

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
JUNE 9, 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 Chesser moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, June 2, 1998, as presented. Motion carried 3-0-2 with Commissioners Thompson and Brugman abstaining.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve a correction to the May 26 minutes (Re: MCI – that Phase II was Preliminary Solution and not Implementation). Motion carried.

**APPROVAL OF CHECK REGISTER**

Commissioner Eagan 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 include a Proclamation for National Nursing Assistant Week). Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to amend the amended agenda to include an executive session on potential litigation. Motion carried four to one with Commissioner Jarboe voting against.

**CONSENT AGENDA**

Correspondence to:

1. Christopher Hudak regarding the State of Maryland PBX telephone system contract.
2. Various individuals regarding the Enhanced E911 Emergency Management System for St. Mary's County
  - a. Bill Schroeder
  - b. Deputy Greg Laxton
3. Various individuals regarding Commissioners' decision on taxing districts in Phase II of the Wicomico Shore Subdivision area:
  - a. John Reese
  - b. Blake and Dianne Blackwelder
4. Various individuals regarding development of amenities at Myrtle Point
  - a. Susan Thompson
  - b. Chair, Southern Maryland Group of the Sierra Club
  - c. Anne Woodley and Lee Norris Soderberg

5. Colonel and Mrs. Edwin A. Hemmingson responding to request for further subdivision of a tract of land in Helen Farnettes.
6. (2 letters) Secretary of Defense William Cohen and to Senator Sarbanes regarding cutbacks in military honors at funerals for our nation's veterans.
7. Ken Hastings regarding litigation between the County and St. Mary's Disposal
8. Two individuals expressing congratulations on the occasion of receiving the rank of Eagle Scout.
  - a. Christopher E. Floyd
  - b. Robert H. Hinson
9. Robert Lewis regarding the creation of the map relative to Myrtle Point.
10. Chamber of Commerce Trade Fair Letter.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda as presented. Motion carried four to one with Commissioner Chesser voting against stating that Letter No. 9 to Mr. Lewis stating that he did not believe the letter addressed his concerns regarding the map.**

#### COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Grant Documents
  - a. Office on Aging
    - (1) Retired and Senior Volunteer Program Grant Agreement  
Federal Funding: \$39,193; County Funding - \$22,000

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

- (2) Medical Adult Day Care Proposal and Budget for FY 1999  
State Funding: \$83,591; County Funding: \$21,315

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

- b. St. Mary's County Public Schools  
Adult Education and Literacy Works  
State Funding: \$6,809; Local: \$1,702

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

- c. State's Attorney's Office  
Grant Award from the Governor's Office of Crime & Prevention  
Domestic Violence Intervention - \$7,500

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

2. Letter to Chair of Emergency Services Committee approving bylaw changes

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the Letter to the Chair of the Emergency Services Committee as presented. Motion carried.**

3. **Visit to Northampton, Pennsylvania**

The County Administrator advised that the MCI Proposal Negotiation Team will be taking a trip to Northampton, Pennsylvania to look at the MCI Emergency Radio System Center.

## **COUNTY COMMISSIONERS**

### **Tar and Chip – County Road Work**

Commissioner Eagan advised that she has gotten calls regarding the County's tar and chip road program—that some of the roads on the list did not need the work; and further that cars get hit by the rocks when it is first applied. She requested the County Administrator to find out: the process for selecting roads for the program; the purpose of tar and chip; and why tar and chip and not asphalt.

### **Public Forum – Mowing Program**

Commissioner Eagan referred to Minnie Russell's comments at the June public forum regarding the need for more frequent mowing along county roads, particularly Wynne Road. She requested the County Administrator to get the grass-cutting schedule and how it is developed from Public Works.

### **Adequate Public Facilities**

Commissioner Chesser stated he would like to have a discussion of adequate public facilities on a future agenda, because he believed the County has changed since the adoption of the Adequate Public Facilities Ordinance. Commissioner Thompson responded that the adequate public facilities will be discussed during the review of the update of the Zoning Ordinance.

## **EXECUTIVE SESSIONS**

**Commissioner Eagan moved, seconded by Commissioner Chesser to meet in executive session to discuss a matter of potential litigation, as provided for in Article 24, Section 4-210(a) 8 and personnel (Assistant County Administrator), as provided for in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.**

### **Potential Litigation**

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)8

Time Held: 1:45 p.m. – 1:50 p.m.

Action Taken: The County Administrator informed the Commissioners of a matter of potential litigation.

**Personnel (Assistant County Administrator Position)**

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  
"Mac" McClintock, Director, DHR  
Judith A. Spalding, Recorder

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

Time Held: 1:51 p.m. – 2:00 p.m.

Action Taken: The Commissioners discussed the Assistant County Administrator position and gave direction to staff.

**FOLLOW UP TO EXECUTIVE SESSION**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct staff to proceed as discussed in executive session regarding the Assistant County Administrator position. Motion carried.**

**PROCLAMATION - NATIONAL NURSING ASSISTANT WEEK**

The Commissioners presented the following Proclamation: National Nursing Assistant Week.

**RESOLUTION NO. 98-33**

**CONFIRMATION OF ORGANIZATIONAL NATURE AND AUTHORITY FOR THE ST. MARY'S NURSING CENTER AS A DEPARTMENT OR AGENCY OF COUNTY GOVERNMENT**

**As a follow up to previous discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 98-33 confirming the organizational nature and authority for the St. Mary's Nursing Center as a department or agency of St. Mary's County Government as presented. Motion carried.**

**ORDINANCE NO. Z-98-03**

**ZPUD #96-1607 – FIRST COLONY DEVELOPMENT (PUD-X)**

**Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and sign Ordinance No. Z98-03 approving the application for the First Colony Planned Unit Development with certain terms and conditions as contained in the Ordinance. Motion carried.**

**EXECUTIVE SESSIONS**

**Commissioner Eagan moved, seconded by Commissioner Brugman, to meet in executive session to discuss a matter of personnel (Department of Human Resources), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

**Personnel (Department of Human Resources)**

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

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

Time Held: 2:15 p.m. – 2:30 p.m.

Action Taken: The Commissioners reviewed a request by the Director of Human Resources and requested additional information.

### MYRTLE POINT PARK STATUS REPORT

Present: Phil Rollins, Director, Recreation and Parks  
 Jim Burgan, Chair, Recreation and Parks Board  
 Ren Serrey, Executive Direction, Critical Area Commission  
 Keith Lackie, Deputy Director, Planning and Zoning  
 Representatives of the Recreation and Parks Board

Mr. Rollins appeared before the Commissioners to present an updated status report on the progress of the Myrtle Point Park Master Plan. Mr. Rollins provided a brief history and overview of the property (that the Commissioners acquired it with the intent of an active park, that the property is not an environmentally pristine site, that it has archaeological and historical significance, etc.); summary of actions taken regarding the Master Plan Development (the Commissioners direction for the development of a Master Plan, public forums and survey conducted, RFP for Park Planning Consultant, amenities developed and voted on by County Commissioners, letter from CAC indicating need for Forest Interior Dwelling Birds Study (FIDS), and that the Master Plan is now expected to be completed by mid August); and park development issues (specifically that \$250,000 has been appropriated in FY '99 for park design and that the R&P Board voted to recommend that Phase I development be athletic fields.

Mr. Burgan emphasized the need for youth athletic fields and that there was adequate acreage at Myrtle Point to accommodate both athletic fields and nature parks. He further stressed the need for athletic fields in the northern end of the County.

Mr. Lackie explained subdivision regulation requirements for designation of recreational land (10 acres is recommended).

Mr. Serrey, in response to inquiries, explained the definition of "forest", the FIDS study in relation to forest areas of Myrtle Point (that a professional surveyor will visit the site several times to observe and listen for those birds presence to determine where the birds are using the site for breeding purposes (that would be the area where there would be requirements to preserve the habitat); definitions of "active" (requires infrastructure—fields, clearing, grading) and "passive" (bird watching, hiking, nature walks, etc.)

In conclusion Mr. Rollins advised that the plan is a preliminary concept plan, that it is still in process, and that he will return to the Commissioners in August or early September with recommendations from the Recreation and Parks Board and the Planning Commission. Also, Commissioner Brugman questioned the timing of the Critical Area Commission letter concerning the FIDS Study.

### EXECUTIVE SESSION

**Commissioner Eagan moved, seconded by Commissioner Chesser to meet in executive session to discuss a matter of personnel (County Attorney). Motion carried three to two with Commissioners Brugman and Jarboe voting against.** (Commissioner Brugman indicated that the County Attorney's memorandum sufficiently answered any questions he had.)

#### Personnel (County Attorney)

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  
 Douglas Durkin, County Attorney  
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
 Time Held: 3:55 p.m. – 4:55 p.m.

Action Taken: The Commissioners discussed a personnel item relative to the County Attorney's voice mail with the County Attorney.

**ADJOURNMENT**

The meeting adjourned at 4:55 p.m.

Minutes approved by the  
Board of County Commissioners on 6/16/98

*Judith A. Spalding*  
Judith A. Spalding, Recorder