

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
June 16, 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 1:08 p.m.

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, June 9, 1998 as amended. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO THE AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the agenda as amended (to add an executive session to discuss a matter pertaining to property acquisition related to Wicomico Shores). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence to:

1. Victor E. Accrocco relative to decision on taxing districts in Wicomico Shores subdivision.
2. MD Office of Planning concerning State Clearinghouse Application for implementation of Maryland Coastal Zone Management Program.
3. Joseph L. Harris relative to proposed zoning ordinance amendment to prohibit juvenile detention facilities in St. Mary's County.
4. Michael Hewitt, Chair of Board of Education, relative to the county's Adequate Public Facilities Ordinance.
5. Paul S. Lyon concerning traffic signals at the intersection of Buse Road and MD Route 235.
6. Robert Lewis relative to Planning Commission appointments.
7. William A. Smithson relative to need for additional soccer facilities in the county.
8. Anne Woodley concerning volunteer service of opening the Myrtle Point Park Gate.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the Consent Agenda as presented. Commissioner Chesser amended the motion to approve the Consent Agenda with the exception of letter #6 (correspondence to Robert Lewis).

Commissioner Thompson seconded the amended motion. A vote on the amended motion carried 3-2 with Commissioners Brugman and Jarboe against; the main motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Budget Amendments

a. County Commissioners' Office

- (1) No. 98-48 (\$2,702 – transfer funds to pay invoice for inserting Annual Report in *The Enterprise*)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-48. Motion carried.

- (2) No. 98-49 (\$1,500 – transfer funds to cover costs associated with conference attendance)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-49. Motion carried.

b. Office of Central Services – Year-end adjustments due to increased driving hours not covered by program revenues for the St. Mary's Transit System (interdepartment fund transfers).

- (1) No. 98-50 (SSTAP - \$9,807)
(2) No. 98-51 (Section 5311 - \$9,954)
(3) No. 98-52 (Section 18-ADA)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Budget Amendment Nos. 98-50, 98-51 and 98-52. Motion carried.

2. Department of Recreation and Parks

Fiscal Year 1999 Waterway Improvement Fund Grant Application
(Abandoned Boat and Debris Removal -- \$25,000 state funding)

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

3. Department of Public Works Documents

- a. Public Works Agreement for Hunting Quarter, Section 2; backed by a letter of credit in the amount of \$156,300 provided by Maryland Bank and Trust Company.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner President Thompson to sign the Public Works Agreement as presented.

- b. Public Works Agreement Addendum for Laurel Glen PUD extending completion date, Sections 1 and 2; backed by a Letter of Credit in the amount of \$55,000 provided by the First National Bank of St. Mary's.

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

- c. Public Works Agreement Addendum for Greenview West PUD, extending completion date, Section 1; backed by a Letter of Credit in the amount of \$363,300 provided by the First National Bank of St. Mary's.

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner President Thompson to sign the Public Works Agreement Addendum as presented. Motion carried 4-0 with Commissioner Eagan abstaining because she is on the Board of Directors of the First National Bank of St. Mary's.

- d. Road Deed and Road Resolutions for Cellar Hill Estates Subdivision – Riverwatch Court, 5th Election District. (Resolution Nos. 98-07—posting speed limit at 25 mph and 98-08—establishing stop street.)

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner President Thompson to sign the Road Deed and Road Resolutions as presented. Motion carried.

4. Resolution 98-34
Environmental Health Permit Fees
(Follow up to May 19, 1998 Public Hearing)

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign Resolution No. 98-34 establishing the revised fee schedule to be effective July 1, 1998. Motion carried 4-1 with Commissioner Brugman voting against.

5. Supplemental Appropriation Ordinances and Budget Amendments
(Follow up to Public Hearing on June 2, 1998)

- a. Ordinance No. 98-35 -- Office of Central Services
Budget Amendment Nos. 98-53, 98-54 and 98-55
(\$24,332 to increase appropriations for year-end adjustments due to increase in hours driving in the St. Mary's Transit System (STS) covered by increased program revenues.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Ordinance 98-35 and to authorize Commissioner Thompson to sign the accompanying Budget Amendments as presented. Motion carried.

- b. Ordinance No. 98-36 -- Office of Central Services and Department of Public Works
Budget Amendment No. 98-56
(\$266,000 to increase appropriations for the purchase of new and replacement equipment covered by auction of surplus solid waste equipment)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the budget amendment. Commissioner Eagan amended the main motion to approve and sign Ordinance 98-35 and to authorize Commissioner Thompson to sign the accompanying Budget Amendments as presented. The amended motion carried; the main motion carried.

- c. Ordinance No. 98-37 – Department of Public Works
Budget Amendment No. 98-57
(\$2,285,812 for the purpose of improvements at the St. Mary's County Airport)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Ordinance 98-37 and to authorize Commissioner Thompson to sign the accompanying Budget Amendment as presented. Motion carried.

6. St. Mary's County Public Schools
FY 1999 Budgets
(Requesting County Commissioners' approval of the Board of Education FY 1999 budgets for the operating fund, revolving fund and capital projects fund approved by the BOE on June 10, 1998)

Also Present: Dr. Patricia Richardson, Superintendent of Public Schools
Elaine Kramer, Public Schools

Commissioner Thompson requested that funding for the IDEA positions be changed from federal grant funded to county funded, noting that the Board of Education requested additional funds for these positions which was granted by the Commissioners.

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

[THE COMMISSIONERS DEFERRED THE REMAINDER OF THE COUNTY ADMINISTRATORS'S ITEMS IN ORDER TO CONDUCT THE PUBLIC HEARING ON THE ALPD APPLICATION OF JAMES SPENCE. THE ADMINISTRATOR'S ITEMS CONTINUE HERE FOR CONTINUITY.]

7. Department of Public Works
Pavement Overlay and Mowing Program

In response to previous inquiries by the Commissioner Eagan, Mr. Kachmar discussed a Memorandum dated June 15, 1998 as provided by George Erichsen, Director of Public Works, outlining the Pavement Overlay Program. Existing pavement conditions are rated annually by the department with respect to severity and extent of cracks, skid resistance, poor drainage, ride quality and traffic volume. The most effective overlay program or combination of programs is then selected based on need, priority and availability of funds.

Mr. Kachmar indicated that the Commissioners have received a petition from residents of Esperanza Farms requested that their roads not receive the maintenance treatment of slurry seal. Although the treatment leaves a residue (sandy grit) that remains loose on the finished surface, it dissipates in a short period of time; the loose gravel is sweep and/or vacuumed after the overlay has cured. Written notice is provided to residents which advises of the date of scheduled application and provides advice on how to travel on these roads immediately after treatment. The Commissioners expressed concern over the deterioration of the roads in Esperanza Farms should they not be maintained, but gave consent to defer the overlayment. They requested that a letter be sent to the petitioners explaining the consequences of this action on the subsurface of these roads and that the Public Information Officer and the Director of Public Works develop a public information program on the county's overlayment program for televising.

Concerning the county's mowing program, Mr. Kachmar advised that the 6,000 miles of county-maintained right-of-ways are mowed four times a year during the May 1 through November 1 season.

8. Boards, Committees, Commissions

Commissioner Eagan moved, seconded by Commissioner Brugman, and motion carried, to make the following appointments:

<u>Marcey House Board</u>	<u>Term to Expire</u>
Carol Kalmus-Choporis— <i>Reappointment</i>	12/31/2000
<u>Zoning Board of Appeals</u>	
Robert Lowmiller— <i>2nd Alternate</i>	12/31/2001

The County Administrator indicated that the standard appointment letter had been changed to request that the appointee submit a financial disclosure statement (if required by the Ethics Ordinance) with the signed letter of appointment.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign the appointment letter to Robert Lowmiller to include the revised wording. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Brugman, to sign the appointment letter to Carl Kalmus-Choporis to exclude the revised wording. Motion carried.

PUBLIC HEARING

ALDP #98-0968 – JAMES SPENCE

48.43 ACRES, 75th Election District, Tax Map 38, Block 4, Parcels 6 and 271

(Requesting County Commissioners' approval on proposed Agricultural Land Preservation District (ALPD) establishment and sale of Development Rights Easement.)

Present: Donna Sasscer, Agriculture and Seafood Dev. Specialist, DECD

Ms. Sasscer read into the record the public hearing notice published in *The Enterprise* on June 3 and June 10, 1998, and advised that the property was posted and all contiguous property owners were notified. The application was approved by the Agricultural Land Preservation Advisory Board on February 4, 1998 and Planning Commission on April 27, 1998. Commissioner Thompson opened the floor for comments. Robert Lewis stated that the Planning Commission hosted a presentation on agriculture preservation and urged the Commissioners to watch the videotape. There being no other comments, the hearing was closed; the record will remain open for ten days for written comment after which the Commissioners will take action.

COUNTY COMMISSIONERS' TIME

State Highway Administration Issues

Commissioner Jarboe requested that the Board draft a letter to the State Highway Administration requesting the marking of the middle median turning lane on Route 5 in Charlotte Hall adjacent to the Farmers Market and establishing a reduced speed zone through the area.

Commissioner Jarboe inquired of Mr. Johnson, present in the audience, about the status of his efforts in getting a sign on Route 5 to direct traffic going to St. Mary's City to use Route 5 through Leonardtown in lieu of Route 235. Mr. Johnson indicated that, through the efforts of Senator Dyson, the existing sign was painted over and reworded to accomplish that about 3 or 4 months ago.

MACo Training Program / Circuit Court Staffing

Commissioner Chesser provided information from the the MACo Board of Directors conference in Aberdeen which he attended. One of the topics discussed was Circuit Court jurisdiction and obtaining financial help for staffing. Due to the large turn-over in local government, a training program entitled "Academy for Excellence in Local Government" is being developed by MACo in cooperation with the Institute for Governmental Service, Local Government Insurance Trust, and the Maryland Municipal League. This will be a two-year program, with four electives, with a certificate issued by the Maryland University. Some of the courses will be available at MACo's conferences for a fee of \$50.

Planning and Zoning Complaint Policy

Commissioner Brugman reported that he has received a complaint from a citizen who has been reported to Planning and Zoning for non-compliance and that the department refused to reveal the name of the complainant to him. Commissioner Brugman asked that the Board encourage the department to start following their 3-2 vote to reveal the complainant's name. Commissioner Thompson indicated that the department must follow current policy until the Commissioners' formally accept the revised policy, which has not as yet been presented.

Charles County Community College Tuition Refund Policy

Commissioner Brugman received a call from a family whose daughter withdrew from college due to the death of her brother. The college will not refund her tuition nor credit the account stating that it is against their policy and that the policy is typical of other institutions. He researched the issue and found that other colleges do indeed have bereavement policies. Commissioner Brugman asked that the Board send a letter to the Community College requesting the establishment of such a policy.

MACo Legislative Committee / Nuclear Regulatory Commission

Commissioner Thompson reported that the Legislative Committee is requesting input for next year's legislative packet. Also the Nuclear Regulatory Commission is applying for a 20-year extension for the Calvert Cliffs. The approval process will take approximately 2 years with a series of meetings and public hearings. The Commissioners have received information on meeting dates in their mail-log packets.

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of personnel (County Administrator's Evaluation), as provided in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a property acquisition matter (Wicomico Shores), as provided in Article 24, Section 4-210(a)11. Motion carried 3-2, with Commissioners Brugman and Jarboe voting against.

Commissioner Eagan moved, seconded by Commissioner Chesser, 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 carried 3-2, with Commissioners Brugman and Jarboe voting against.

Executive Session
Property Acquisition

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

Authority: Article 24, Section 4-210(a)11
Time Held: 3:15p.m – 3:21 p.m.
Action Taken: Staff briefed the Commissioners on the referenced matter and received direction from the Board.

Executive Session
County Administrator's Evaluation

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe

Authority: Article 24, Section 4-210(a)1
Time Held: 3:25 p.m – 4:18 p.m.
Action Taken: The Commissioners discussed the performance evaluation of the County Administrator.

Executive Session
Personnel (Boards, Committees, Commissions)

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
M. Delores Lacey, Recording Secretary

Authority: Article 24, Section 4-210(a)11
Time Held: 4:20 p.m – 5:00 p.m.
Action Taken: The Commissioners reviewed the current status sheet, made nominations, and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 5:00p.m.

Minutes Approved by the
Board of St. Mary's County Commissioners on 6/23/98


Mary M. Langley, Recording Secretary