

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
MAY 12, 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

DETENTION CENTER ADDITION RIBBON CUTTING

The Commissioners attended the ribbon cutting for the new addition at the Detention Center.

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 the Commissioners' meeting of Tuesday, May 5, 1998 as corrected. Motion carried.

MINUTES OF APRIL 28, 1998

Commissioner Thompson referred to a correction made last week to the April 28, 1998 minutes and stated that she did not realize there was a second page to the corrections. (That correction pertained to the Nursing Center Administrator's contract, and Commissioner Eagan has requested an amendment to indicate that Commissioner Thompson had not signed the Nursing Center Administrator's contract as directed by the Board.) She stated that the addition to the minutes made it sound like she was derelict in her duties by not signing, when in fact she had raised some questions contract with staff regarding Mr. Kachmar's contract before signing it and at Mr. Kachmar's suggestion, brought it to the Board of County Commissioners.

Therefore, Commissioner Thompson moved, seconded by Commissioner Chesser, that the referenced correction to the April 28 minutes regarding the Nursing Center Administrator's contract be deleted. Motion carried 3-1-1 with Commissioner Brugman abstaining and Commissioner Eagan voting against.

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 Jarboe, to approve the agenda as amended (to add a Proclamation for Community Action Month; and to delete the MCI presentation and the Nursing Center issues discussion). Motion carried.

CONSENT AGENDA

Correspondence to:

1. Mark Moore, Airport Commission Chair, regarding status of the Airport Commission.
2. Various individuals relative to Myrtle Point Park.
 - a. Sharon Jordan
 - b. Bob Boxwell, So. Md. Audubon Society
3. MD Dept. of the Environment concerning sewage sludge utilization permit application of Trueman Montfort Property.
4. Maryland Descendants with message of congratulations on the occasion of the Maryland/Kentucky Reunion 1998.
5. Michael Boyle, Chopticon High School teacher concerning Board of Education FY99 budget.
6. Arthur Ogilvie concerning Teen Center funding.
7. Kathleen Fean, AARP Chapter 863, pertaining to funding for the Office on Aging.
8. Sarah L. Houde pertaining to various topics including Board of Education FY99 budget, First Colony rezoning and Myrtle Point Park.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the Consent Agenda with the exception of Letter No. 1 to the Airport Commission. Motion carried.

Commissioner Eagan stated that she would like to revise Letter No. 1 stating that the Commissioners had agreed with the members of the Commission who had made the presentation to disband the Airport Commission, that a professional management team is at the facility to oversee operations.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Grant Documents
 - a. Marcey House – FY '99 DHMH/ADAA Budget Submittal
(Total Program Operations - \$249,734; \$160,700 from the state in grant funds and client fees, fund raisers, contributions and donations; \$48,964 from the County)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Budget Submittal as presented. Motion carried.

- b. Sheriff's Department - Grant Application
(COPS Universal Hiring Program (Federal: \$150,000; Local \$129,996)

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

- c. Sheriff's Department – Grant Application
Child Support Cooperative Reimbursement Agreement (Federal: \$130,988; Local: \$79,529)

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

- d. Department of Economic and Community Development
Resolution (No. 98-27) to Retain CDBG Program Income Generated from Sale of Skipjack Property and Submittal of ReUse Plan to MD DBED
(Commissioners to sign Resolution and to authorize Commissioner Thompson to sign transmittal letter)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize the Commissioners to sign Resolution No. 98-27 and to authorize Commissioner Thompson to sign the transmittal letter as presented. Motion carried with Commissioner Eagan abstaining because of the listing of banks participating may include The First National Bank of St. Mary's, of which she is on the Board of Directors.

- e. Office of Community Services Grant Application
Summer of Safety Arts and Reading Camps (federal - \$25,000)

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

- f. Department of Economic and Community Development
Federal Farmland Protection Grant – Letter of Support for the Consolidated Maryland Application

Commissioner Chesser moved, seconded by Commissioner Jarboe, to sign the Letter as presented. Motion carried.

- 2. Department of Public Works Items
 - a. Traffic Resolution No. 98-05 – Stop Sign on Nolan Court, 6th Election District
 - b. Traffic Resolution No. 98-06 – Stop Signs on Oak Tree Court, Argyle Court, Capps Court, and Elliott Court in Town Creek Subdivision, 8th Election District

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

- 3. Hollywood Shores Shore Erosion Special Taxing District
(Resolution Fixing and Levying of Benefit Charge)

Also Present: Douglas Durkin, County Attorney

As a follow up to direction given by the Board, County Attorney Durkin presented the referenced revised Hollywood Shores Shore Erosion Special Taxing District Resolution for the Commissioners' approval. He stated that it was his opinion that the method of assessment was proper and that he prepared the ordinance accordingly.

After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 98-28 as presented. Motion carried.

- 4. Information Releases
 - a. Success of Tire Amnesty Day
 - b. Opportunity for farmers and licensed pesticide applicators to dispose of empty plastic containers.
 - c. Announcement of Child Welfare Day on May 29.

The Commissioners authorized the distribution of the three Information Releases.

5. Colton Endowment Funds (Status Report)

County Administrator Kachmar advised that the review committee has requested additional costing information from the three bidders. This information should be received within the next seven to ten days after which a recommendation will be submitted to the Board.

PROCLAMATIONS

The Commissioners issued the following Proclamations:

- * Emergency Medial Services Week
- * Older Americans Month – Cedar Lane
- * Older Americans Month – St. Mary's Nursing Center

PUBLIC HEARING

ALPD #98-0296 (CRYER) AND ALPD #98-0295 (HAYDEN)

Because of the withdrawal of one of the applicants, the public hearing was cancelled.

WICOMICO SHORES TAXING DISTRICT

Present: Douglas Durkin, County Attorney
George Erichsen, Director, DPW
Larry Petty, Director, MetComm
Joe Mitchell, Attorney for MetComm

As a follow up to previous discussion the County Administrator indicated that the Commissioners will need to make a decision whether to go forward with the Special Taxing District for Phase II of the Wicomico Shore Subdivision.

During the presentation County Attorney Durkin reviewed the composition of the district (59 lots, 23 of which belong to Wicomico, Inc.), the history (including the public informational meeting, submission of petitions, and that Ordinance No. 95-13 establishing the road taxing district for Golf Course Drive Extended was adopted following a public hearing) Mr. Durkin's presentation included discussion regarding uniqueness of the taxing district; the current status of the district; (that a levying ordinance has not yet been adopted; if the Commissioners proceed the Quit Claim Deed would have to be accepted and recorded); real estate issues (title to the road bed and proper conveyance; need for clear title); and recommendations (if the Commissioners proceed with the taxing district (whether the Commissioners would extend taxing authority to vacant undeveloped land); that the Commissioners need to look at policy decision regarding the deed); if the Commissioners agree to proceed, his staff would prepare the appropriate levying Ordinance.

Areas of discussion included the possible setting of a precedent for Phase III; the differences between Phase II and Phase III; correction of problems created in 1978; that going forward with Phase II would be helping the developers of Wicomico Shores and whether Wicomico, Inc. could be excluded from the district (the County Attorney advised that it could not be excluded).

After discussion Commissioner Chesser moved, seconded by Commissioner Thompson to go forward with the taxing district for Phase II as previously established through an Ordinance. Motion failed two to three with Commissioners Brugman, Eagan (stating that she would like to help the citizens but not the developer) and Jarboe (stating that the developers should pay their own way) voting against.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to proceed with a public hearing to rescind the Ordinance establishing the taxing district. Motion carried four to one with Commissioner Thompson voting against.

PROPOSED DISPOSITION OF PROPERTY ADJACENT TO CLEMENTS LANDFILL

Present: Douglas Durkin, County Attorney
Family members of Louise Somerville

As a follow up to previous discussions, Commissioner Thompson indicated she had requested this item to be placed on the agenda to determine if the Commissioners were still interested in going forward with the disposition of the referenced property. Mrs. Somerville passed away in March; however, the family has expressed interest in acquiring the property.

Areas of discussion included the need for a survey and subdivision of the property, public sale of the property, inclusion of the Meridith property (that had been forfeited through drug forfeiture. Mr. Durkin advised that he is waiting for a court order regarding that property before proceeding with disposition); and funding source for the survey.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to request the County Administrator to do what is necessary to move forward with the disposition of the property adjacent to the Clements Landfill (survey and subdividing) through public auction, and that the cost of the survey be taken from the Reserve Fund. Motion carried.

MENTAL HEALTH AUTHORITY (REVIEW OF DOCUMENTATION)

(Present in Audience: Marilyn Carifi, Director and Sandra Kolwey, Chair)

As a follow up to previous discussions, Commissioner Thompson suggested that the Commissioners rescind the portion (Item #2) of Resolution No. 95-17 (Privatization of Core Service Agency – Mental Health Authority of St. Mary's County) that required that the County Commissioners make the appointments to the Mental Health Authority. She referred to a memorandum from the County Attorney recommending this action.

After discussion Commissioner Chesser moved, seconded by Commissioner Brugman, to rescind Item #2 in Resolution No. 95-17. Motion carried.

After further discussion and clarification by the Director and Chair of the Mental Health Authority relative to approval of bylaws, Commissioner Eagan moved, seconded by Commissioner Jarboe to rescind Item #1 in Resolution No. 95-17, which requires the Commissioners to approve the MHA bylaws. Motion carried.

ANIMAL SHELTER ISSUES

As a follow up to previous discussions Commissioner Jarboe inquired of the County Administrator what needed to be done to move forward with an animal shelter in St. Mary's County.

Mr. Kachmar reported the following:

- That relative to previous discussion regarding a cooperative agreement with the Animal Welfare League and the Humane Society for the operation of an animal shelter in the County, the Humane Society supported the concept felt that the tri-county shelter no longer meets the needs of the County; however at this time they are not interested in co-management of the facility because they are in the middle of working to strengthen their organization. The Humane Society would like to hold open the option in the future for jointly operating the shelter with the Animal Welfare League. (Commissioner Brugman requested that this be put in writing.)
- That he is waiting for Planning and Zoning to get back with him as to whether a shelter can be located at the St. Andrews Landfill.

- That he would like authority from the board to move forward with the development of language for an agreement with the Animal Welfare League wherein the League would provide housing of animals as a result of animal control activities. SMAWL would be responsible for construction of the facility and the County would be responsible for the land (unless it is donated).
- That a private property owner has offered to donate land, but it needs to be determined whether the land is compatible for this use (he will request that the offer be made in writing).

Mr. Kachmar advised that the Agreement will come back to the board once it is developed.

COUNTY COMMISSIONERS' TIME

Cancellation of County Commissioners' Meeting

Commissioner Eagan suggested that since there were five Tuesdays in June to cancel the June 30 meeting. The Commissioners gave their concurrence.

Site Distance Problem – St. Clements Shores

Commissioner Brugman referred to the ongoing site distance problem at Lady Baltimore and Leonard Street in St. Clements Shores. He stated that the bushes and shrubs on private property at that location have grown to the point that it was difficult to see other cars. The owners of the property no longer live in the area and there is no house at the site. In the past Public Works has trimmed the shrubs, and Commissioner Brugman inquired whether the County could completely remove the shrubbery.

The other issue in St. Clements Shores is that the ditches and drainpipes underneath driveways have collapsed or filled up with cuttings causing flooding problems, and he requested that Public Works be requested to look at and correct the situation.

Hollywood Business District Signs

Commissioner Brugman stated that Commissioners Jarboe and Thompson have brought this issue up in the past and further referred to a January 26 memorandum which indicated that SHA would be contacting DPW to develop a *Hollywood Town Center* business sign. Commissioner Brugman suggested that instead of contacting SHA that DPW be directed to develop two signs for the Hollywood Business District to be placed along Route 235. The Commissioners gave their concurrence.

ADJOURNMENT

The meeting adjourned at 4:35 p.m.

Minutes approved by the
Board of County Commissioners on 5/19/98

Judith A. Spalding
Judith A. Spalding, Recorder