

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
November 18, 1997**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Judy Pedersen, Public Information Officer
Mary M. Langley, Recording Secretary

CALL TO ORDER

The meeting was called to order at 1:10 p.m. (The Commissioners attended the dedication of the newly renovated Tri-County Youth Services Bureau in Charlotte Hall at 11:00 a.m.)

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, November 4, 1997 as corrected and Thursday, November 13, as corrected. 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 Thompson noted that two items needed to be added to the agenda as a follow up from the November 13, 1997 meeting: Millstone Landing Road (resolution and easement documents), and the Meredith property drug forfeiture. Also requested was the addition of the Articles of Incorporation for the Local Management Board and an executive session pertaining to the upcoming vacancy in the Department of Public Works.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the agenda as amended. Motion carried.

Commissioner Thompson noted that items 1, 2 and 3 listed for the Department of Planning and Zoning should have been identified as Public Hearings (item 3 was not a follow-up to a public hearing).

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence to:

1. Executive Director of United Cerebral Palsy of So. Md. regarding request for resolution supporting the establishment of a Home Health Training Program.
2. ~~President Clinton supporting the inclusion of the Potomac River in the American Heritage Rivers Initiative.~~
3. ~~Delegate Thomas Hutchins regarding his proposal to support students seeking Criminal Justice education pathways.~~

4. County Employees expressing appreciation for response to request for leave through the Leave Bank Donation Program.
5. Alma Murphy regarding Myrtle Point Park.
6. ~~Oran Wilkerson concerning the sound systems in the Carter State Office Building and the Governmental Center.~~
7. President of Sanner's Lake Sportsman Club concerning a joint-use shooting facility.
8. *To various individuals regarding the proposal to abandon Millstone Landing Road.
 1. Richard & Agnes Bean
 2. Ann Kaplan
 3. Jeffrey J. Taylor
 4. Bill McCarthy
9. Various letters to individuals concerning the Draft Comprehensive Land Use Plan
 1. ~~Allie Bursey~~
 2. William Mehaffey
 3. ~~Suburban MD Building Industry Assn.~~
 4. Karl Bryan
 5. Herman Wood, Jr.
 6. Glenn Woods
 7. Joseph Meinert
 8. Philip Dorsey, Esquire
 9. ~~Potomac River Association~~
10. ~~Fran Schmalgemeyer concerning growth in St. Mary's County.~~

It was noted that items 8a-d needed to be redrafted in view of the correction to the November 13, 1997 minutes. Commissioner Thompson requested that items 3, 6, 9a, 9c, 9i, 10 be redrafted. Commissioner Jarboe requested that 9a be pulled and that the redrafted letter address the correspondent's concern relative to the absence of an annual review of the zoning ordinance. Commissioner Brugman noted that item 2 stated the Commissioners' supported the American Heritage Rivers Initiative and requested that the Commissioners be provided background information on the Initiative for consideration.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve items 1, 4, 5, 7, 8a-d with text amendments and 9b,d,e,f,g,h on the Consent Agenda. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Judy Pedersen, Public Information Officer

1. **Draft Agenda for November 25, 1997**
2. **Calendar of Events**
3. **Grant Documents**
 - a. **Office on Aging, Grant Agreements**
 - (1) Senior Health Insurance Counseling Program
(State Funding - \$3,000)
 - (2) Older American Act Grants - Titles IIIB, IIIC-1, C-2, IIID and IIIF
(Federal Funding - \$78,353; County Funds - \$9,324)

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

- b. **Marcey House, Walden Counseling Center, and Sierra House**
 Modification to Memorandum of Understanding - Supplemental Award (\$35,350)
 Alcohol and Drug Abuse Prevention Program
 (1) Standard Modification Form (2 originals)
 (2) Letter to Alcohol & Drug Abuse Administration forwarding signed copies of the MOU for FY '98.

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

4. Office of Community Services
 Maryland HotSpot Communities Grant Agreements
 (1) Bryne Award, \$23,000 - Office of Community Services (3 documents)
 (2) Community Mobilization, \$5,000 (1 document)
 (3) Letter to Governor=s Office forwarding grant award agreements

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

5. MCI Systemhouse Update
 Also Present: Jim Dundas, Account Executive
 Ted Rainer, Manager System Integration
 Mike Leaf, Project Manager

Mr. Dundas indicated that MCI is working on the assessment phase for the past 6 weeks and have some preliminary findings concerning the county's telephone infrastructure. A collateral benefit of the assessment of emergency lines was the discovery that the county had in excess of 800 centrex telephone lines--county staff is currently determining what lines are idle. A private branch exchange could save the county money. MCI is also working with staff on plans for a facility.

The second phase, which will begin shortly, involves a 3-facet cost model process: costing out how much the county would pay to (1) perpetuate current system, (2) attempt an upgrade of the current system, and (3) outsource.

A preliminary review of the radio assessment indicates that a conventional system is more than adequate to serve St. Mary=s compared to a trunk system which is more expensive. A determination as to the frequencies recommended will depend upon FCC approvals. A final plan will be ready in the next few weeks, and MCI will be back to make a presentation.

6. **Board of Education, Budget Amendment**
(\$120,564.72) from new grants and revolving fund award not included in the approved operating budget for FY 1998. Request for approval of a budget amendment to provide an increase in revenue

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign correspondence to the President of the St. Mary's County Board of Education granting the Budget Amendment request. Motion carried.

7. **Budget Amendment #98-12, County Commissioners**
To transfer funds (\$2,812) from Reserve to cover county's FY 98 'share of the operation and data management of core groundwater observation well network in St. Mary's County per agreement with Maryland Department of Natural Resources/MD Geological Survey.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-12. Motion carried.

8. **Community Service Day, Office of Community Services**
Letter to volunteers expressing appreciation for participation in St. Mary's County Ninth Annual Community Service Day on October 25, 1997.

Commissioner Jarboe moved, seconded by Commissioner Chesser to approve and sign correspondence to the Community Service Day volunteers as presented. Motion carried.

9. **FY 1999 Budget Instructions**
Instructions for Volunteer Fire, Ambulance and Rescue Companies.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign the cover letter transmitting FY99 budget instructions for volunteer fire, ambulance and rescue companies. Motion carried.

Commissioner Thompson noted that staff has been working with the Emergency Services Committee on this matter, and that this document formalizes the processes already in place and standardizes the format of budgetary requests.

10. **MACo Legislative Committee Nominations - Calendar Year 1998**
Commissioners to select nominee and alternate to serve on MACo's Legislative Committee. (Session meetings are held in Annapolis every Wednesday morning during the regular General Assembly Session and periodically thereafter.)

Commissioner Jarboe moved, seconded by Commissioner Eagan, that Commissioner Brugman continue to serve as the county's nominee on the Legislative Committee during the calendar year of 1998. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Jarboe, that Commissioner Thompson continue to serve as the county's alternate nominee on the Legislative Committee during the calendar year of 1998. Motion carried.

11. **Calendar Year 1998 Legal Holiday Schedule**
Department of Human Resources requesting approval of the 1998 holiday schedule for St. Mary's Government.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the Legal Holiday Schedule for the Calendar Year of 1998. Motion carried.

12. **Reward Fund, State's Attorney**
State's Attorney requesting the establishment of a revolving reward fund (\$2,500) to lend assistance to unsolved homicides without closure after six months, utilizing funds collected from offenders.

Commissioner Thompson requested additional information, noting that the Sheriff's Crime Solver Program is in place. She requested that the Sheriff and State's Attorney be asked if the programs can be combined.

13. **Bylaws, Cable Advisory Committee**

Cable Advisory Committee requesting the Commissioners' approval of revised bylaws.

Motion was made by Commissioner Eagan, seconded by Commissioner Jarboe, to approve the revised bylaws as submitted. Motion failed, 0-5.

During discussion of the motion, Commissioner Brugman inquired as to what spurred the changes which take away the committee's function of reviewing complaints and recommending possible improvements in general categories of programming. It was requested that the committee provide correspondence explaining the reasons for the requested changes.

14. **Myrtle Point Park Master Plan**

Department of Recreation and Parks (DRP) requesting Commissioners' concurrence regarding list of amenities/facilities recommended by the Recreation and Parks Board for consideration in the development of the Myrtle Point Park master plan as forwarded by memorandums of September 5 and September 26.

Also Present: Phil Rollins, Director, DRP

Mr. Rollins noted that the Planning Commission met with members of the Recreation & Parks Board on October 20, 1997 to discuss the recommendations and that their comments have been provided.

Commissioner Jarboe stated that he was concerned with the lack of water access for boating in the county and that the recommendation for a boat ramp should not discriminate between power and non-power boats. He noted that power boats help fund public boat ramps through a portion of the gas tax collected.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the entire list of recommendations provided by the Recreation and Parks Board, including the addendum list of amenities, and adding to that list a boat ramp to include motorized boats and fields or baseball/softball. Motion carried 3-2, with Commissioners Thompson and Chesser opposed.

During discussion of the motion Commissioner Chesser requested that both recommendations for a boat ramp with power boats included and excluded be forwarded to the consultants for their determination as to viability. Commissioner Thompson stated she was opposed to taking action on the recommendations as the Commissioners did not know they were being discussed during the County Administrator's time until Monday afternoon and did not have time for preparation.

THE REMAINDER OF THE COUNTY ADMINISTRATOR'S ITEMS WERE DEFERRED TO A LATER POINT IN THE MEETING, BUT ARE LISTED HERE FOR CONTINUITY.

15. **Department of Public Works Documents**a. **Public Works Agreements**

COMMISSIONER EAGAN LEFT THE MEETING AT THIS POINT.

- (1) Shannon Run Subdivision, 5th Election District; backed by a Letter of Credit in the amount of \$27,200 provided by First National Bank of St. Mary's.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Thompson to sign the Public Works Agreement as presented. Motion carried 4-0 with Commissioner Eagan absent.

- (2) Chestnut Hills Subdivision, Section 6, 2nd Election District; backed by a Letter of Credit in the amount of \$350,600 provided by Crestar Bank.

Commissioner Chesser, seconded by Commissioner Brugman, to approve and authorize Commissioner President Thompson to sign the Public Works Agreement as presented. Motion carried 4-0 with Commissioner Eagan absent.

2. **Claim Letters**

- (1) Breton Bay PUD Subdivision, 3rd Election District; backed by a Letter of Credit in the amount of \$73,000 provided by Signet Bank.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner President Thompson to sign the Claim Letter as presented. Motion carried 4-0 with Commissioner Eagan absent.

- (2) Stallman Subdivision, 8th Election District; backed by a Letter of Credit in the amount of \$82,500 provided by the First National Bank of St. Mary's.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner President Thompson to sign the Claim Letter as presented. Motion carried 4-0 with Commissioner Eagan absent.

- (3) Breton Bay Landings Subdivision, 3rd Election District; backed by a Letter of Credit in the amount of \$17,000 provided by First National Bank of St. Mary's.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner President Thompson to sign the Claim Letter as presented. Motion carried 4-0 with Commissioner Eagan absent.

AT THIS POINT COMMISSIONER EAGAN RE-ENTERED THE MEETING.

3. **Road Deeds**

- (1) For extension of Shannon Court, located in the Lockes Creek Estate Subdivision, 5th Election District.
- (2) For extension of Amber Drive, located in the Hickory Hills North Subdivision, 8th Election District.
- (3) For Packer Court, located in the Trapp Hall Subdivision, 1st Election District.

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

4. **Traffic Resolutions**

- (1) No. 97-36 establishing a 40 mile per hour speed limit on Indian Bridge Road, County Route 30232, 8th Election District.
- (2) No. 97-37 establishing a 25 mph speed limit for Shannon Court, County Route 31214, located in the Lockes Creek Estates Subdivision, 5th Election District.
- (3) No. 97-38 establishing a 25 mph speed limit for Packer Court, County Route 31246, located in the Trapp Hall Estates Subdivision, 1st Election District.
- (4) No. 97-39 establishing a traffic control device (Stop sign) at the intersection of Packer Court (located in the Trapp Hall Estates Subdivision, 1st Election District) and MD Route 5.

- (5) No. 97-40 establishing a 25 mph speed limit for Amber Drive, County Route 30924, located in the Hickory Hills North Subdivision, 8th Election District.

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

16. **Colton Endowment Senior Housing Project Request For Proposals (RFP)**
Requesting Commissioners concurrence to release prepared RFP.

Commissioner Eagan stated that the Commissioners had previously indicated that they would exclusively comprise the Technical Evaluation Committee (TEC) to evaluate the proposals received. The RFP indicates that the TEC would evaluate the proposals and made a recommendation to the Commissioners.

The RFP will be amended and re-presented to the Commissioners for approval.

17. **Draft Ordinance, St. Mary's County Electrical Code**
Department of Planning and Zoning requesting Commissioners' authorization to conduct a public hearing concerning a draft ordinance adopting the 1996 National Electrical Code along with amended local provisions of the county's electrical code as recommended by the Board of Electrical Examiners.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to direct staff to schedule a public hearing concerning the proposed ordinance. Motion carried.

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

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

	<u>Terms to Expire</u>
<u>Agriculture/Seafood Commission</u>	
William Lyon (reappointment)	12/31/2000
<u>Agriculture Preservation Advisory Board</u>	
James Conrad (reappointment)	12/31/2002
<u>Commission on the Environment</u>	
Nancy P. Smith (reappointment)	12/31/2001
<u>Community Health Advisory Board</u>	
Joseph M. Gough, Jr. (reappointment)	12/31/2000
George Roberson (reappointment)	12/31/2000
<u>Development Review Forum</u>	
James B. Beavan, Sr. (reappointment)	12/31/2000
Wayne M. Davis (reappointment)	12/31/2000
Herb Redmond, Jr. (reappointment)	12/31/2000
<u>Family Assistance Center Advisory Committee</u>	
Dennis L. Nicholson (reappointment)	12/31/2000
<u>Marcey House Board</u>	
Samuel C. P. Baldwin, Jr. (reappointment)	12/31/2000
<u>Zoning Board of Appeals</u>	
Joseph S. Scriber	12/31/99/2003

CHAPTICO WHARF PUBLIC LANDING/YOWAISKI PROPERTIES

Department of Recreation and Parks requesting Commissioners' approval of a boundary line adjustment plat for the county's Chaptico Wharf property.

Present: Phil Rollins, Director of Department of Recreation and Parks

Mr. Rollins noted that during the preparation of a plat showing the boundaries of the Chaptico Wharf property, as required by the sea wall refurbishment project, it was discovered that the deeds to the county property and the adjoining property showed conflicting legal descriptions related to the property line. The property owner, Jane Yowaiski, is preparing to sell her property and is agreeable to the establishment of a mutual boundary line. The adjustment will provide sufficient county property to enable access to a garage and stoop located on the Yowaiski property in exchange for an approximately 50 - 75 foot wide swatch of property on the seawall side. Mr. Rollins indicated that although the seawall is deteriorating, it can be included in the Chaptico Wharf seawall project which is funded through the Waterway Improvement Program.

Commissioners Jarboe and Chesser requested that the matter be deferred to next week to allow opportunity for them to visit the site to see the actual property, noting that the Commissioners did not receive the plats until Tuesday morning and did not have time to investigate.

**PUBLIC HEARINGS
DEPARTMENT OF PLANNING AND ZONING**

(All Commissioners were present. DPZ staff present were Jon Grimm, Director; Jeffrey Jackman, Senior Planner; and Peggy Childs, Recording Secretary. Larry Petty, Director of MetComm, was also in attendance.)

ALPD #97-1937, William D. Boyd II and Carmel O. Boyd

Requesting approval of Agricultural Land Preservation District and Sale of Development Rights Easement. TM17, Blk 11, P 34/135.

Also Present: Donna Sasscer, Agr/Seafood Development Coordinator

Legal Ad published for all 3 public hearings in The Enterprise on 10/29/97 and 11/5/97.

This property totals 177 acres, exceeding the 100-acre minimum requirement by 77 acres. In addition, 67% of soils are Class I, II, or III, exceeding the 50% requirement by 17%. The ALPD Advisory Board reviewed the application and recommended approval on August 6, 1997. On October 6, 1997, the Planning Commission recommended approval to the Board of County Commissioners, based on the following criteria:

- (1) The property meets State program criteria for establishing the ALPD District and for easement sale.
- (2) Agricultural preservation and preserving rural character are major components of the Comprehensive Plan.
- (3) The property is a productive farm.

Commissioner Thompson opened the hearing to public comment. Hearing none, Commissioner Jarboe moved for approval of the district and the sale of development rights as requested. Seconded by Commissioner Eagan; motion carried.

ZONING ORDINANCE AMENDMENT - ANIMAL SHELTERS

Text Amendment to define "Animal Shelters," to add this use to the Table of Uses 2.5, and to provide Performance Standards under Section 53.27.

This amendment to the Ordinance was prepared in response to the County Commissioners' direction of August 12, 1997. Under the amendment "Animal Shelters" would be defined under Article 8 as a conditional use in the RPD, RTC, RVC and RL zones, and as a permitted use in the Commercial and I-1 zoning districts, subject to the performance standards delineated in the 11/18/97 Memorandum/Staff Report.

"Animal Shelters" would be defined as "a facility for the rescue, short-term boarding, rehabilitation and adoption of five or more injured, lost, or surrendered domesticated animals." Commissioner Chesser asked if an "Animal Shelter" could be converted to an "Animal Control Facility?" Mr. Grimm replied that it could. Commissioner Thompson asked how the 6-acre minimum tract size came about? Mr. Grimm replied that 6 acres is required to provide a building envelope and the 200 ft. setbacks proposed.

3. Comprehensive Water and Sewer Plan Amendment (Shared Facilities)**CWSP Provision for Shared Sewerage Facilities****CWSP #96-2300 - Bay Forest Subdivision**

This amendment to the Comprehensive Water & Sewerage Plan grew out of a request by the developer of Bay Forest Subdivision to provide a private sewerage system for his development. The CWSP currently contains language prohibiting shared systems for more than 6 EDUs; this amendment would remove that language and allow shared sewerage facilities in the RPD for proposals with specific criteria and under certain conditions. Precedents for allowing larger shared systems include the Airedele Road system in the First District, which serves 75 EDUs, and the St. Winifred's subdivision in the 7th District, which serves 17 EDUs.

The proposal was developed with specific input from Environmental Health, MetComm, Dept. of Law, DPZ and the Planning Commission. After holding a public hearing on 9/22/97, the Planning Commission voted on 10/6/97 to recommend approval of the proposal, as finalized in the 11/9/97 Staff Report. The proposal removes the 6 EDU cap, which exceeds the state requirement, but requires concept subdivision approval or health department citation of a failing septic system as a prerequisite for approval. This is an existing requirement for submission of CWSP amendments. It also requires that the proposed facility be located on the same parcel as the dwelling units to be served and that off-site systems only be allowed for failed septic systems. The shared facility for Bay Forest could be approved under this proposal because the property is, essentially, the same tract of land under the same ownership.

MetComm has requested one minor change - that Section 1.2.7.B(3) be changed to reflect that "... repairs be effected *'if'* provided for in a recorded agreement between affected property owners and the controlling authority."

Commissioner Eagan expressed a strong concern that off-site systems may only be allowed to correct failing systems. Mr. Grimm explained that there were concerns regarding the separation of the off-site facilities and the possible impact on the RPD; i.e., that the facility may open up new areas for growth in the area where it is located.

The hearing was opened to public comment, however no comments were received. There is no requirement for a 10-day written comment period in this case and Mr. Grimm advised that a decision could be made today, if the Commissioners choose. Commissioner Eagan again stated she has a problem with only allowing off-site facilities to correct failing systems.

Commissioner Brugman made a motion for approval of the shared facilities proposal, including the change to paragraph 1.2.7.B(3) as requested by MetComm. Commissioner Jarboe seconded.

Commissioner Eagan stated that she would vote in favor of the motion only because she is in favor of off-site sewer, but she believes when you have failed septic systems and other areas which don't have failed septic systems because there is no septic system, you're defeating your purpose.

Motion carried 5-0.

DISCUSSION/DECISION

Lexington Park - Tulagi Place Master Plan

Commissioner Brugman left the room and did not participate in this discussion.

During the discussion of October 21st, two questions were raised by the Commissioners: (1) Whether the provision for sidewalks conflicts with the current Comprehensive Plan Update; and (2) Whether underground utilities will be provided in the widening of Route 235. In his memorandum of 11/13/97, Mr. Grimm advises that there is no conflict regarding the provision of sidewalks; they are required by the Road Ordinance along all new urban section roads and encouraged in redevelopment areas and in areas not served by an urban street system. Secondly, SHA policy dictates that utilities not be placed underground because the cost is prohibitive (8 times the cost of overhead utilities).

Commissioner Eagan noted the provision for signage on page 51, which says that incentives should be used to encourage voluntary participation of businesses to make signs more attractive. She said she has heard of cases where the Planning Commission "negotiated" with developers to provide monument signs, and believes we shouldn't say we're going to provide incentives to make signs more attractive and then have the Planning Commission "negotiate" with the developer to provide them. If it is not spelled out in black-and-white, Ms. Eagan said it should not be required. Commissioner Thompson noted that incentives are *not* black-and-white requirements and the Commissioners wanted that flexibility. Commissioner Eagan responded it depends on whether you hold it up as blackmail or whether you hold it up as an incentive. Commissioner Chesser added that pyramid (monument) signs are not acceptable with every type of structure and location and the Planning Commission should have the wisdom to go with what is appropriate for that location.

Commissioner Chesser moved to remand the Lexington Park - Tulagi Place Master Plan to the Planning Commission for review of the changes as requested by the Commissioners. The motion was seconded by Commissioner Eagan.

Commissioner Jarboe and Commissioner Eagan asked about the rezoning requests which were submitted for consideration during the Comprehensive Plan Update; their concerns being the Allie Bursey request and the petition for Commercial zoning on the northbound side of Route 235 from Town Creek Drive to Route 4. Commissioner Jarboe stated he would not vote on the motion for the Tulagi Plan until the rezonings are done. Mr. Grimm replied that the Planning Commission is reviewing the rezoning requests, and will make a recommendation to the Board of County Commissioners following its recommendation on the Comprehensive Plan Update, in approximately 3-8 weeks.

Commissioner Thompson called for the vote on the motion to remand the Tulagi Plan to the Planning Commission with the requested changes, which passed by a vote of 3-1. Commissioner Jarboe voted against the motion; Commissioner Brugman was not present.

COUNTY COMMISSIONERS' TIME

Nursing Center Audit Report

Commissioner Chesser indicated that he would like to see finalization of the Nursing Center Audit. He stated he is concerned with reports of declining care at the facility and would like to see the shortcomings identified in the audit addressed. He stated that he personally had no problem with releasing the draft audit. Commissioner Chesser asked the County Attorney, who was present, to state his opinion on releasing the draft legal audit; Mr. Durkin indicated that his opinion was the same as he had provided him in writing. The Board as a whole may chose to disregard their attorney's advice on the release of the draft, but not individually.

Commissioner Thompson requested that the item be added to the Pending List, noting that the RFP went out in October 1996 and a year later nothing has been resolved. Mr. Durkin indicated that the legal auditors have additional information they are working on. Commissioner Thompson inquired as to a time element in the RFP; Mr. Durkin stated that there were none requested as it was recognized going into it that the time element involved would depend on the issues the consultants came across.

Annual Rezoning Process

Commissioner Jarboe stated that Mr. Grimm had indicated that the annual rezoning process was 22 months behind because he had been advised by the County Attorney against doing the rezoning before the Comprehensive Land Use Plan (CLUP) was finalized. Mr. Durkin stated that his advice to Mr. Grimm pertained to three different subject areas. His concern was related to piece-meal rezoning (subject to change or mistake rule), which is different than comprehensive rezoning (which the County Commissioners have legislative and discretionary authority to approve). Both are subject to different rules and cannot be mixed together. Piece-meal rezoning can only be done based upon change or mistake. That is why the rezoning request for Olde Breton Inn was denied by the Commissioners and the decision upheld by the Circuit Court. The third part pertained to procedural matters that occurred in Olde Breton Inn case. Mr. Grimm was not advised to terminate the annual review process, but only to follow change or mistake rules and to follow proper rezoning procedures.

Management Information Systems

Commissioner Thompson requested that the Information Systems Manager be scheduled to present an update, specifically as it relates to the mechanization of Planning and Zoning.

FDR Boulevard

Commissioner Thompson requested that the topic of FDR Boulevard be included on the pending item list.

Commissioner Eagan inquired as to whether the State would be funding the construction of FDR Boulevard. If it is not, the Commissioners need to decide what action is necessary and requested that a letter be sent to the Infrastructure Committee to see if they can assist in this matter. Mr. Durkin advised that the language in the draft Memorandum of Understanding (MOU) with the State refers to the road as a county road. Concerning the status of the MOU, the County Attorney provided a chronology of events, indicating that they are awaiting response from the State.

FOOD HANDLING GUIDEBOOK COOPERATIVE EXTENSION SERVICE

Present: Jean Dean, Director

Ms. Dean advised of the Food Handling Safety Workshop being sponsored by the Cooperative Extension Service. It is being held in the five Southern Maryland Counties and is coming to St. Mary's County in February. The \$5 fee covers the cost of printed materials.

PENDING LIST

Discussion of the Pending List items was deferred to the Board's next meeting.

ARTICLES OF INCORPORATION, LOCAL MANAGEMENT BOARD

Present: Doug Durkin, County Attorney
Also Present: Alexis Zoss, Assistant Director of Dept. of Social Services
Nancy Luginbill, St. Mary's County Health Department

Mr. Durkin indicated that on November 4 the Commissioners voted to have the Local Management Board (LMB) become a non-profit corporation and offered the assistance of county staff to make that happen. As the LMB needs to be a legal corporation in order to execute a Memorandum of Understanding with the state, his office expedited the drafting of the Articles of Incorporation to allow them to meet a state deadline related to release of funds used for salaries.

As directed by the Commissioners, he has listed the County Attorney, County Administrator and Director of Finance as incorporators and directors. He stated that once the Articles are approved by the state they can be amended by the corporation's bylaws which would specify who the elected directors would be and does not require state approval.

Ms. Zoss and Luginbill, representing the LMB, expressed appreciation for the County Attorney's assistance but stated the swiftness did not provide them with an opportunity for sufficient review and input. The County Attorney requested that his name be removed from the Articles of Incorporation.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Articles of Incorporation, removing the County Attorney as an incorporator and director and substituting Ella May Russell. During discussion of the motion, it was learned that Ella May Russell would not be available to sign the Articles. **Commissioner Brugman moved, seconded by Commissioner Jarboe, to amend the original motion to substitute Alexis Zoss for Ella May Russell as the third incorporator and director. The amendment to the main motion carried; the amended motion carried.**

MEREDITH PROPERTY DRUG FORFEITURE

Discussion was deferred to the Commissioners' next meeting on November 25, 1997.

MILLSTONE LANDING ROAD ABANDONMENT

Present: Doug Durkin, County Attorney

Mr. Durkin indicated that on November 13, 1997 the Commissioners voted to abandon a portion of Millstone Landing Road and asked his office to work with Mr. Tom Daugherty in developing two easements for property donated by Mr. Daugherty--an easement for a turn-around and an easement for pedestrian use during day-light hours.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 97-45 for the abandonment of a portion of Millstone Landing Road with an effective date of November 13, 1997 and adoption date of November 18, and the two easements providing a vehicular turn-around and access by pedestrians. Motion carried 4-1 with Commissioner Brugman opposed.

Mr. Brugman stated his reasons for voting against were the same as provided at the November 13 meeting--he felt there was still a viable public use for the entire road, and that the Navy would prefer the county maintain it as a public road.

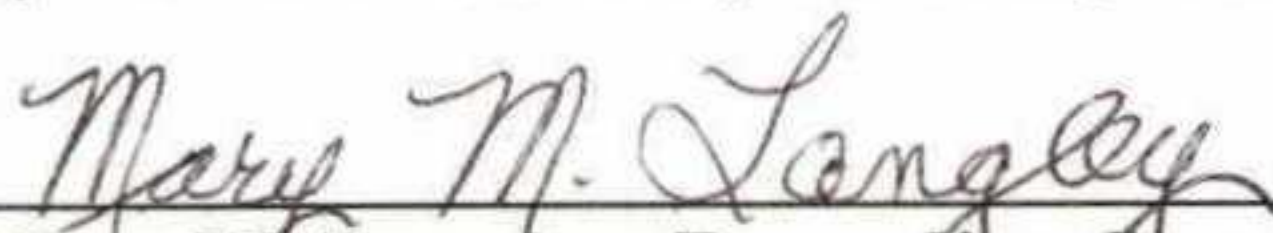
EXECUTIVE SESSIONS

The executive sessions on personnel (consideration of appointments to boards, committees, commissions and the upcoming vacancy in the Department of Public Works) were deferred to the Commissioners' meeting of November 25, 1997.

ADJOURNMENT

The meeting adjourned at 5:30 p.m.

**Minutes Approved on 11/25/97
by Board of St. Mary's County Commissioners**


Mary M. Langley, Recording Secretary