

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
APRIL 28 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

**OFFICE ON AGING
ANNUAL LUNCH WITH THE COMMISSIONERS**

The Commissioners attended the referenced OOA Lunch at the Loffler Senior Center.

CALL TO ORDER

The meeting was called to order at 2:05 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of the Commissioners' meeting of Tuesday, April 21, 1998 as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the agenda as amended (to add a Proclamation for Buckle Up for Safety Month). Motion carried.

CONSENT AGENDA

Correspondence to:

1. Richard J. Hayden, Sr., relative to the Comprehensive Land Use Plan and rezoning of his property in Callaway.
2. Elmer Aloysius and Eva Elizabeth Johnson on their Golden Wedding Anniversary.
3. Daisy Pegg relative to the decision to approve the rezoning of First Colony.
4. Richard E. Dickerson, Dickerson Construction, relative to concerns with the Metropolitan Commission's bid process.
5. Maryland Department of the Environment relative to the Sewage Sludge Utilization Permit Modification Application for the Tureman Montfor property in Bushwood.
6. Neil Pedersen, MD Dept. of Transportation, concerning FDR Boulevard Master Plan Study.
7. William M. Wood, Jr. regarding speeding in the Chestnut Hills neighborhood.
8. Tom Russell, SMC Environmental Health, concerning community response to training offered to non-profits aimed at maintaining safe food handling.
9. Harold Young, U.S. Dept. of Housing and Urban Development, pertaining to Home Buyer Education Month.
10. David Deaderick, Three Oaks Center, relative to FY99 funding for the Center.
11. Richard Gass, SMC Historical Society, relative to FY99 funding of the Society.

12. Various letters to individuals concerning amenities proposed at Myrtle Point Park.
 - a. Steven T. Liebler
 - b. Christine Schmitthenner
 - c. Frank L. Fox
 - d. Robert Elwood
 - e. Erik Jansson, Potomac River Association

13. Various letters to individuals concerning request for full funding of the Board of Education's FY99 budget.
 - a. Dr. J. Michael and Jalayne Wheatley
 - b. Sherri St. Clair, Margaret Brent Middle School SIT
 - c. Judy Morazes, Chopticon High School SIT

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda as presented. Motion carried.

Commissioner Chesser moved, seconded by Eagan, to pull Letter #10 in order to revise it to indicate that a final decision regarding Three Oaks will be made during development of the Approved Budget. Motion carried.

Later in the meeting when the revised Letter #10 was presented, Commissioner Eagan moved, seconded by Commissioner to sign the letter as revised. Motion carried.

SICK LEAVE CLUB AWARDS

<u>100 Days</u>		<u>200 Days</u>	<u>300 Days</u>	<u>400 Days</u>
Elizabeth Passarelli	Wayne A. Miliam	William I. Abell	Howard A. Adams	Virginia B. Johnson
Donna L. Sweeney	Edward A. Willenborg			
Deanna J. Kramer	William L. Buckler			
J. Jill Branson	Margaret C. Lewis			
William B. Cease	Freda B. Owens			
Frances A. Hammett				

PROCLAMATION

The Commissioners presented a Proclamation designating the Months of May and June as *Buckle Up America! Months*

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Fiscal Year 1998 Supplemental Appropriation Ordinances
(Follow up to April 14, 1998 public hearing)
 - * Office of Community Services – Alcohol and Drug Abuse Administration
\$11,700
 - * Marcey House – Alcohol and Drug Abuse Administration - \$23,792
 - * Department of Recreation and Parks – Chaptico Wharf - \$25,000
 - * Department of Recreation and Parks – Bushwood Wharf - \$25,000

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

2. Grant Documents
 - a. Grant Application - Sheriff's Department
Domestic Violence Intervention and Prevention Program (Federal - \$56,088; Local Match - \$18,696)

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

- b. Grant Application – Office on Aging
Retired Senior Volunteer Program (Federal - \$39,193; County - \$22,009; In-Kind - \$1,819)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.

- c. Airport Improvement Program Master Grant Agreement between St. Mary's County and the FAA (which contains the grant assurances, general conditions, and typical special conditions. The Master Agreement eliminates the need to attach them to every grant agreement.

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

- d. St. Mary's County Housing Authority
Rental Allowance Agreement

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

- e. Letter to Governor's Office of Crime Control and Prevention indicating the County's support for the St. Mary's Women's Center, Inc.

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

- 3. Board of Education Categorical Transfer – Fiscal Year 1998
 - Administration \$ 1,988,154
 - Maintenance of Plant 2,314,919
 - Fixed Charges (85,000)

(To sign letter to Board of Education approving Categorical Transfer)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign the letter to the Board of Education as presented. Motion carried.

4. Budget Amendments

- a. No. 98-42 – St. Mary's County Public Schools
(To cover funds required for the soil erosion project at Hollywood Elementary School - \$35,000)

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

- b. No. 98-43 – St. Mary's County Public Schools
(To cover funds required for the wastewater feasibility study for Banneker Elementary School - \$10,000)

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

**MAIL LOG ISSUES
ANONYMOUS LETTERS AND COMPLAINTS**

Commissioner Jarboe questioned the placement of anonymous letters on the mail log stating that he puts them in the trash can stating that he did not believe that they should get recognition by being placed on the mail log.

In addition Commissioner Jarboe raised the issue of anonymous complaints received at the Office of Planning and Zoning. He suggested that the Department of Planning and Zoning develop a policy to require the complainant to sign a registered complaint so that the individual being complained about could face his/her accuser.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, that the Department of Planning and Zoning establish a policy to register complaints and that it be public information.

Commissioner Brugman moved, seconded by Commissioner Jarboe to clarify the motion that the complaint be made public to the person who the complaint was against. Motion carried three to two with Commissioners Thompson and Chesser voting against.

Vote on the main motion was three to two with Commissioners Thompson and Chesser voting against.

The Department of Planning and Zoning was directed to draft the policy and submit it to the Commissioners for consideration.

**ALCOHOL BEVERAGE BOARD
ALCOHOL ENFORCEMENT COORDINATOR POSITION**

Present: Sheriff Voorhaar
Members of the Alcohol Beverage Board

As a follow up to last week's discussion, County Administrator Kachmar advised that the Sheriff, Alcohol Beverage Board and the Finance Director met to discuss a resolution to the issue regarding the Alcohol Enforcement Coordinator position. It was recommended that for FY 1999 the Commissioners place funds in the ABB budget for a Sheriff's deputy to perform the enforcement services for the ABB, and that an internal fund transfer be used to pay for the services of this deputy. It was further recommended that the Sheriff be given an additional deputy position, but with no additional funding. The Sheriff will be able to fund the position through funds available as a result of personnel turnovers and delayed hirings.

Areas of discussion included providing enforcement coverage for balance of FY '98 (including the need for enforcement on the weekends); future years funding sources; and selection process for the enforcement coordinator position, which will take about three or four weeks).

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to use up to \$5,000 from the Reserve Account to allow the Alcohol Beverage Board to contract for a plainclothes officer to serve as enforcement coordinator for the weekends until the Fiscal Year 1999 budget takes effect. Motion carried.

The County Administrator indicated he would present the appropriate paperwork to implement the Commissioners' decision and stated that the inclusion of funds in the FY '99 budget will occur during the finalization of the budget on May 26.

COUNTY COMMISSIONERS' TIME

Flower Day Memorial

Commissioner Jarboe advised the Commissioners that there will be a *Flower Day* on Saturday, May 2 at the Courthouse in Leonardtown, in memory of Frank Klear who recently passed away. Flowers will be provided by the State's Attorney's Office and the Community Services Program.

County Administrator's Contract

Commissioner Eagan advised that the Commissioners had voted for Commissioner Thompson to sign the County Administrator's contract, and that it was her understanding that it has not yet been signed. She stated that she would like for it to be brought before the Board so that it can be signed.

Commissioner Thompson stated that she had not yet signed the contract because it included a step increase and she questioned whether he was eligible for one at this time. She referred to the motion approving the contract which indicated a one-year contract with any merit increase that he was entitled to; however, because he was a step 9, and the Personnel Manual states that after Step 6, increments are given every two years after a satisfactory evaluation. She pointed out that Mr. Kachmar was given a raise last year and that she did not believe he was entitled to one this year.

Commissioner Eagan questioned why the contract was not signed after direction was given by the majority of the Board. She stated that if the President had a question of eligibility that it was important for the President to inform the Commissioners she had these concerns which the President did not share with three board members.

Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize the vice-president to sign the County Administrator's contract. Motion failed two to two to one with Commissioners Thompson and Chesser voting against and Commissioner Eagan abstaining pending comments from the Director of Human Resources regarding this issue.

Later in the discussion Mr. McClintock, the Director of Human Resources advised that in June of 1997 Mr. Kachmar was given a "pay adjustment" not a merit increase and therefore, was eligible for a merit increase this year

After some discussion Commissioner Thompson signed the Contract as presented.

Nursing Center Administrator's Contract

~~The Board of County Commissioners was made aware Mrs. Thompson had not signed Mrs. Newman's contract as she was directed.~~

Commissioner Thompson stated that the contract for the Nursing Center Administrator indicates that the individual is a county exempt contract employee, and that it provides for a flat salary rather than using the County's pay scale. She stated that she believed it should be on the county's salary scale and that upon completion of a satisfactory evaluation, she would be entitled to a merit increase.

After discussion the Commissioners agreed to leave the contract as is with the understanding that if there were any changes in the administrative operations of the nursing center, the contract could be amended accordingly.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Thompson, to meet in executive session to discuss a matter of Personnel (Boards, Committees, Commissions), as provided for in Article 24, Section 4-210(a)1. Motion failed two to two to one with Commissioners Brugman and Jarboe voting against and Commissioner Eagan abstaining.

Commissioner Chesser moved, seconded by Commissioner Brugman, to meet in executive session to discuss a matter of Personnel (Sheriff's Department), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Removed per
vote taken on
5/12/98

Commissioner Eagan moved, to meet in executive session to discuss a matter of Property Acquisition, as provided for in Article 24, Section 4-210(a)11. Motion failed for lack of a second.

Executive Session – (Sheriff's Department)

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

Authority: Article 24, Section 4-210(a)1
Time Held: 4:20 p.m. – 4:28 -p.m.

Action Taken:: The Commissioners discussed an Employment Contract and agreed to take action in open session.

(Commissioner Brugman left the meeting at 4:28 p.m.)

Follow up to Executive Session

Commissioner Jarboe moved, seconded by Commissioner Chesser, to waive the Personnel Manual hiring policies to hire James R. Mollitor as a deputy in the Sheriff's Department. Motion carried.

EXECUTIVE SESSION – (PROPERTY ACQUISITION)

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in executive session to discuss a matter of Property Acquisition, as provided for in Article 24, Section 4-210(a)11. Motion carried three to one with Commissioner Jarboe voting against.

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)11
Time Held: 4:50 p.m. – 5:05 -p.m.

Action Taken:: The County Administrator reviewed a property acquisition matter and received direction from the board.

Follow up to Executive Session

Commissioner Jarboe moved, seconded by Commissioner Eagan, to turn down the property acquisition offer and give direction to staff as discussed in executive session. Motion carried.

ADJOURNMENT

The meeting adjourned at 5:10 p.m.

**Minutes approved by the
Board of County Commissioners on 5/5/98**

Judith A. Spalding

Judith A. Spalding, Recorder