

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
March 24, 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
Mary M. Langley, Recording Secretary

CALL TO ORDER

The meeting was called to order at 11:05 a.m.

COMPREHENSIVE LAND USE PLAN
(Discussion/Decision)

Also Present: Jon R. Grimm, Director of Planning and Zoning (DPZ)
Peggy Childs, Recording Secretary

(During the March 17, 1998 discussion on the Comprehensive Plan, Commissioner Eagan moved that the Commissioners send letters to all property owners affected by the Agricultural Overlay Districts proposed in the Plan, including both positive and negative impacts, with a tear-off sheet for the property owners' to respond within 2 weeks whether they support the Ag Overlays. The motion was amended and unanimously passed to direct staff to research the issue and report back today.)

Mr. Grimm referenced a memorandum provided to the Commissioners by the County Attorney stating that the proposed letter can be legally sent. Mr. Grimm stated that only agricultural parcels over 18 acres will be impacted by the Overlays, and distributed a tally compiled by DPZ of the affected number of parcels, as follows:

| | |
|--|------|
| Total of Affected Agricultural Overlay Parcels | 4843 |
| Total affected parcels under 18 acres | 562 |
| Total affected parcels over 18 acres | 564 |

Three Commissioners felt there were several issues the Plan does not address and, following discussion, Commissioner Jarboe moved to remand the 2/23/98 Final Draft to the Planning Commission, directing the Commission to review the following issues:

- (1) A Smart Growth "Live Where You Work" plan for Lexington Park;**
- (2) The addition of a long-term traffic plan with an Access Control Policy;**
- (3) The TDR Program (Transfer of Development Rights);**
- (4) Consider commercial rezoning of properties in the Lexington Park Development District along Route 235, based upon further implementation of the Access Control Policy;**
- (5) Review the responses from the farming community regarding the Agricultural Overlay.**

The motion was seconded by Commissioner Brugman, who then moved to amend the motion to include a review of the Philosophy contained in the Dissenting Opinion submitted by three members of the current Planning Commission. The motion to amend was seconded by Commissioner Eagan and, after discussion, passed by a vote of 3-2. Commissioners Brugman, Eagan and Jarboe voted in favor; Commissioners Thompson and Chesser voted against, feeling that this is a good plan and should be adopted as recommended.

Commissioner Jarboe's motion, as amended, to remand the Plan to the Planning Commission for review of the six issues enumerated, passed by 3-2. Commissioners Brugman, Eagan and Jarboe voted in favor. Commissioners Thompson and Chesser voted against.

A final motion was made by Commissioner Eagan to give the Planning Commission the freedom and the responsibility, if the members choose, to rewrite this Plan as they see it, including taking into account all the things discussed in the previous motions. The motion was seconded by Commissioner Brugman and passed by a vote of four to one with Commissioner Chesser voting against.

The discussion was concluded at 12:10 p.m.

APPROVAL OF MINUTES

(The Commissioners reconvened the meeting at approximately 1:10 p.m. following a break for lunch.)

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, March 17, 1998 and Thursday, March 19, 1998 as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize payment of bills. Motion carried.

ADDITIONS/DELETIONS TO THE AGENDA

Request was made by County Administrator John Kachmar to add an executive session for personnel (Nursing Center Administrator position). Commissioner Brugman requested that time be allowed for a discussion of the zoning ordinance or, if time did not permit, to add it to the agenda for the following week.

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

CONSENT AGENDA

Correspondence to:

1. Linda Janey, MD Office of Planning, regarding Clearinghouse Application for Section 5309 Bus Grant for MTA and Statewide Projects, Amendment #3.
2. Patricia Woodbury regarding First Colony and community growth.
3. Ancel Jones relative to the need for improvements to Moll Dyer Road.
4. Thomas Baine regarding request for information on the Historical Society and works of late historian Edward Beitzell.
5. Suzi Spalding regarding county support for the upcoming TRICO Corporation Auction.
6. Joseph and Beverly Bailey concerning proposed school redistricting.
7. Ken and Sandy Hastings concerning successful hearing on Bill to ban bank traps.

8. Stephanie Connors concerning solid waste and recycling.
9. Captain Eddie Davis concerning Oyster Seed Program.
- 10a. James Angelini regarding recreational facilities in St. Mary's County.
- 10b. Senator Roy Dyson regarding correspondence to James Angelini.

Commissioner Brugman 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. Draft Agenda for March 31, 1998

County Administrator John Kachmar requested the addition of an executive session for personnel (Mental Health Authority) and indicated the possibility of needing to add a discussion of the MCI solutions/costing report.

2. Budget Amendments

a. Office of Central Services

(To cover the cost of driver salary increases from Grade 1 to Grade 4 as previously approved by the Board of County Commissioners.)

- (1) No. 98-31: \$ 5,375 (ADA)
- (2) No. 98-32: \$ 9,435 (Section 5311)
- (3) No. 98-33: \$10,190 (SSTAP)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment Nos. 98-31, 98-32 and 98-33. Motion carried.

b. Department of Public Works: No. 98-34, \$38,041

(To provide assessment monitoring testing and analysis for the existing and new monitoring wells at St. Andrews Landfill as required by the Maryland Department of the Environment.)

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-34. Motion carried.

c. Department of Planning and Zoning: No. 98-35, \$8,000

(To provide needed continuation of contract employees assisting in plan review section to meet peak workload volumes. Funds supported by fees collected to cover costs of these services.)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-35. Motion carried.

3. Leonardtown Pre-Kindergarten Addition, \$18,000

a. Resolution 98-19: Public Facilities Bonds

(A resolution to supplement the August 26, 1997 resolution (#97-33) authorizing the issuance of general obligation bonds of the county by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.)

b. **Budget Amendment 98-30, Board of Education, \$18,000**

(To cover the design of an FY99 state approved Pre-Kindergarten addition for Leonardtown Elementary School so that occupancy can be obtained in the fall of 1998.)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize the signing of Resolution No. 98-19 and Budget Amendment No. 98-30. Motion carried.

4. **Grant Documents**

a. **Office of the Sheriff**

Local Law Enforcement Block Grant, Follow-up Information Form

(A form which provides responses to questions about the review and public hearing process conducted on February 5, 1998.)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Grant follow-up information form as presented. Motion carried.

b. **Walden/Sierra, Inc. (Domestic Violence Grant, Contract Modification)**

(Amendment of Contract to \$269,988 to provide additional funding in the amount \$5,055.)

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

5. **Resolution #98-20, Christmas in April**

(A resolution waiving landfill fees for Christmas in April Projects.)

Commissioner Eagan moved, seconded by Commissioner Chesser to approve and sign Resolution No. 98-20. Motion carried.

6. **Maryland Department of Agriculture**

Mosquito Control Program Budget, Calendar Year 1998

(County share--\$25,920; total budget--\$145,992)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Calendar Year 1998 Budget for St. Mary's County mosquito control activities.

7. **Saye Property: Settlement Documents**

(Deed, Easement, Easement Agreement, and Settlement Statements related to the county's acquisition of property [\$12,518] for right-of-way easement [approximately 0.751 acres] along Indian Bridge Road, Eighth Election District, from Janeen A. Saye.)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the settlement documents. Motion carried.

8. **House Bill 1418: St. Mary's County -- Salaries**

County Commissioners, Sheriff, Treasurer and Orphans' Court Judges

(Facsimile request of Delegate John Slade regarding County Commissioners' position on House Bill 1418 related to salary increases specified for St. Mary's County officials. Response requested by close of business day, March 24, 1998.)

The Commissioners declined the opportunity to comment as a Board on the proposed legislation but offered personal opinions regarding the bill which they asked the County Administrator to forward to Delegate Slade.

Commissioner Frances Eagan indicated that she had sent an individual letter to the delegation indicating her opinion and would like that to serve as her response. Her letter stated that she felt the Sheriff's and Treasurer's salary should be increased but that the County Commissioners' salary should stay the same. She also noted that she was not aware of the increase sought for the Orphans' Court Judges

Commissioner Paul Chesser stated that the legislative delegation had formed a committee to examine the issue, and he concurred with the findings of that committee.

Commissioner Thompson offered no opinion but noted that no one on the committee had spoken with her during their fact-finding investigation of the salary issue.

Commissioners Larry Jarboe and Chris Brugman felt we should stay with the status quo.

9. **Letter of Congratulations**

(Correspondence to former countian Orlando "Tubby" Smith, Coach of the Kentucky Wildcats, extending congratulations and well wishes in his team's basketball competition.)

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

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session for a personnel matter (Nursing Center Administrator), as provided in Article 24, Section 4-210(a)1. Motion carried 3-0-2 with Commissioners Jarboe and Brugman abstaining because of having relatives residing at the Nursing Center.

Commissioner Brugman stated that although the Ethics Commission had ruled he could participate in decisions related to the Nursing Center, it is his decision not to participate in matters related to the selection of the nursing center administrator and resident fees to avoid the appearance that his grandmother is receiving special treatment as a result. **Motion carried.**

Personnel (St. Mary's Nursing Center)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Melvin A. McClintock, Human Resources Director
Mary M. Langley, Recording Secretary

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

Time Held: 1:52 p.m - 2:12 p.m.

Action Taken: The Commissioners discussed a potential candidate for the Nursing Center Administrator position and agreed to take action in open session.

**ST. MARY'S COUNTY HEALTH DEPARTMENT
(PROPOSED ENVIRONMENTAL HEALTH FEE INCREASE)**

(Requesting approval to conduct a public hearing, at which the County Commissioners will sit as the Board of Health, for proposed fee increases within the Environmental Health Division.)

Also Present: Dr. Ebenezer Israel, Health Officer
Thomas Russell, Director

Mr. Russell provided an overview of the history and background related to the department's fee structure, including past and proposed fees. He noted that the existing fee schedule was adopted in 1992 to offset decreasing funding and was based upon 1992 costs of providing services. Costs have risen and today--with the value of land and new available alternative options for marginal sites-- both demand and staff time invested in handing permit applications have increased significantly. Some fees are set by the Code of Maryland Regulations and cannot be changed, such as the well permit fee. Dr. Israel indicated that the proposed fees will not meet costs involved; the department will still have to continue to subsidize these costs.

Proposed fee changes are for: Perk Test/Soils Evaluation (\$150/Current - \$200/Proposed); Septic System Inspection (\$75 - \$100); Subdivision Plat Review (\$75 - \$100); Site Plan Review (\$50 - \$75); Food Service Permit (\$100 - \$150).

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize the scheduling of a public hearing, with the Commissioners to sit as the Board of Health to consider fees as proposed. Motion carried.

**DEPARTMENT OF PLANNING AND ZONING (DPZ)
DEPARTMENT OF PUBLIC WORKS (DPW)**

(Follow up to a previous meeting at which Commissioners Brugman and Jarboe raised questions regarding concerns expressed by constituents related to specific renovation projects.)

1. CONVERSION OF OLD HOMES TO BUSINESS USE

Also Present: Jon R. Grimm, Director of Planning & Zoning
Harry Knight, Code Coordinator

Mr. Knight provided copies of handouts from sections of the BOCA Codes 1993 & 1996 related to this topic which the department provides to applicants. A permit is needed when there is a change of use, not when there is a change in ownership. Mr. Grimm noted that the building code is flexible in that it allows alternative ways of meeting the code and provides for temporary occupancy; however, the construction must maintain life-safety issues. Mr. Knight indicated that ADA improvements are limited to 20% of the renovation budget and there are certain prioritized improvements. DPZ will work with the applicant in determining what is needed. The fire code is more restrictive and does not allow for temporary occupancy and you do not have a spending threshold where life-safety is involved. There is a Fire Commission that can hear appeal cases.

It was acknowledged that there are many existing businesses that do not meet the requirements because the improvements predated the building code. The building code is one of attribution--eventually the owner will need a permit for renovations and that is when the unit will require upgrading to code.

2. MULTI-USE DRIVEWAY AND CURB CUT REQUIREMENTS (DPZ/DPW)

Also Present: Jon Grimm, Director of DPZ
George A. Erichsen, Director of DPW
Philip Spencer, County Resident

Mr. Grimm indicated that at the time of a building or subdivision request, DPZ collects-- as a courtesy to the applicant and DPW-- the bond for the permitting of an entrance to a county road. Requirements are dictated by the county Road Ordinance which is administered by the DPW.

At Commissioner Brugman's request, Mr. Spencer presented his situation pertaining to driveway entrance requirements. He indicated that he felt his existing driveway entrance onto Jones Road should be sufficient--all he did was renovate his unit to a duplex; it is not a multi-lot unit. DPW is requiring a R/20 entrance.

Mr. Erichsen provided an overview of entrance requirements and indicated that a high degree of flexibility is allowed depending on the nature of a particular site or the needs of a particular location. The intent of the ordinance related to a common driveway for multi-lot verses multi-use is to require an R/20 entrance. An engineers diagram of the turning movements of a bus onto the existing driveway verses R/20 and R/16 entrances was provided. Mr. Erichsen indicated that he had concerns with the existing 25' entrance which is below R/16 standards. His department would be willing to waive the R/20 requirements if an R/16 entrance were installed.

Mr. Erichsen noted that it is ironic that the driveway standard is 20' wide, compared to 18' for local roads. He indicated that this is an issue that needs to be addressed by his department as well as the Board of County Commissioners. In addition there is a bonding inequity on single entrances (\$500 bond; costs \$958 to build). The standards were developed in 1985 and have not been changed since then, although they were modified for asphalt depth. Mr. Erichsen agreed to bring proposed resolution to these problems before the Commissioners at a future time.

DEVELOPMENT REVIEW FORUM

PROPOSED AMENDMENT TO FAST TRACK RESOLUTION

(Response to the Commissioners' request of the Development Review Forum, with assistance from the Economic Development Commission, to evaluate the county's current Fast Track Program, established by Resolution in 1988 and modified in 1993.)

Also Present: Jon Grimm, Director of DPZ

The County Commissioners considered a resolution to modify the eligibility criteria for fast track permitting to set higher threshold levels related to the creation of jobs and capital investment and to establish a filing fee.

Commissioners Brugman and Jarboe expressed concern that the fast track process created a problem with equity and fairness to other business and created an unlevel playing field. Commissioner Eagan indicated that the process was useful in the past but is no longer needed with the economic boom now taking place in the county.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to rescind the fast-track process altogether for these specialized business. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to task the Department of Economic and Community Development and the Economic Development Commission with developing a quick process to assist all businesses to locate on properly-zoned land. Motion failed 2-3 with Commissioners Thompson, Chesser and Eagan voting against as there is already a process in place by the department to assist businesses; they will soon be opening a Business Resource Center in California, Md.

COUNTY COMMISSIONERS' TIME

Legislation for Special Vehicle License Tags

Referring to legislation to allow the issuance of special vehicle license tags by the Motor Vehicle Administration to provide funding for cat and dog sterilization, Commissioner Jarboe requested that the Board's prior correspondence to Senator Dyson supporting the legislation also be sent to Delegate Wood. The Board requested that the County Administrator forward a copy to the St. Mary's County Delegation.

FISCAL YEAR 1999 BUDGET RECOMMENDATIONS: DEPARTMENT APPEALS

Department of Public Works

Also Present: George A. Erichsen, Director

Requested the reinstatement of capital funds to complete work on Lockes Landing Road, All Faith Church Road and McIntosh Road to provide solution to public safety issues.

Office on Aging

Also Present: Gene Carter, Director

Requested reinstatement of funds to implement a 5-year staff plan to provide services for the county's steadily increasing senior population.

Ethics Commission

Also Present: John V. Baggett, Chair

Requested reinstatement of funds to employ independent part-time counsel to the Commission. Attorney to be selected through the county's bid process.

Chamber of Commerce

(Responding to County Commissioners' request to discuss items in budgetary request)

Also Present: Linda Wright, Executive Director
Janet Cooke, Staff
Danny Rebarchick, Vice-President, Chamber Tourism Committee

Commissioner Eagan expressed concern over redundancy between the Chamber's tourism efforts and those of the county's tourism office and asked that the Chamber work closely with the tourism office to make sure the county is getting the "best bang for their bucks."

Women's Center

Also Present: Lynn R. Fitrell, Executive Director

Requested funds to provide for a full-time administrative assistant position in lieu of the part-time position recommended.

Health Department

Also Present: Dr. Ebenezer Israel, Health Officer

Requested reinstatement of funds to implement: 1) a preventive dental sealant program for high-risk school children; and 2) a program to provide for emergency dental treatment for the working poor.

Office of the Sheriff

Also Present: Richard J. Voorharr, Sheriff

Requested reinstatement of funds to provide for: 1) two new deputy sheriffs for drug enforcement efforts; 2) two vehicles for deputy sheriffs; 3) establishment of a Property Technician position; 4) utilization of Block Grant funding for a fully-equipped surveillance van; 5) SWAT Team protective body armor vests; 6) a second K-9 at Detention Center; 7) replacement of vacant position with Corporal rank in the Corrections division; and 8) conversion of two court security officer positions from temporary part-time to regular part-time to provide benefits.

St. Mary's County Memorial Library

Also Present: Mary Wood, Director

Requested reinstatement of funds to: 1) restore the part-time Children's Assistant position at the Charlotte Hall Library; and 2) to provide for additional health benefit costs not calculated in original budget submission.

St. Mary's County Public Schools

Also Present: Dr. Patricia M. Richardson, Superintendent of Schools
Elaine Kramer, Director of Budget and Finance, Public Schools
Michael Hewitt, President, Board of Education
Julie Randall, Member, Board of Education

1. **Additional Funding Request**

Representatives provided an overhead presentation of statistics to support the request for additional FY99 funding. The Commissioners' requested that the Board of Education prioritize items within the request. School representatives expressed a reluctance to prioritize and requested that the Commissioners fund the full request for additional funds as presented. Mr. Hewitt indicated that the Board of Education would be meeting the next day, and following the meeting he would advise if they wished to meet with county staff again prior to the County Commissioners' finalization of the recommended budget on March 31, 1998.

2. **School Health Nurses**

Also Present: Dr. Ebenzer Israel, Health Officer

The issue of the funding source for three school health nurses was also discussed. Dr. Israel indicated that the Health Department has funded the positions in the past but, with state budget cuts to discretionary funding, his department would be hard-pressed to provide this funding in FY99. Following discussion, the Commissioners concurred that the funding source continue to be through the Health Department due to maintenance-of-effort requirements.

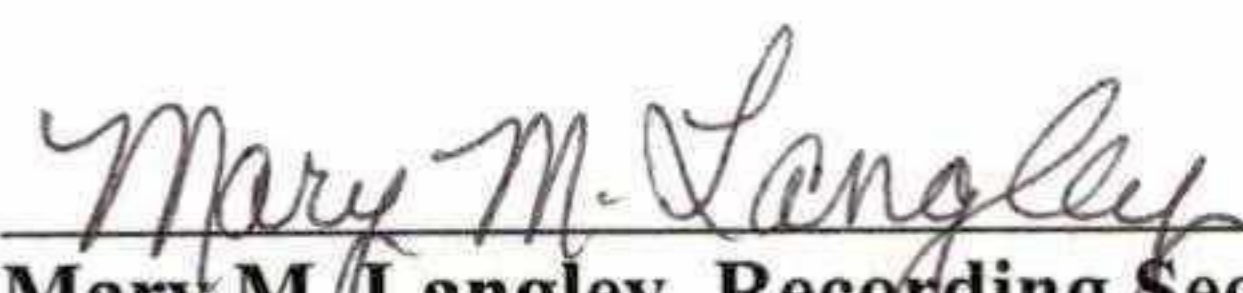
FOLLOW-UP TO EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as directed in executive session for personnel related to the Nursing Center Administrator position. Motion carried 3-0-2 with Commissioners Jarboe and Brugman abstaining.

ADJOURNMENT

The meeting adjourned at 6:18 p.m.

Minutes Approved on 3/31/98
by Board of St. Mary's County Commissioners



Mary M. Langley, Recording Secretary