

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
March 10, 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 Brugman, to approve the minutes of Tuesday, March 3, 1998, as corrected. 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 Jarboe moved, seconded by Commissioner Brugman, to accept the agenda with the following amendments: to add an executive session for Personnel (Mental Health Authority); Nursing Center Wages; and County Commissioners' Time and to delete County Attorney - Ordinance regarding Mental Health Authority. Motion carried.

CONSENT AGENDA

Correspondence to:

1. Carolyn Laray, The Sotterley Foundation, regarding FY99 budgetary support for the Foundation.
2. Various letters to individuals regarding solid waste management in St. Mary's County.
 - a. Alma Murphy
 - b. Betty Barry, GFWC Woman's Club (2 letters)
 - c. Carolyn Billups
 - d. Jim Latchford
3. Laura Hughes concerning decision to back the position of the school superintendent regarding use of the novel, *Song of Solomon*.
4. Rebecca Mayor concerning request for financial assistance with college tuition.
5. Various letters to individuals regarding the proposed First Colony rezoning.
 - a. Richard and James Andrews
 - b. Leonard Greess
 - c. Jack Witten, Potomac River Assn.
 - d. Marie Daugherty

6. Various individuals regarding the proposed school redistricting by the Board of Education.
 - a. Sandra and Ronald Sableski
 - b. Paula Cope Downs
 - c. David Mozgala
 - d. Pam and Peter Latvala
 - e. Tim Young
 - f. Lynn Duff & Karla De Selms
 - g. John & Karen Garner
 - h. Anthony & Laura Guido
 - i. James & Jenny Wong
7. Lisa Jones regarding policy of Sheriff's Office on the use of locksmiths.
8. Dave Heard pertaining to traffic signalization at the intersection of MD Routes 234 & 238.
9. Various letters (6) to board members requesting past due financial disclosure forms.
10. Florence Seymor & Doris Hodges regarding Golden Beach runoff, drainage and flooding problems.
11. Brian Cullen regarding concerns between the residents of Southgate Townhomes and Washington Savings Bank.
12. Deborah Jones, Southgate Homeowner's Assn., regarding street lighting in the subdivision.
13. Dr. Nancy Grasmick, State Superintendent of Schools, supporting Read Across America Program.
14. Various individuals regarding Sotterley Foundation's FY99 funding request.
 - a. Lawrence Pinto
 - b. Page Faust
15. John O'Donnell, State Ethics Commission, regarding inclusion of Alcoholic Beverages Board as a group required to submit financial disclosure forms.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda with the exception of Items 2(a) and (b) and 6 (a) through (i). Motion carried.

Commissioner Eagan referred to letters 2(a) and (b) regarding solid waste issues indicated that the letters in question had been revised, and that she preferred the original versions. Commissioner Thompson pointed out that she had requested the revisions because she felt that the original wording make it look like the issue of solid waste had been ignored by previous boards, when actually it was the issue of charging a fee that had not been addressed or had been postponed.

The Commissioners agreed to direct staff to rework the letter to make it acceptable to the Board.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the original version of Letters 6 (a) through (i) regarding school redistricting. Motion carried three to two with Commissioners Thompson and Chesser voting against. Commissioner Thompson voted against the motion stating she was concerned that once the Board of Education made a decision regarding redistricting that citizens were not pleased with, the Commissioners may be asked to follow through with intent of the language of this letter.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Department of Public Works Items

- a. **Village Commons Railroad Right-of-Way**
(with language added indicating that grantee will provide an alternate ingress/egress easement)

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Right-of-Way Agreement as presented. Motion carried four to one with Commissioner Jarboe voting against stating that he was concerned with the whole issue of use of the railroad right-of-way.

- b. Public Works Agreement Addendum for **Cedar Cove Subdivision** extending completion date to 3/1/99; backed by a Letter of Credit in the amount of \$51,000 provided by the Maryland Bank & Trust Company.

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

- c. Public Works Agreement Addendum for **Redgate Estates**, Third Election District extending completion date to 3/1/99; backed by a Letter of Credit in the amount of \$63,800 provided by the First National Bank of St. Mary's.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Right-of-Way Agreement as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors for First National Bank of St. Mary's.

2. Letter of Appointment Emergency Services Committee

Commissioner Brugman moved, seconded by Commissioner Eagan, to sign the letter appointing Shawn Davidson to the Emergency Services Committee. Motion carried.

3. St. Mary's County Airport Assignment of GBS Ltd. to St. Mary's Hangar, Inc. (Consent of Lessor, the Board of County Commissioners to be signed by Commissioners)

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

4. Community Policing and Community Support for Addiction Recovery Grant Award for HotSpot Community Grant Application

- * Walden-Sierra - \$18,000 in federal funds
- * Sheriff's Department - \$10,000 in federal funds

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

5. **Resolution No. 98-13**
Rules and Regulations for Use of Solid Waste Disposal Facilities
in St. Mary's County: (Amendment to Resolution No. 96-24)
(As a follow up to last week's decisions regarding solid waste)

During discussion Commissioner Thompson indicated that the public hearing held February 17, 1998 was to get input on two alternatives for charging fees at the convenience center and that the Resolution did not address the issue of maintaining the convenience centers at no charge at least until the FY '99 budget had been finalized.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 98-13 as presented. Motion carried.

6. **Tri-County Community Action Committee**
Weatherization Assistance Program
(Letter of Support for the Program to Md. Department of Housing and Community Development)

During discussion Mr. Kachmar advised that a firm has 15 trailers of insulation which could be made available to TCCAC at an acquisition cost of 10% of the valued price for shipping and handling and that he would contact TCCAC about this offer.

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

7. **Emergency Radio Communications System**
Assessment Report

Also Present: James Dundas, MCI Systemhouse
Ted Rainer, "

The referenced individuals appeared before the Commissioners to present the Assessment Report for the County's Emergency Radio Communications System which is the first deliverable in the Phase I and II portion of MCI's assignment. The goal of the MCI's engagement is to define and develop a public safety communications services and related information infrastructure; to develop a plan to the new technology environment; and to operate the new state-of-the art enterprise system through a long-term outsourcing agreement. The presentation included information as follows:

- * Phase I of the Study included an appraisal of facilities, technology, and personnel.
- * Steps of assessment included: decide what specifics to look at; analysis of what exists today; identified reusable components; identified areas of improvements based on benefits the County would receive; preparation of high level set of recommendations.
- * Assessment Findings included: a new radio system is needed; improvements can be gained by combining EMA Communications Center and the Sheriff's Dispatch Center into a single unit; replacement of computer systems at Sheriff's Department; updating and correcting the Master Street Address Guide and Emergency Services Number databases; enhanced recruitment and retention policy; standardizing and updating policies for tracking, reviewing and maintaining operational protocol.

During discussion Mr. Dundas advised that MCI will be following this presentation with preliminary solutions document and then followed thereafter with three pricing models (how much the County is spending now; how much it would cost the to upgrade on its own; and how much outsourcing would cost).

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- * Designating March as Disabilities Awareness Month
- * Designating March as Developmental Disabilities Awareness Month

STATE HIGHWAY ADMINISTRATION FINAL DRAFT - FEASIBILITY REPORT FOR FDR BOULEVARD

Present: Bob Sanders, Project Manager, FDR Feasibility Report, SHA
Heather Murphy, Project Manager, Planning Division, "

The referenced individuals appeared before the Commissioners to review the Feasibility Study, a joint effort between the County and the State, for the proposed construction of FDR Boulevard. Mr. Sanders explained the process of preparing the Feasibility Report stating that it was initiated because of the County's interest in looking at parallel roadway systems and relief systems to the Route 235 corridor which has become greatly congested.

Areas addressed by Mr. Sanders and Ms. Murphy included:

- * That an alignment for FDR Boulevard has been included in the County's Comprehensive Plan since 1986 and developers would be requested to build portions of FDR if needed to support their development.
- * SHA, County and State Officials have been meeting to develop recommendations as to the alignment and size (including a bypass, which was determined to not be effective; one that would allow uncontrolled access).
- * Commercial zoning is located on Route 235; to the west is more residential zoning and development; FDR would be a good connector road.
- * 1992 land use projects versus 1997 land use projects (within the study area) which resulted in a major increase in the projects for retail and non-retail employees in the study area.
- * Impact and Issues Summary Table for alignment of 5.2 miles using 1992 projections (three lanes) versus 1997 land use projections (four lanes, divided, closed); costs estimated at \$33-37 million.

Areas of discussion included the zoning issues (residential development and potential commercial development (office space); the cost of the project, the impact on the County's budget and bonding authority, and the fact that since this will be a major roadway, the State should participate in the funding; and consistency in requesting developers to help in funding.

In conclusion Mr. Sanders indicated that if the Commissioners have input to the FDR Boulevard proposal to submit it to him as soon as possible so that the report can be finalized.

County Administrator Kachmar suggested that getting a financial transportation professional to look at funding options and make recommendations to the Commissioners.

METROPOLITAN COMMISSION

Present: Larry Petty, Director
Steve King, MetComm
Joseph Mitchell, Attorney, MetComm
Sue Veith, DPZ

The referenced individuals appeared before the Commissioners regarding the establishment of Total Maximum Daily Loadings (TMDL's) and the role of local government. Mr. Petty explained that the issue deals with the pollution of waters throughout the State and waters that surround St. Mary's County. There are two plans to deal with this issue--TMDL's through the Clean Water Act (mandatory) and the Chesapeake Bay Initiatives called the Tributaries Strategy (voluntary). He provided an overview of TMDL's stating they are limits on certain chemicals and nutrients which are being established for each tributary in Maryland in order to protect the Chesapeake Bay. The State is asking jurisdictions to do as much as possible on a voluntary basis otherwise the County could be subject to fines by the Federal Government.

The presentation included:

- * chart of the two paths (Clean Water Act and Chesapeake Bay Initiatives and requirements that must be met and criteria for discharging into the waters, point and non point sources).
- * chart showing overall watershed nutrient (nitrogen and phosphorous) sources (agriculture, point source, forest, atmosphere, and development).
- * chart depicting watersheds, substances (nutrients), and sources (Point, NPS, natural) and schedule for 40% reduction.
- * Tables showing Tributary Strategy TMDL's (maximum allowable load, point source allocation, nonpoint source allocation, and unallocated load) for Nitrogen and for Phosphorous in St. Mary's County's waterways.
- * That MDE is revising its current 303(d) list to include nitrogen and phosphorous limits.
- * Statement from Maryland Association of Municipal Wastewater Agencies urging the Maryland Department of Environment to reconsider the TMDL proposal and to allow jurisdictions to continue under the current voluntary nutrient reduction program.
- * Mr. Petty advised that there were three point sources into the Bay from St. Mary's County--Leonardtwn Wastewater Treatment Plant, Point Lookout State Park, and Pine Hill Run Treatment Plant. Pine Hill Run was rebuilt in a voluntary effort to help reduce nutrients going into the Bay.

In closing Mr. Petty advised that the referenced presentation was at this time for informational purposes only, but that within two years the Commissioners will have to make decisions regarding nonpoint sources based on information supplied by the Tributary Strategy Teams.

DEVELOPMENT REVIEW FORUM PROPOSED RESOLUTION FOR FAST TRACKING

Present: F. Elliott Burch, Jr., Chair

Mr. Burch appeared before the Board to present a proposed Resolution amending the process for Fast Tracking. He stated that the Commissioners had requested the Development Review Forum to evaluate the County's Fast Track Program and make recommendations. After review and with assistance from the Economic Development Commission, a Resolution was drafted to change the criteria for participation as follows: that the project must create 20 or more

jobs instead of the current ten; that the capital investment must exceed \$1M rather than the current \$250,000. In addition there are two other new criteria: (1) to require a 50% premium to be added to the filing fee to cover any overtime costs of the agency review staff in processing fast track projects. The fee could be waived by the Commissioners when overtime is not warranted. (2) to add a sunset clause mandating that a project must be submitted (or resubmitted) to DPZ within 90 days of Fast Track approval.

After discussion the Commissioners agreed to review the draft Resolution and make a decision at a later meeting.

SPECIAL TAXING DISTRICTS WICOMICO SHORES SPECIAL TAXING DISTRICT - PHASE III

Present: John J. Kachmar Jr., County Administrator
Larry Petty, Director, MetComm
Phil Rollins, Director, R&P
Douglas Durkin, County Attorney
George Erichsen, Director, DPW

The referenced individuals appeared before the Commissioners to discuss special taxing districts in general and to get direction whether to proceed with a Special Taxing District for Phase III of the Wicomico Shores Subdivision, Fourth Election District.

County Administrator Kachmar referred to a March 10, 1998 memorandum from County Attorney Durkin setting forth problem areas with regard to special taxing districts and the need for the Board to make certain policy decisions relative to these taxing districts. Further Mr. Kachmar provided historical background information relative to the creation of Wicomico Shores Subdivision, including road and water/sewer facility problems because of the developer's failure to complete the project, problems with property owners not being able to obtain building permits or use their land; foreclosure proceedings of the property; corporations involved in ownership of lots, and appointment of a working group to investigate the problems and recommend solutions (establishment of a special taxing district along with MetComm's ability to impose benefit assessment charges to cover the costs of improvements)..

Mr. Kachmar explained the establishment of a three-phase process to complete improvements (Phase I: improvement of roads to serve existing homes and accessible unimproved lots, construction of sewage treatment facility to serve the EDU's; Phase II: to provide for extension of Golf Course Drive and provide water/sewer to the abutting 59 lots, which was approved by Resolution No. 95-13, and the project is ready to proceed pending receipt of a wetlands permit from the Army Corps of Engineers.)

Phase III, the project in question, was intended to serve the remaining platted lots, approximately 470, 343 of which were in favor, seven not in favor, and 117 no responses), and Mr. Kachmar noted that Wicomico, Inc. \$2.1M has been included in this year's bond bill before the legislature for Wicomico Shores, and the Department of Public Works has included the project in next year's construction program.

Mr. Kachmar stated that the County has been approached by individuals including a development company regarding in completing Phase III, and MetComm would like to go forward with the expansion of the sewage treatment facility infiltration site to accommodate the 470 lots. The dilemma is that the County established a taxing district for the first phase in order to alleviate the infrastructure problems that began approximately 30 years ago.

Mr. Kachmar described to the Commissioners issues that need to be addressed: (1) whether the Commissioners want to establish a special taxing district for Phase III as had been done for the other phases; however, he noted that the corporation, Wicomico, Inc. owns a large number of lots, and the County would be aiding them in the construction by using government dollars for a project that has no infrastructure for these 470 lots. Property owners are paying

taxes on lots for which they derive no benefit. (2) whether the County wants to obligate \$2.1M of government funding to complete the project.

During discussion the Commissioners inquired whether the developer (who has expressed interest in buying out Wicomico, Inc.) would share in the cost of the improvements. Mr. Kachmar indicated that he and the County Attorney would work together in contacting the developer to determine whether he would share the cost. The issue will be brought back to the Board in three to four weeks.

ST. MARY'S NURSING CENTER STAFF SALARIES

County Administrator Kachmar presented and reviewed a handout setting forth options for increasing nursing center staff (Certified Geriatric Aide and Certified Medicine Aide) salaries and pointed out that the current salaries are not competitive with other nursing centers. The Center has a problem in retaining new hires. Included in the handout was a proposal to eliminate shortpay by increasing base pay; comparisons with other facilities; and three options for the Commissioners' consideration. Mr. Kachmar noted that the Nursing Center Advisory Committee endorsed the salary adjustment proposal.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser to accept the recommendation of the Advisory Committee and the County Administrator to approve Option No. 3, to be effective in the next pay cycle. Motion carried 4-0-1 with Commissioner Jarboe abstaining.

FIRST COLONY PUD PRELIMINARY DISCUSSION

As a follow up to the public hearing, the Commissioners commenced discussion on how to proceed with making decisions on the First Colony PUD project. Commissioner Thompson inquired whether the Commissioners would like to use a facilitator in taking them through the information that had been presented to the Board.

After some discussion regarding the pros and cons of having a facilitator, the County Administrator indicated he would contact a professional organization to see if there is someone available to take the Commissioners through the process, find out the time frame to accomplish the task, and the cost, after which the Commissioners will make a decision on how to proceed with addressing First Colony.

COUNTY COMMISSIONERS

Planning and Zoning Issue

Commissioner Brugman referred to a call from a constituent who advised that he had recently built a home that he and his wife are sharing with their daughter and her family. The daughter is living in the basement which has its own separate kitchen. Planning and Zoning has defined the house as multiuse dwelling and is requiring him to increase road and curb entrance to 40 feet versus 30 which will increase his cost. There are no exemptions or nothing in writing that requires 40 feet when it the structure is one dwelling with two families living there. Commissioner Brugman stated he would talk to DPZ and DPW to see if this can be addressed because this could be a situation that could arise again. Commissioner Thompson suggested that Mr. Grimm and Mr. Erichsen come before the Board to provide an explanation regarding this issue.

Gravel Roads/School Bus Accessibility

Commissioner Chesser advised that there are a number of roads in the County that are difficult for school buses and fire/rescue vehicles to make turns on. He further pointed out that there was no place on St. George Island for fire trucks to get water to fill up their tanks.

Use of Old Home for Small Businesses

Commissioner Jarboe pointed out that there were a number of older homes that are being converted into business places and inquired whether the County could provide incentives. None of these homes were built to ADA Codes or other codes. Perhaps they could be given a temporary CO and allow them a phase-in to meet requirements. (ADA requirements cannot be waived, but Commissioner Jarboe suggested that perhaps some of the county requirements could be done this way.)

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Mental Health Authority), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Mental Health Authority)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Mental Health Professional
Judith A. Spalding, Recorder

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

Time Held: 6:40 p.m. - 7:45 p.m.

Action Taken: The Commissioners continued discussion regarding a personnel matter and gave direction to County Administrator to prepare options for their consideration.

ADJOURNMENT

The meeting adjourned at 7:45 p.m.

**Minutes Approved by Board of
County Commissioners on _____**

**Judith A. Spalding
Recording Secretary**