

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
January 13, 1998**

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 a death in the family.)

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, January 6, 1998 and the December 9, 1997 minutes from the First Colony Public Hearing from the Department of Planning and Zoning, as presented. 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 Jarboe moved, seconded by Commissioner Eagan, to accept the agenda with the following amendments: to delete and reschedule the DPW executive session; to add an executive session on personnel (Golf Course Superintendent); to add discussion regarding support of volunteer fire departments and rescue squads and support for the School Administrator; and an executive session regarding the Assistant County Administrator position, if necessary. Motion carried.

**JANUARY 15 SESSION ON BOARDS AND COMMITTEES**

During discussion Commissioner Thompson referred to the Meeting Notice for Thursday, January 15 stating that the notice had gone out without her or Commissioner Chesser's knowledge, and that it could have waited to be agreed to at today's meeting. Commissioner Eagan responded that because Commissioner Brugman was not expected to be at today's meeting, because of a quorum problem with Recreation and Parks Board, and because certain Planning Commission appointments have expired, that there needed to a have a session on boards and committees as soon as possible.

**FIRE/RESCUE SERVICES DISCUSSION**

In addition Commissioner Chesser suggested that the Commissioners meet to review and discuss the Emergency Service documents in order to address issues that have been subject of recent rumors. The Commissioners agreed to schedule a session with county staff next Tuesday, January 20 and to invite representatives from the fire and rescue squads. The discussion will included the Fiscal Year 1999 Budget Instructions, the audit report, and the proposed legislation and ordinance.

**CONSENT AGENDA**

**Correspondence to:**

1. William Bartlett concerning information provided regarding fishing regulations.
2. Employee Communication Committee of Nursing Center forwarding copies of requested Nursing Center audits.

3. To Community Leaders advising of the availability of "State of the County" presentations to local community groups.
4. Stephen Uhler concerning unfortunate killing of livestock by dogs.
5. Chair of St. Mary's Community Health Advisory Committee concerning selection of a new nursing center director.
6. Various individuals regarding proposed upgrade of Park Glen Court: a. Robert Lewis; b. Fred and Margaret Thompson
7. Joseph Wyatt regarding request for copies of Commissioners' meeting agendas and minutes.
8. Marie Gardiner regarding publication of recent correspondence sent to County Commissioners.
9. Richard Baylor concerning traffic accident on Guenther Drive in Great Mills.

**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. Budget Amendments**

- a. No. 98-16 - Public Works  
(Installation of three new Groundwater Monitoring Wells - \$1,359)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-16 as presented. Motion carried.**

- b. No. 98-18 - County Administrator  
Funding for part-time contractual video technician and supplies for balance of FY '98 - \$6,450)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-18 as presented. Motion carried.**

#### **2. Department of Public Works Items**

- a. Extension of Wildewood Parkway located in Sycamore Hollow, Wildewood Subdivision, 8th Election District
  - (1) Road Deed for extension of Wildewood Parkway
  - (2) Road Resolution No. R97-47 establishing 30 mph speed limit on Wildewood Parkway

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

- b. Public Works Agreement Addendum for Avenmar Subdivision, Section 1; backed by a Bond in the amount of \$340,000 with Reliance Insurance Company

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement Addendum as presented. Motion carried.**

- c. Public Works Agreement Addendum for Stallman Subdivision, Section 4; backed by Letter of Credit in the amount of \$40,000 with The First National Bank of St. Mary's

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

- d. Public Works Agreement Addendum for Sycamore Hollow in Wildewood Subdivision, Section 2; backed by Letter of Credit in the amount of \$15,000 with The First National Bank of St. Mary's

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

3. **St. Mary's County Airport New Air Carrier Terminal Building**  
(Supplemental Funding Request and Grant MAA-GR-98-016)

- a. **Budget Amendment No. 98-17 - Public Works**  
(County March for Md. Aviation Airport Terminal Grant - \$258,678)

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

- b. **Resolutions (2)**
  - (1) No. 98-03 - Supplementing Resolution No. 97-33 which authorized the issuance of general obligation bonds of the County by designating the Airport Commuter Service as an additional project authorized to be financed with the proceeds of Public Facilities Bonds of 1997.
  - (2) No. 98-04 - Supplementing Resolution No. 91-42 which authorized the issuance of general obligation bonds of the County by designating the Airport Commuter Service as an additional project authorized to be financed with the proceeds of Public Facilities Bonds of 1991.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Resolutions No. 98-03 and No. 98-04 as presented. Motion carried.**

- c. **Special Grant Agreement**  
(between Maryland Aviation Administration and St. Mary's County for the provision of funding to design and construct a terminal building complex, purchase of easements, removal of obstructions, etc.)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Special Grant Agreement as presented. Motion carried.**

4. **St. Mary's Public Schools - Request for FY '98 Categorical Transfer**

Mid Level Administration	Increase by \$ 4,405
Other Instructional Costs	Increase by \$15,729
Instruction Textbooks/Supplies	Decrease by \$20,134

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the letter to the Board of Education approve the FY '98 Categorical Transfer as requested. Motion carried.**

5. **Assistant County Administrator - Position Description**  
(Authorization to advertise and hire)

As a follow up to last week's presentation, Commissioner Thompson raised questions regarding the duties and examples of work of this position and requested an executive session later in the meeting to discuss it.

6. **Information Release**  
(Announcing the selection of Rhodeside and Harwell, Inc. (R.I.) of Alexandria for the development of the Myrtle Point Master Plan)

The Commissioners agreed to issue the Information Release as presented.

7. **St. Mary's Nursing Center Administrator Position**

a. **Hiring of Temporary Licensed Contractor**

The County Administrator presented a Client Agreement with The S&H Group covering temporary services of Bob Lytle at the St. Mary's Nursing Center, starting January 19, until a replacement is hired for Jeffrey Lloyd. He stated that the Agreement covers a 30-day period.

**After discussion Commissioner Eagan moved, seconded by Commissioner Chessser, to authorize the Agreement for a 30-day hiring with The S&H Group, with the stipulation that a letter be forwarded to The S&H Group indicating that the letters serves as notice of termination in 30 days from January 19. Motion carried 3-0-1 with Commissioner Jarboe abstaining.**

County Administrator Kachmar indicated that if additional time is needed he would come back before the Board.

b. **Hiring of Long Term Administrator Process**

Mr. Kachmar advised that the position has been advertised, eight applications received, and that five applicants were eligible. The selection committee (the County Administrator and the Chair of the Nursing Center Board) will come up with a recommendation to replace Mr. Lloyd and will advise the Commissioners of the recommendation.

8. **Boards, Committees, Commissions**

a. **Letter of Appointment**

**Commissioner Eagan moved, seconded by Commissioner Chessser, to appoint Maureen Montgomery as the Board of Education representative to the Recreation and Parks Board with a term to expire December 31, 2002. Motion carried.**

b. **Letter of Appreciation**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter of Appreciation to Carol Montague for her service on the Recreation and Parks Board. Motion carried.**

**DEPARTMENT OF PLANNING AND ZONING**

Present: Jon Grimm, Director

**Fast Track Application**

**Wholesale Plumbing**

Mr. Grimm presented an executed fast track application, which has been recommended for approval by the Department of Economic Development and the Department of Planning and Zoning, for the Thomas Somerville Plumbing project proposed for the St. Mary's County Industrial Park. He advised that the applicant has met all the guidelines for *fast tracking*, and noted that the project is schedule to begin in March. During his presentation Mr. Grimm advised that he was still awaiting comments from a couple of agencies, and then it will go to the Planning Commission. In order for the applicant to get a building permit, he must have an approved site plan.

**After discussion Commissioner Eagan moved, seconded by Commissioner Chessser, to approve the Fast Track Application as requested. Motion carried three to one with Commissioner Jarboe voting against the motion stating he believed all projects should be fast tracked, and that there are 74 zoning requests that are behind schedule.**

### Comprehensive Plan/Zoning Ordinance Discussion

Commissioner Eagan referred to the 74 zoning requests and asked Mr. Grimm when these individuals would have an opportunity to present their requests. Mr. Grimm responded that once the Comprehensive Plan is adopted, the Planning Commission and the Board of County Commissioners have to conduct a public hearing on the text amendments and zoning maps. He advised that the Planning Commission will be submitting a transmittal on point-by-point basis of all comments on the text amendments and maps. He further noted that the public hearing could be held jointly with the Planning Commission and County Commissioners.

Discussion ensued regarding the individual requests, and Mr. Grimm pointed out that these individuals could have requested rezoning and would have had to pay for the rezoning application; however, it was a better process to look at the properties in comprehensive zoning because the individual requests would have to have been based on "mistake" or "change in neighborhood."

### Rural Legacy Program Update

Also Present: Jim Conrad, Patuxent Tidewater Land Trust  
Donna Sasscer, Agriculture/Seafood Specialist

The referenced individuals appeared before the Commissioners to present an update of the Rural Legacy Program application process and to prepare for the January 15 community meeting. Included in the presentation was an explanation of the program, which is a major element of the Governor's Smart Growth program; a review of the maps; discussion of Huntersville as the proposed rural legacy area including Cremona Farms, which could serve as the anchor of a Patuxent River Rural Legacy Area; interest expressed by other landowners; availability of state funding (and the competition for those funds among the 23 jurisdictions in the State).

In conclusion Mr. Grimm advised that he will be returning to the Board in two week with the final application.

### **PENDING LIST**

The County Administrator presented and reviewed the current Pending List:

**Courthouse Project** - To get Director of Public Works to come in to explain various methodologies regarding the management of the project.

**Landfill Project** - The landfill is scheduled to closed around mid March; the Solid Waste Advisory Committee will be meeting to develop recommendations for the Commissioners consideration.

**Computer Bids** - Bids are in; staff will be coming before the Board next week to discuss the bids and project.

### **RESOLUTION NO. 98-05 WIRE BANK TRAPS LETTER TO LEGISLATORS**

As a follow up to the January 6 public forum, staff redrafted the Resolution relative to the banning of wire bank traps by deleting the portion allowing an exception.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign Resolution No. 98-05 to support the ban of wire bank traps from the tidal waters of St. Mary's County**

## COUNTY COMMISSIONERS

### Aquaculture Education Center

Commissioner Chesser stated he was still continuing his research on the possibility of an aquaculture education center.

### Chamber of Commerce - State of the County Presentation

Commissioner Eagan inquired as to the process for the State of the County presentation on Thursday, January 15. Commissioner Thompson responded it will be done the same as last year--"tag team."

### Animals Killed by Dogs

Commissioner Eagan referred to the response letter regarding reimbursement for animals killed by dogs, and requested staff to look into the situation of Patrick Lloyd's goats that had been killed by dogs.

### Reflective Tape for School Buses

Commissioner Eagan inquired whether there was funding for placing reflective tape on school buses so they can be seen in fog and darkness. The Board of Education was interested in pursuing this and suggested that the County work cooperative with the Board in getting this accomplished. She stated that the school bus drivers were willing to install the tape, which would result in a savings. The Commissioners directed staff to identify a source of funds for private school buses and requested that a letter be drafted to the Board of Education to look for funds within its budget for the public schools.

### Washington Post Article - Superintendent of Schools

Commissioner Jarboe referred to an article in the *Washington Post* regarding the Superintendent of School's decision to remove the book *Song of Solomon* from required reading because of racial material. He recommended that the Commissioners send a letter to the *Washington Post* in support of her decision. The Commissioners gave their concurrence.

## EXECUTIVE SESSIONS

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Personnel (Golf Course Superintendent and Assistant County Administrator), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matters of Potential Litigation, as provided for in Article 24, Section 4-210(a)1. Motion carried three to one with Commissioner Jarboe voting against.**

### Personnel (Golf Course Manager)

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

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

Time Held: 4:25 p.m. - 4:35 p.m.

Action Taken: The Director of Recreation and Parks made a personnel request to the Commissioners, and the Commissioners agreed to take action in open session.

**Personnel (Assistant County Administrator)**

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

Authority: Article 24, Section 4-210(a)1  
Time Held: 4:35 p.m. - 4:45 p.m.  
Action Taken: The Commissioners discussed the duties of the referenced position and agreed to take action at next week's meeting.

**Potential Litigation**

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  
Jim Haley, Director, Central Services  
Judy Pedersen, Public Information Officer  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8  
Time Held: 4:45 p.m. - 6:15 p.m.  
Action Taken: The Commissioners reviewed a matter of potential litigation and gave direction to staff.

**FOLLOW UP TO EXECUTIVE SESSIONS**

**Advertisement Issue**

**Commissioner Eagan moved, seconded by Commissioner Chesser, that the Commissioners send a response letter to St. Mary's Today, and further, to direct staff to come back with recommendations for the handling of future advertising prior to the expiration of the existing contract. Motion carried three to one with Commissioner Jarboe voting against.**

**Superintendent for Golf Course**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to make an offer for the Superintendent for the Golf Course position, Grade 10, Step 4. Motion carried.**

**DEPARTMENT OF PLANNING AND ZONING  
CONTINUATION OF PUBLIC HEARING  
ZPUD #96-1607 - FIRST COLONY PUD**

(All Commissioners were present. DPZ staff present were Jon Grimm, Director; Planner Phil Shire; and Peggy Childs, Recording Secretary)

Requesting approval of Development Plan and proposed zoning change from Low Density Residential (RL) and Commercial (C) to Planned Unit Development - Mixed Use (PUD-X). The property contains 228.89 acres and is located at the southern quadrant of MD Routes 235/4; TM 34, Blocks 22/23, Parcels 444, 455, 456, 490 & 516.

Owner: Casimir Szlendak/Porto Bello Development, Inc.

Also Present: Mr. Szlendak, Donald Cropp, Pat Mudd, Attorney Bill McKissick and other members of the First Colony Development Team

(Continued from 12/9/97 to allow additional public comment and First Colony rebuttal. The following exhibits were entered into the record:)

#S-6 DPZ 1/9/98 response to Marie Daugherty's presentation of 12/9/98  
#A-5 Bill McKissick response to #S-6  
#O-15 Anthony DeVico letter dated 12 January 1998  
#O-16 Editorial - "Tool to Shape Development" - The Enterprise, 1/7/98

**Public comment in favor:**

***Jim Sterling, St. Inigoes*** - Retired naval officer formerly in charge of 1.2M sq. ft. of residential construction on NAS. Disagrees with Richard Klein assessment of stormwater management; states MDE found no environmental degradation as result of NAS construction.

***Wes Gleason, Hollywood*** - Hates sprawl but happy to see a developer who will work with the county. Need hotel accommodations; people who travel to NavAir have to drive back to Waldorf for a place to stay.

***Bubby Knott, Great Mills*** - Development is coming; we can put it all here or scatter it up and down 235. This way the county has some control.

***Melinda Rossignol-Ashworth, Leonardtown*** - New to the county. Need to provide hotel and training facilities for NavAir; believes developments like First Colony will do this. Would like to see money stay in the county rather than go across the bridge or to Waldorf.

**Public comment against:**

***Len Greess, Leonardtown*** - The Enterprise, the St. Mary's Today, speakers at the hearings and letters from the public have provided ample evidence that residents want the Commissioners to reject First Colony.

There is no mitigation that would offset the damage to the quality of tens of thousands of countians by this development. No special benefits being provided.

Planning Commission recommendation sold out community and rural character.

Traffic alone is basis for rejection, or at least deferral, until 235 improvements are in place.

More information necessary regarding adequacy of schools to handle development.

Capital cost contributions by the developer is not generosity but partial reimbursement for schools and services. EIFs are paid by every developer, but current EIFs are less than 20% of actual 1989 costs. County will not benefit by \$800,000 as claimed but county citizens will subsidize First Colony by \$2.5M or more. \$1.6M gross developer contribution will be only \$540,000 net; \$277,000 of which will be derived from other revenue not connected to First Colony activities.

Potential impact to small businesses in the county has been ignored.

Planning Commission did not weigh all the facts when recommending approval; important that the County Commissioners not do the same.

***Mike Weaver, Leonardtown*** - New to county from Dallas-FortWorth area, where development is embraced and boasted about. Enjoys rural character of county; prefers environment to blatant commercialism and has no problem driving to Waldorf for shopping if it will help us keep quality of life. If First Colony is approved it won't be long until we have six lanes on 235 and a level of service "F."

**Ed Monahan, Far Cry Farm** - Has lived here for 40 years; vigorously opposed to First Colony until 235 road improvements are completed.

Public comment was concluded at 7:10 p.m. and was followed by questions and comments by the Commissioners. Issues and questions were: (1) A concrete phasing plan which will address the issue of roads/235; (2) Can some type of drawing showing how First Colony will look from Route 235 be provided? (3) Stormwater management - is what is proposed really adequate or can some innovative treatments be explored? (4) Would the developer be willing to provide a library in the development? (5) What stores and hotels are proposed? (6) Will hotel/conference center be provided? (7) Marketing plan - what commitments does First Colony have for stores? What kinds of offices? (8) Does First Colony have a contingency plan - what will happen if NavAir is cut and county is on the losing end of growth?

The First Colony responses were as follows:

**Pat Coggins / Richard Kabat - FAISON:**

Construction of the retail centers scheduled to begin in late 1998 with stores opening in late 1999 or early 2000. Except for Giant's and Lowe's, no firm commitments for other anchor but close to commitment from well-known, medium-scale department store. Hotel/theater area may be a little later. Caliber of hotel based on local economy and per diem rate.

**Traffic Consultant Nancy Randall:**

235 improvements - SHA will do interim improvements this summer; i.e. third thru-lane in both directions with right-turn. These will be on-line before First Colony does anything at the commercial center and no traffic will be generated before stores are open. SHA will use First Colony roads to route traffic during construction; 235 improvements will be done at night.

**Pat Mudd - Stormwater Management:**

The regional stormwater facility is very innovative for St. Mary's County, collecting water within the entire watershed upstream of First Colony, utilizing existing topo and vegetation. Siltation traps will remove sediment and water quality facility will treat runoff upstream before it goes into the natural areas. Runoff from SHA road improvements will also be handled by the facility.

**Don Cropp, Porto Bello Development:**

Don't expect to start construction of any homes for at least 2 years. Office buildings will be market-driven; no tenants right now.

**Bill McKissick:**

No contingency plan; development is based on certain assumptions and market studies.

As a result of the discussion, the development team agreed to provide an "elevation," showing how the development will look from Route 235, and a phasing plan in writing will be provided, both within 30 days. The Commissioners continued the public hearing to February 10, 1998; however, no time or place was given; Commissioner Thompson said it is possible that meeting will take place during the day. On February 10th the "elevation" and phasing plan will be reviewed by the Commissioners and the hearing will be closed, followed by the ten-day open record period for written comment.

**ADJOURNMENT**

The meeting adjourned at 9:10 p.m.

**Minutes Approved by Board of  
County Commissioners on 1/20/98**

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