

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
February 3, 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

**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, January 27, 1997 as corrected. Motion carried.**

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Brugman moved, seconded by Commissioner Eagan, to accept the agenda with the following amendments: to delete the Local Management Board - Memorandum of Understanding; add executive sessions on Personnel (EMA and Nursing Center Director) and Potential Litigation (Request for Release of Attorney/Client Privileged Information). Motion carried.**

**APPROVAL OF CHECK REGISTER**

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

**CONSENT AGENDA**

**Correspondence to:**

1. Leslie Vandivere regarding contribution to the St. Mary's County Library System for purchase of books by Toni Morrison.
2. Chair of Cuckold Creek Restoration Project regarding erosion problems near the Hollywood Elementary School.
3. President of the Community Preservation Coalition regarding "expert Witness" status at county hearings.
4. Dr. Israel, Health Officer, concerning support for work being undertaken at Cedar Lane Apartments.
5. Maryland Department of the Environment concerning Sewage Sludge Utilization Applications.
  - a. For the Patuxent Naval Air Station Farm #1 on Peary Road.
  - b. For the Lewis Bowles Site on Clark Mill Road.
6. Philip Dorsey III, Esquire, concerning rezoning request for property.
7. Various letters to individuals concerning proposed First Colony request:
  - a. Michael Schwartz;
  - b. Karen Abrams, Esquire;
  - c. Bob Boxwell

**Commissioner Eagan 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. **Budget Amendments**  
**No. 98-27 - Public Works**  
(ADA Improvements to Adult Detention Center - \$19,059)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-27 as presented. Motion carried.**

2. **Maryland Service Funding Collaborative Grant for Teen Center**  
(\$10,000 from Maryland Service Funding Collaborative for the initiation of community-based service hubs engaging youth in service-learning activities in the out-of-school hours.

**Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Grant Agreement as presented. Motion carried.**

3. **Navy Contractor Transportation Initiative**  
(proposed operation revisions)

Also Present: James Haley, Director, Office of Central Services  
George Jarboe, Transportation

Mr. Jarboe reviewed with the Commissioners the particulars of the Navy Contractor base shuttle, stating that in August the county's transportation system began operation of two routes for the Navy Contractors. The commitment between the County and the Contractors was to operate the two routes for six months, which will end in February of 1998. He pointed out that Route One has very low ridership and most member contractors would like to end participation. Route Two has good participation from the member contractors and fair ridership, and member contractors would like to keep this Route.

During his presentation Mr. Jarboe advised that on January 26 there was a meeting with contractors and county staff which resulted in the following recommendations:

- \* Eliminate Route One;
- \* Expand Route Two with a revised schedule;
- \* Reduce operational hours of Route Two (which will save three hours of driver costs per day)
- \* Require a minimum guarantee from the member contractors so that the Route will at least generate enough revenue to cover costs.

**After discussion Commissioners gave their concurrence to accept the Recommendations as presented.**

4. **Information Release**  
**Cardboard Recycling**

Announcing effective March 2, 1998 old corrugated cardboard recycling will be provided at the six county-operated transfer stations.

**The Commissioners authorized the issuance of the Information Release as presented.**



## EXECUTIVE SESSION

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

### **Personnel (Nursing Center Director)**

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: 1:45 p.m. - 2:05 p.m.

Action Taken: The County Administrator updated the Commissioners on the search for the Nursing Center Director.

### **Follow Up to Executive Session**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in Executive Session with regard to Nursing Center Director search. Motion carried 3-0-2 with Commissioners Brugman and Jarboe abstaining.**

## RESOLUTION NO. 98-07

### **RATIFYING WITHDRAWAL OF NURSING CENTER EMPLOYEES FROM STATE PENSION SYSTEM**

**As a follow up to last week's presentation, Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 98-07 "Ratifying Withdrawal of Nursing Center Employees from the State Pension System." Motion carried 3-0-2 with Commissioners Brugman and Jarboe abstaining.**

(Commissioners Brugman and Jarboe have relatives in the Nursing Center and they will be requesting an advisory opinion from the Ethics Commission as to whether they can participate in discussions and votes regarding the Nursing Center.)

## COUNTY COMMISSIONERS' TIME

### **Golden Beach Flooding Conditions**

Commissioner Jarboe advised that he had been contacted by residents of Golden Beach regarding the flooding in the area during last week's storm (ditches were filled and drain pipes blocked). Because of the storm predicted for this week, he requested the Commissioners concurrence to have the Department of Public Works look to see what needs to be done in order to get the drainage problem fixed. The Commissioners gave their concurrence.

### **Animal Control**

Commissioner Jarboe stated he received a telephone call from Cindy Wallace regarding her cat caught in one of the County's traps and the fact that she removed the cat and called Animal Control to pick up the trap. She informed Commissioner Jarboe that she was given a citation for stealing county property. Commissioner Jarboe suggested that the matter should be investigated.



**HIGHER EDUCATION CENTER  
ADDITIONAL CLASSROOM PROPOSAL**

Present: Mel Powell, Director

Mr. Powell appeared before the Commissioners to review a proposal for a second classroom building at the Higher Education Center. He explained the growth over the first two and one-half years which has resulted in 23 university degree programs offered by eight universities and an enrollment of 340 students. The schedule for Spring 1998 Semester calls for 56 classes, and with anticipated continued growth in Southern Maryland continued marketing of the Center, and the new degree offerings, there is need for this additional building. He further explained that some classrooms are being utilized under long term contracts.

During his presentation Mr. Powell described the size of the new building (25,000 square feet); the number of classrooms, computer laboratories, seminar rooms, lecture rooms, ITV rooms, multipurpose room, community service room, offices and a lounge. The building is estimated to cost approximately \$2,900,000 and an additional \$341,000 for computer laboratory and audio/visual equipment. He stated that the proposal has been submitted to the Southern Maryland Delegation and it is intended that the facility will be funded entirely with State resources.

After his presentation, Mr. Powell requested the Commissioners to submit a letter of support for the design and construction of the new classroom project to the Governor. The Commissioners gave concurrence to draft such a letter.

**DEPARTMENT OF PUBLIC WORKS  
VILLAGE COMMONS RAILROAD RIGHT-OF-WAY AGREEMENT**

Present: George Erichsen, Director, DPW  
Herb Redmond, D.H. Steffens

Mr. Erichsen presented a Railroad Right-of-Way Easement Agreement for the Village Commons Subdivision, in the vicinity of Mechanicsville, Fifth Election District. Colonial Workshop is requesting the easement for access long the existing gravel road within the old railroad right-of-way in lieu of constructing a separate road to serve the four lots within seven lot subdivision.

**After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the Easement Agreement for access along the existing gravel road for the four lots in the proposed subdivision with the stipulation that an alternative access easement be shown on the plat that nothing would be allowed to be constructed in that reserve easement and that the Easement Agreement be amended to reflect same. Motion carried four to one with Commissioner Jarboe voting against stating he believed it would be setting a precedent to allow traffic on the railroad right-of-way.**

(The purpose of the alternate access easement is to protect the subdivision should the County choose to exercise its right within the railroad right-of-way.)

**DEPARTMENT OF PLANNING AND ZONING - GROWTH ALLOCATIONS**

Present: Jon Grimm, Director, DPZ  
Christine Holmberg, Environmental Planner  
Peggy Childs, Recorder

**ISUB #96-0962 - Stallings Property**

Requesting 1.5 acres of Growth Allocation under the Single Lot Category for property located on the northeast side of Jones Wharf Road; Tax Map 20, Block 5, Parcel 238.



Owner/Applicant: Jeffrey Stallings

These three public hearings were conducted and closed on January 20, 1998, with a ten-day open record period for written comment. At that time several residents cited several "illegal" actions on the part of the property owner, asking the Commissioners to reject the request. No further public comments or additional information were received following the hearing; however, staff has submitted a 1/29/98 memo regarding issues raised by the residents. Because the applicant was not present at the public hearing to present his case and respond to questions and concerns, staff recommends denial of the application. The Planning Commission found the topographic and environmental information submitted to be insufficient, and recommended denial of the application on that basis.

**Commissioner Eagan moved to deny the request, based on the Planning Commission's recommendation and the fact that the applicant was not present at the Commissioners' hearing; seconded by Commissioner Jarboe; motion carried.**

**ISUB #96-2384 - Wrightson Farm, Lots 1-2 and Farmstead 3**

Requesting three acres of Growth Allocation for two 1.5 acre lots on Fresh Pond Neck Road, with the remaining 34.47 acres preserved as Farmstead Lot 3. Tax Map 71, Block 21, Parcel 97.

Applicant: Allison Tucker

Public Hearing held 1/20/98; no public comments have been received since the hearing. Staff recommends approval. A transmittal letter to the Critical Area Commission has been prepared for the Commissioners' signatures.

**Commissioner Brugman moved for approval of the application; seconded by Commissioner Chesser; motion carried. The Commissioners signed the transmittal letter.**

**Text Amendment to Zoning Ordinance (Section 38.2.18.C(1)(A))**

Proposal to delete the six-acre minimum lot requirement from the Single-Lot growth allocation category.

Public Hearing held 1/20/98; no public comments have been received. Staff recommends approval and has prepared an approving Ordinance for the Commissioners' signatures. Mr. Grimm advised that the six-acre provision was put into the Ordinance by the Task Force preparing the Critical Area Ordinance relative to the three-acre density.

**Commissioner Eagan moved for approval of the text amendment; seconded by Commissioner Chesser; motion carried. The Commissioners signed the Ordinance.**

**EXECUTIVE SESSIONS**

Commissioner Eagan moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss a matter of Personnel (EMA), as provided for in Article 24, Section 4-210(a)1 and Potential Litigation (Request for Release of Document), as provided for in Article 24, Section 4-210(a)8. Motion carried.

**Personnel (EMA)**

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  
Paul Wible, Director, EMA  
Judith A. Spalding, Recorder

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



Time Held: 3:40 p.m. - 4:05 p.m.

Action Taken: The Commissioners discussed a personnel matter with the Director of EMA and gave direction to staff.

**Potential Litigation (Request for Release of Confidential Document)**

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, Public Information Officer  
Douglas Durkin, County Attorney  
Judith A. Spalding, Recorder

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

Time Held: 4:05 p.m. - 4:30 p.m.

Action Taken: The Information Officer presented a request for release of a confidential document and received direction from the Board.

**FOLLOW UP TO EXECUTIVE SESSIONS**

**Personnel (EMA)**

**Commissioner Eagan moved, seconded by Commissioner Chesser to direct staff to proceed as discussed in executive session regarding an EMA personnel matter. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session (to draft a letter regarding request for release of confidential document). Motion carried.**

**UPDATE ON UPCOMING STORM**

Present: Paul Wible, Director, Emergency Management Agency

Mr. Wible appeared before the Board to give an update on the upcoming storm. He stated that heavy rains and high winds were anticipated and there was a flood watch. He stated that he would keep the Commissioners posted as the storm progresses.

**"STATE OF THE COUNTY" PRESENTATION**

At this time the Commissioners, each taking a portion, presented the "State of the County" presentation (which was broadcast live on Channel 10). In addition the Commissioners invited civic organizations throughout the County to contact the Commissioners' Office to request the "State of the County" presentation to be given to their group.

**PUBLIC FORUM**

The Commissioners conducted the regular monthly Public Forum accepting questions and comments from the audience. In addition the Commissioners, because the Forum was being broadcast live, the Commissioners also accepted questions and comments via the telephone.

Questions and Comments from the Audience included:

**David Triantos (Medley's Neck)** - Presented his observations of county government; that county government needs help (because of corporate control); county government should make more use of citizen groups; advised of the formation of the Greater Medley's Neck Citizens' Association (which addressed how to preserve the farms in the area; to zone the



area as an agricultural overlay area instead of rural preservation district). Mr. Triantos provided a list of the 68 citizens of the area who gave their choice whether to change to an agricultural overlay district or remain a rural preservation district.

**Robert Lewis (Park Hall)** - Inquired what was the "state of the county" with regard to rural character, agricultural preservation, forest preservation, environment; referred to the economic graphs in the "state of the county" presentation and suggested breaking them down by family income and race and inquired whether the economic growth would apply to low income and minority families; urged the Commissioners to enforce a buffer area along Route 5 (with an agricultural overlay).

**Leonard Greess** - Referred to the Comprehensive Plan and interpretations of "rural character;" agrees there should be a development district, but disagree that the development districts have to be other than rural in appearance; suggested getting a statistically based sample of people's views on these issues rather than an unscientific method.

**Don White** - (1) Referred to flooding in the Golden Beach area. (Commissioner Jarboe indicated that he had brought this to the Commissioners' attention earlier in the meeting and that DPW would be looking at the area to see what needs to be done to correct it.) (2) Referred to a ten-foot piece of property that is a walkway and Golden Beach would be agreeable to let the County do whatever is needed to correct drainage.

**Russell Miller** - Reiterated his concerns regarding the sign ordinance and the impact on civic organizations in their ability to advertise special events. The Ordinance does not allow banners on mobile trailers.

**Rufus Dwyer** - Concurred with Mr. Miller's concerns regarding signs for announcing civic associations' special events.

**Wayne Suit** - (1) Supported Dr. Richardson's removal of "*Song of Solomon*" from the required reading list for public schools. (2) expressed concern regarding signs stating that food chains can have large signs, but not local establishments.

## ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Minutes Approved by Board of  
County Commissioners on 2/10/98

*Judith A. Spalding*

**Judith A. Spalding**  
Recording Secretary