

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
January 6, 1998**

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

**COMMUNITY HOTSPOTS RIBBON CUTTING**

The Commissioners attended the Community HotSpots Ribbon Cutting at Patuxent Woods.

**CALL TO ORDER**

The meeting was called to order at 1:05 p.m.

**APPROVAL OF MINUTES**

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

**APPROVAL OF CHECK REGISTER**

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

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Brugman moved, seconded by Commissioner Eagan, to accept the agenda with the following amendments: to move the executive sessions to 2:05 p.m.; to add an executive session on potential litigation. Motion carried.

**CONSENT AGENDA**

**Correspondence:**

1. Tracy DeLozier regarding her concerns over area racetracks.
2. President of Board of Library Trustees regarding possible inclusion of library facilities at the new Naval Air Museum.
3. Law Offices of Dorsey & Foley concerning the Callaway Club.
4. Various individuals concerning the Draft Comprehensive Land Use Plan.
  - a. Lori Webb
  - b. Donald Ocker
5. Douglas Duncan concerning county's participation in the Maryland Commission for Celebration 2000.
6. St. Mary's Chamber of Commerce regarding upcoming State of the County presentation set for January 15, 1998. (BRT)

7. Jocelyn Fenwick regarding her participation in "A Presidential Classroom for Young Americans" program.
8. Oran Wilkerson concerning the sound systems in the Carter State Office Building and the Governmental Center.
9. Various letters to seventh-grade teacher and students at Father Andrew White School concerning proposed development of First Colony.
  - a. Mrs. Thorton, teacher
  - b. Tom Raley
  - c. Katie Sidorowicz
  - d. Jenna Mozingo
  - e. Lauren Brown
  - f. John Greely  
Amy Ammann  
Jenny Hall  
Dipal Desai  
Jessie Carter  
Tony McAloon
  - g. Andrew Courembis  
Scott Slingland  
Ray Knott  
Robert Arony  
Summer Fenwick  
Brandon Bowman
  - h. Adam Russell  
Brian Carroll  
Niket Patel  
John Allen  
Kathleen Cox  
Chris O'Brien
10. Maryland Office of Planning transmitting Review and Recommendation form concerning pre-application of Eastern Shore Rural Development Center for Reducing the Negative Economic Effects of Pfiesteria on Maryland Seafood & Tourism Industries (Project #MD971202-1078).

**Commissioner Jarboe 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. **Department of Public Works Items**
  - a. Mrs. Graves Road (6th Election District)- Road Resolutions
    - (1) No. R97-48 establishing a 30 mph speed
    - (2) No. R97-49 establishing stop street

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Mrs. Graves Road Resolutions. Motion carried.**

- b. Laurel Glen Subdivision, Phase 5, 8th Election District  
Public Works Agreement (backed by Performance Bond in the amount of \$391,400 provided by Fidelity & Deposit Company of Maryland)

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement for Laurel Glen Subdivision. Motion carried.**

- c. Breton Bay Landing Subdivision, 3rd Election District - Coves End Court
    - (1) Road Deed accepting Coves End Court into the County's Maintenance System
    - (2) Road Resolution No. R97-50 establishing stop street
    - (3) Road Resolution No. R97-51 establishing a 25 mph speed limit

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the referenced documents for Coves End Court as presented. Motion carried.**

- d. Whitehall Subdivision, 8th Election District
  - (1) Road Deed for Wickshire Drive, Kenshire Court, and Briarcliffe Court
  - (2) Road Resolution No. R97-52 establishing stop streets
  - (3) Road Resolution No. R97-53 establishing 25 mph speed limits

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

- e. Correspondence to Northern Central Bank calling Irrevocable Letter of Credit in the amount of \$71,300 for road work public works agreement in Stratton Subdivision.

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the correspondence calling the Letter of Credit as presented. Motion carried.**

- 2. **Ordinance No. 98-01**  
**St. Mary's County Electrical Code: Adoption of National Electrical Code 1996**  
(follow up to 12/16/97 public hearing)

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign the Ordinance No. 98-01 as presented. Motion carried.**

- 3. **Resolution No. 98-02**  
**Purchase of Title Insurance**

As a follow up to previous discussion, the County Attorney prepared the referenced Resolution for the Commissioners' consideration.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the referenced Resolution as presented. Motion carried.**

- 4. **St. Mary's Nursing Center - Signature Cards for "Resident Trust Account"**  
(Authorization for Commissioner Thompson and County Administrator Kachmar to sign)

**Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson and County Administrator Kachmar to sign the signature cards for the St. Mary's Nursing Center as presented. Motion carried.**

- 5. **Assistant County Administrator - Position Description**  
(Request for authorization to advertise and hire)

The Commissioners deferred a decision on the request until next week's meeting in order to allow more time for review of the position description.

- 6. **FDR Boulevard Planning Grant Agreement**  
(with Maryland Department of Transportation)

- a. Execution of Grant Agreement
- b. Distribution of Information Release

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign the referenced Grant Agreement and to issue the Information Release as presented. Motion carried.**

During discussion of the motion Commissioner Eagan expressed concern regarding a statement in the document which indicates FDR Boulevard will be "owned and maintained by the County", which may eliminate any possibility of state funding for construction of the road. Commissioner Thompson reiterated Commissioner Eagan's concerns and stated that she hoped the funding issue would remain an open subject.

7. **Information Releases**

- a. Need for Acquisition of Parkland in the Northern part of the County

**The Commissioners gave their concurrence to issue the Information Release as presented.**

- b. Naval Air Test and Evaluation Museum (Receipt of Grant by the Governor for Relocation)

**The Commissioners gave their concurrence to issue the Information Release as presented.**

8. **Public Schools - Administrative Facilities**

The County Administrator advised that the facility the County had been looking into for the Public School's administrative offices has been sold to another party; however, Dr. Richardson has advised that the availability of another building has been brought to the school's attention in the Leonardtown area. Superintendent Richardson has requested the Commissioners' concurrence to pursue a Lease Agreement with the owner of the property.

After discussion the Commissioners gave their concurrence for public school staff to proceed with negotiations.

**PROCLAMATION  
KNIGHTS OF COLUMBUS CHARITY BALL DRIVE**

The Commissioners issued a Proclamation proclaiming January through March as the 38th Annual Southern Maryland Knights of Columbus Charity Ball Drive; the Ball will be held Saturday, May 2.

**EXECUTIVE SESSIONS**

**Commissioner Brugman moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss matters of Personnel (Department of Public Works; Sheriff's Department), and Potential Litigation, as provided for in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.**

**Commissioner Eagan moved, seconded by Commissioner Chessser, 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.**

**Potential Litigation**

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  
Judy Pedersen, Information Officer  
Judith A. Spalding, Recorder

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

Time Held: 2:25 p.m. - 2:30 p.m.

Action Taken: The County Administrator advised the Board of a matter of potential litigation and indicated he would keep them informed.

**Potential Litigation**

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  
Judy Pedersen, Information Officer  
Judith A. Spalding, Recorder

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

Time Held: 2:30 p.m. - 2:53 p.m.

Action Taken: The County Administrator and Information Officer advised the Commissioners of a potential litigation matter and received direction from the Board.

**Personnel (Sheriff's Department)**

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  
Capt. Jamie Raley  
Evelyn Wood, Acting Personnel Officer  
Judith A. Spalding, Recorder

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

Time Held: 2:55 p.m. - 3:45 p.m.

Action Taken: Capt. Raley reviewed two requests from the Sheriff's Department and received direction from the Board.

**(Commissioner D. Christian Brugman (left the meeting at 3:30 p.m.)**

**Personnel (Department of Public Works)**

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

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

Time Held: 4:07 p.m. - 4:28 p.m.

Action Taken: The Director of Public Works presented information relative to his department and the Commissioners agreed to continue discussion next week.

**FOLLOW UP TO EXECUTIVE SESSIONS**

**Potential Litigation**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize release of April 16, 1997 memorandum as per request. Motion carried.**

**Sheriff's Department**

**Commissioner Jarboe moved, seconded by Commissioner Chesser to authorize the creation of a third permanent Crime Lab Technician position within the Sheriff's Department. Motion carried.**

**Sheriff's Department**

**Commissioner Jarboe moved, seconded by Commissioner Chesser to authorize an actuarial review of a potential employee in the Sheriff's Department. Motion carried.**

**PUBLIC HEARING**

**PARK GLEN COURT - HATTON'S REST SUBDIVISION**

**UPGRADE OF 30' PRIVATE DRIVEWAY EASEMENT TO A PUBLIC ROAD**

Present: George Erichsen, Director, DPW  
Keith Lackie, Deputy Director, DPZ  
Douglas Durkin, County Attorney

(Also Present: Joseph Densford, Attorney for Applicant (James Maleady); Herb Redmond, DH Steffens; Sandra Hunt, owner of 150 acres of farm; Laurie Webb, attorney for Ms. Hunt; property owners and interested citizens)

The Board of County Commissioners conducted a public hearing to received comment on the upgrading of an existing 30 foot private driveway easement to Lots 1, 2, and 7 in the Hatton's Rest Subdivision, to a public County road known as Park Glen Court, for approximately 860 feet. The project, which is being done in conjunction with the proposed twelve lot Park Hall Glen Subdivision, is located in the Eighth Election District and is part of the old Thompson's Peach Orchard located in Park Hall. Because of the proposed 12 lots, a public road is required.

Mr. Erichsen read the Notice of Public Hearing which was published in *The Enterprise* newspaper December 5, 12 and 19, 1997; presented the Certification of Publication and a photograph of the posted Notice.

The following documents were entered into the record by Mr. Densford and Mr. Redmond: Exhibits 1A through 1E - Copies of Certified letters to property owners; Exhibit 2 - Copy of Tax Map 58; Exhibit 3 - Plat of Park Hall Glen with Lots 1 -12 by DH Steffens dated May 21, 1997; Exhibit 4 - Recorded Declaration of Covenants and Conditions; Exhibit 5 - first Hatton's Rest Subdivision plat approved and recorded (Lots 1 - 6) dated September 29, 1989; Exhibit 6 - Subsequent recorded plat which created Lots 7 and 8 dated August 17, 1995; Exhibit 7 - Drawing of neighborhood boundary line of 12-lot subdivision showing current road and proposed upgrading of the road; Exhibit 8 - Plat of Hatton's Rest showing Lots 1 - 6 and residue acres (orchards, hay fields and forest area); Exhibit 9 - Health Department Plat showing cul-de-sac which will become a pipe stem; Exhibit 10 - copy of drawing of showing physical features, superimposed 12 lots (existing and proposed), proposed road structure (proposed subdivision is planned to be 750 feet from Lot One and 950 feet from Lot 2).

Mr. Lackie entered into the record a copy of a letter dated October 28, 1997 to DH Steffens indicating that the Planning Commission gave preliminary subdivision plan approval on October 27, subject to certain conditions, that any private property dispute must be resolved among the parties involved, that there was a Finding of Adequate Facilities except for stormwater manager; and that the County Commissioners must conduct a public hearing for private road/public road realignment upgrade.

Discussion ensued: regarding Ms. Hunt's proposal to sell additional acres to a developer for the 12 residential lots; interpretation of the covenants; that the Commissioners do not have jurisdiction to resolve real estate title issues; whether the courts should decide private property rights, negotiations to resolve the dispute; the parties' rights to request the approval of opening/

closing or realignment of roads; that the Commissioners are being asked to take legislative discretion regarding the upgrade of an existing private road to a public road; and property located in the critical area.

After the presentations the hearing was opened for comments and questions from the audience:

**Steve Whorl (Lot 1)** - Stated that the neighborhood did not want the opening of this private road, that it would destroy the rural character of the neighborhood, and that the covenants were designed to protect lot owners as well as principal owner of the farm.

**Leanne Whorl (Lot 1)** - Voiced opposition to opening the private road as public; referred to covenant which indicated that there could be no improvements or structures on or over the roadway; requested that individual's rights take precedence over developer's.

**Sandra Hunt (owner of Hatton's Rest Farm, formerly Thompson's Orchard)** - Explained the history of the property (that she had originally purchased 75 acres at the southernmost portion of the farm, and that when she learned that the owner of the front part of the property planned a large subdivision, she bought an additional 75 acres to preserve the rural nature of the area); stated she wanted to develop the additional acres with the 12 lots in order to help her make her mortgage.

**Ken Reed (Lot 7)** - Expressed support of the project; stated that the development should be a model for other development in the County; that the houses would not be visible from Route 5 (they will be buffered by trees and berm).

**Robert Lewis** - Referred to the critical area (first 1,000 feet); that the public road would be visible from Route 5; read a letter into the record expressing his opposition to the opening of the road as public which indicated that this would constitute taking of property rights from all lot owners; wanted the area to remain rural; and that the proposal was not beneficial to the county.

**Mark Rodas** - Inquired who determines benefit to the County of a public road because it was of no benefit to him. (Commissioner Thompson responded that it was not a matter of determining benefit, but was a provision of the Road Ordinance and Subdivision Regulations if there are more than eight lots, a public road is required)

**Laurie Webb (attorney for Ms. Hunt)** - Stated that the Declaration of Covenants have been misconstrued, that Paragraph D indicates that the covenants are binding on the lot owners and does not refer to the declarant.

**Patty Whorl** - Spoke against having a public road and stated she wanted to keep the area rural.

Hearing no further comments, the record will remain open for ten days.

## **PUBLIC FORUM**

(Held at Great Mills High School Auditorium)

The Commissioners conducted the regular monthly public forum and accepted comments from the audience:

**Ted Burch** - Expressed disappointment with the Commissioners' Resolution on the support of banning wire bank traps, because it provided an exception for traps that had tops removed; requested the Commissioners to remove the exception.

(During discussion Commissioner Eagan suggested that it be brought back up on the agenda for discussion again. Commissioner Jarboe moved to fully support the ban, seconded by Commissioner Eagan. Commissioner Thompson stated that the motion was out of order because the Commissioners do not make motions during the public forum, but that it could be acted on at next week's meeting.)

**George Springer** - Stated he was tired of hearing about "poor watermen," and that there should not be exceptions in the Resolution.

**Victor Whatley** - Stated that the Commissioners were 100% behind the banning of bank traps last year but the legislators did not support it. Requested the Commissioner to support the ban without exceptions.

**Ken Hastings** - Referred to the Resolution adopted by the Commissioners to support the ban of bank traps with an exception; that the Commissioners should not compromise; that the DNR should be enforcing regulations that are in place should be enforced; stated that the Resolution does not address abandoned traps. That the legislators need to know that the Commissioners support the full ban.

(Commissioner Chesser stressed the point that the Resolution with the exception was the only way he believed the legislators would accept it, that it would be a way to get a "foot in the door.")

**Joan Springer** - That there should not be a compromise; that there should not be an exception in the Resolution.

**Minnie Russell** - Expressed opposition to bank traps; pointed out that because of them, soft crabs are scarce; referred to the draft regulations for activities at piers stating they did not reference parking on piers.

**Daphne McGuire** - Spoke in opposition to First Colony project stating that there was enough development in the County; that she did not understand how this project would stop small developments throughout the County as she has heard it would.

**Bill Bartlett** - That the County should get rid of bank traps.

**Dick Myers** - Thanked the Commissioners for the Animal Shelter regulations in the Zoning Ordinance, and re-presented the St. Mary's Animal Welfare League's animal shelter options and requested action by the Commissioners; SMAWL is undergoing a fundraising effort (completed a 50/50 raffle).

**Rae Thompson** - Inquired as to the status of the Comprehensive Land Use Plan. (Commissioner Thompson advised that a work session has been scheduled for January 27 with the Planning Commission.)

#### ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Minutes Approved by Board of  
County Commissioners on 1/13/98

*Judith A. Spalding*  
**Judith A. Spalding**  
Recording Secretary