing of Check Register
Week of November 11, 1997**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Check Register for the week of November 11 in that it is Veterans' Day Holiday. Motion carried.

**ST. MARY'S COUNTY HEALTH DEPARTMENT
FOOD POISONING OUTBREAK**

Present: Dr. Ebenezer Israel, County Health Officer

Dr. Israel appeared before the Commissioners to announce that there has been a food poisoning outbreak which the Health Department believes was from a local dinner. A number of people have been seen at the Emergency Room with gastro-intestinal discomfort, all who had attended this dinner.

Later in the meeting Dr. Israel and Ms. Novotny from the St. Mary's County Health Department, presented an Information Release advising that an investigation has begun of the outbreak of food borne illness by individuals who attended a dinner at Our Lady of the Wayside in Chaptico on Sunday, November 2.

COUNTY COMMISSIONERS' TIME

American Heart Association Heart Walk

Commissioner Thompson advised that on Saturday, October 4 a number of county employees, a large number from the Department of Public Works, participated in the American Heart Association Heart Walk and raised a total of \$1,764. Plans are underway for next year's walk.

Community Survey

Commissioner Thompson referred to the memorandum from the County Administrator regarding a meeting on November 7 with selected individuals regarding the public opinion survey. She indicated that not all department heads had been included, and that she believed they should be in attendance to give input.

Press Release from Governor

Commissioner Thompson referred to an Information Release regarding the funding for the preservation of the Aviation History Museum in St. Mary's County and that it includes a quote from her. She pointed out that no one asked for her approval that it be included and requested that this does not happen again.

Claudia Pickeral Rally

Commissioner Jarboe advised that because of the rain, the fundraising Antique Car and Motorcycle Rally for Claudia Pickeral has been rescheduled for Saturday, November 8 at 12:00 Noon at Leonardtown High School. He stated that he has acquired a 1972 Station Wagon for the event.

**DEPARTMENT OF NATURAL RESOURCES
DERELICT BOAT REMOVAL PROGRAM**

Present: Debbie O'Dea, DNR State Police
 Rick Coalla, Program Open Space
 Dan Ichniowski, Director, DPW
 Phil Rollins, Director, Recreation and Parks

Representatives of the Department of Natural Resources appeared before the Commissioners to explain the changes in the State's Derelict Boat Program including the various participation levels for the removal of boats in the waterways of St. Mary's County. Mr. Coalla explained the reorganization of the Derelict Boat Removal Program which is now under the responsibility of the Natural Resources Police. The funding participation levels include: Full Participation (local jurisdictions identify problems, sends out letters/notices advising what boats need to be removed, removal or contracts for removal, and provides maximum funding priority of \$30,000); Partial Participation (DNR Police identify abandoned vessels/debris, sends out letters/notices, and provides standard funding priority up to \$30,000); Limited Participation (Same as full participation but applies only to publicly owned facilities, and provides standard funding priority); and No Participation (provides limited funding priority).

Areas of discussion included a sunken vessel in St. George's Island Creek; funding issues; three other locations of sunken vessels (St. Clements Bay, Cuckold Creek, and St. Inigoes Creek); and level of the County's participation.

In conclusion the Commissioners agreed to direct staff (Director of Public Works and Director of Recreation and Parks) to develop recommendations for the county's level of participation

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director

As a follow up to the October 21, 1997 public hearings, the Commissioners took the following actions:

Ordinance No. Z97-07

ZPUD #97-0727 - Patuxent Radios Partners

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Ordinance No. Z97-07 approving the application and Development Plan Report for the Patuxent Radio Partners Planned Unit Development. Motion carried.

Ordinance No. Z97-08

SPEC #95-1914 - Dick's RV

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign Ordinance No. Z97-08 approving the zoning text amendment to permit recreational vehicle sales, new and used, within the I-1 zoning district, and further amending Table 2.2 of the Zoning Ordinance to add this unspecified use. Motion carried.

BRUBACHER SUBDIVISION

Present: Steve Norman, Assistant County Attorney

Mr. Norman appeared before the Commissioners to advise of a situation relative to a small portion of the County's right-of-way at the end of Waterside Drive, Brubacher Subdivision in Medley's Neck. Mr. Norman explained that Mr. Windolph owner of the property was rebuilding his home that was destroyed by fire, and after a complaint from a neighbor learned that the house was being built on the county's right-of-way. The Department of Planning and Zoning has issued a *stop work order*. Mr. Norman explained the history of the conveyances of the property and pointed out that the last 45 feet of the County's right-of-way no longer serves any public purpose.

In conclusion Mr. Norman requested approval from the Commissioners to proceed with a public hearing to dispose of this surplus property, which has been valued at \$300, through a quit claim deed after the public hearing.

Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize proceeding with a public hearing as requested. Motion carried.

ABANDONMENT OF A PORTION OF MILLSTONE LANDING ROAD

Present: Douglas Durkin, County Attorney

As a follow up to the public hearing and continuation of the hearing, the Commissioners commenced discussion on whether or not to approve the abandonment of Millstone Landing Road.

Areas of discussion included a letter from Bill McCarthy recommending a compromise of drawing up a covenant to all the deeds that guarantees access to emergency vehicles, non-vehicular traffic, etc., in perpetuity; the donation of land by a property owner to provide a turnaround (which would still not address the issue of giving access to people in Esperanza Farms); and the possibility of abandoning the portion from the bridge road to the Navy gate.

After discussion the Commissioners requested the County Attorney to work out a possible compromise with the property owners requesting the abandonment, and the Commissioners will continue discussion/decision on Thursday, November 13.

Later in the meeting County Attorney Durkin indicated that he had spoken with Mr. Daugherty, who represents various property owners, and Mr. Daugherty indicated that two of his clients were not in favor of granting an easement. With regard to the turnaround proposal, this will have to be investigated by the Department of Public Works.

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser, 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 three to two with Commissioners Brugman and Jarboe voting against.

Personnel (Boards, Committees and Commissions)

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

Authority: Article 24, Section 4-210(a)1
Time Held: 4:00 p.m. - 4:12 p.m.

Action Taken: The Commissioners reviewed the "Terms to Expire December 31, 1997" Status Sheet and gave direction to staff. In addition the Commissioners discussed the possibility of combining two boards and agreed to take action in open session.

Commissioner Brugman moved, seconded by Commissioner Chesser, to direct staff to draft a letter to Recreation and Parks requesting that the R&P Board take up discussion of possibility combining the Wicomico Recreation Complex with the R&P Board. Motion carried.

ADJOURNMENT

The meeting adjourned at

**Minutes Approved by Board of
County Commissioners on 11/18/97**

Judith A. Spalding
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Recording Secretary