

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
July 21, 1998**

Present: Commissioner President Barbara R. Thompson
Commissioner D. Christian Brugman
Commissioner Lawrence D. Jarboe, Vice President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
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 Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of the Commissioners' meeting of Tuesday, July 14, 1998, as corrected. Motion carried.

APPROVAL OF CHECK REGISTER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Jarboe moved, seconded by Commissioner Chesser, to accept the agenda as presented. Motion carried.

CONSENT AGENDA

Correspondence to:

1. Dianne McWilliams, Charles County Community College Board of Trustees, concerning refund policy review.
2. Chad D. Finch relative to the distribution of condoms at the St. Mary's County Health Department.
3. Various individuals (same letter) concerning Wicomico Shores Special Taxing District.
 - a. David C. & Elaine Greer
 - b. Robert F. & Nadine A. Amos
 - c. William & Juanita Collison
 - d. Robert A. Hull
 - e. Clara Hecker
 - f. Ron Sugarman
4. Various individuals (same letter) expressing appreciation for contribution in support of Fire/Rescue Appreciation Day.
 - a. Fred Bailey, Booz, Allen and Hamilton, Inc.
 - b. Charles Hayden, Hayden's Auto Supply, Inc.
 - c. Candy Visele, Bucksnot Association, Inc.
 - d. George Ferguson, First National Bank of St. Mary's
5. Frederick J. Cox concerning MCI Systemhouse proposal for E911 System Upgrade.
6. Frank Taylor, Chair, Planning Commission, expressing appreciation for the submittal of the Commission's Annual Report.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda as submitted. Motion carried four to one with Commissioner Brugman voting against because he was not in favor of Letter #1.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Department of Public Works Documents
 - a. Road Deed for extension of Dublin Court located in the Shannon Run Subdivision

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

- b. Public Works Agreement Addendum for Hickory Hills PUD, Sections 3A and B, 8th Election District; backed by a Letter of Credit in the amount of \$376,000 provided by Nations Bank

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

- c. Public Works Agreement Addendum for Hunting Quarter Subdivision, Section 2, 8th Election District; backed by a Letter of Credit in the amount of \$39,000 provided by Maryland Bank & Trust Company

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

- d. Public Works Agreement Addendum for Essex South Subdivision, Sections 4B and C, 8th Election District; backed by a Letter of Credit in the amount of \$10,000 provided by Maryland Bank & Trust Company

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

- e. Public Works Agreement Addendum for Harper's Corner Subdivision, 5th Election District; backed by a Letter of Credit in the amount of \$35,000 provided by First National Bank of St. Mary's

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement Addendum as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of The First National Bank of St. Mary's.

- f. Public Works Agreement Addendum for Bay Ridge Estates Subdivision, 8th Election District; backed by a Letter of Credit in the amount of \$52,000 provided by First National Bank of St. Mary's

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement Addendum as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of The First National Bank of St. Mary's.

2. St. Mary's County Housing Authority
(Letter of Support for the Family Unification Program)

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

3. Grant Agreement
Office of Community Services
Americorps VISTA Supervision/Mileage Grant (\$11,600 federal funding)

Also Present: Joe Donnick, Alliance Coordinator

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

Mr. Donnick advised the Commissioners that the Office of Community Services and VISTA has received national awards for the *Summer of Safety program* this year as well as an award for the *St. Mary's County America Reads Program*.

4. Information Release
Flat Iron Road Construction Work

For the Commissioners' information, the County Administrator presented an Information Release regarding construction work on Flat Iron Road and indicating that the road will be closed to all through traffic at the Johns Creek crossing on July 28 and 29.

5. Pending List (Continuation from 7/14/98)

The County Administrator continued reviewed the current Pending List (which was carried over from last week) with the Commissioners; comments included:

Animal Shelter – Meeting with SMAWL is scheduled for 7/15; Assistant County Administrator Smedley will be working with SMAWL in drafting the agreement.

University of Maryland Boards/Commissions Study – Commissioner Chessser requested copy of draft report.

Clements Landfill Property – Perc tests needed and the land needs to be subdivided. (the Commissioners indicated that the disposition of the property could go forward without getting a perc test done.

Ethics Ordinance Amendments – Letter sent to State Ethics Commission requesting approval of amendments.

Emergency Radio System – County Administrator advised that correspondence was received from Capt. Paul Roberts clarifying the NAS's offer of assistance on the MCI communications proposal. The letter offers the NAS to conduct a study of the compatibility of the Navy's 911 system with the proposal. In addition, the letter indicates that several federal employees, who have technical knowledge and expertise, have offered their volunteer services to work with the committee as private citizens in reviewing the technical solutions.

Commissioner Eagan indicated she would support this offer, but was opposed to granting another extension.

6. Cost of Living Adjustments

The County Administrator advised that six employees, whose salaries were frozen, did not receive a COLA last year. In accordance with Section 1209 COLA's "will apply to all employees," and that evidently a former employee misinterpreted the Personnel Manual by not giving them the COLA's.

Commissioner Chesser moved, seconded by Commissioner Eagan, to give the COLA's due the six employees from last year. Motion carried.

CO-LOCATION OF HEALTH DEPARTMENT AND PLANNING AND ZONING

Present: James Stirling, Director of Capital Projects
Norman Norris, property owner adjacent to Peabody Street
Robin Guyther, Town Manager

As a follow up to previous discussion Mr. Stirling reviewed the current status of the proposed co-location of the Department of Planning and Zoning and the Environmental Health. The review included budgetary (\$1,002,500 total budget); scope of work (8,000 s.f. addition to the Health Department); benefits; current status (contract awarded for design services); next step (detailed analysis of site); site constraints (traffic, parking, stormwater management, wetlands); alternatives (leasing space at another location, new construction at governmental center; use of temporary courthouse when vacated by courts.

Commissioner Brugman referred to the recommendation by Norman Norris which is to abandon this plan and to use the temporary facilities at the governmental center when vacated by the courts for DPZ and Environmental Health, and move Board of Education to the current Health Department location.

Commissioner Eagan offered the suggestion to look at the possibility of instead of building on at the Health Department to add on to the temporary facilities to accommodate the Health Department, Planning and Zoning and the Board of Education.

Discussion ensued regarding the progress that has been made to date; the need for solutions to relieve the traffic situation on Peabody Street; the need for other access to the health department and nursing center in case of emergencies.

Mr. Sterling indicated he would look at various options and would work with SHA and adjacent property owners to discuss alternatives to resolve the traffic situations.

MUSEUM BOARD – ANNUAL REPORT

Present: Roy Dyson, Chair
Bob Arnold
Kim Cullins
Viola Gardner
Michael Humphries, Museum Director
Phil Rollins, Director, Recreation and Parks
Kenneth Beale, Intern for Senator Dyson

Members of the Museum Board appeared before the Commissioners to present the Board's 1997 Annual Report. Senator Dyson reviewed the significant activities of the St. Clement's and Piney Point Museums and referred to the erosion problems at the Piney Point Lighthouse property and at St. Clement's Island, and that a tour boat will be placed into service at St. Clement's Island.

A copy of the report is on file in the Commissioners' Office.

**PROPOSED ORDINANCE TO DISSOLVE THE AIRPORT COMMISSION
(DISCUSSION/DECISION)**

As a follow up to the July 7, 1998 public hearing on the proposed Ordinance to dissolve the Airport Commission, the Commissioners commenced discussion. Areas of discussion included:

The role of the Airport Commission (and the fact that it had been changed in 1996 from a board with authority to an advisory board; however, the County had not followed up by changing the description of the Commission in its application for appointment);

Whether a Commission is needed—whether to enforce it as an advisory board or to abolish the Commission;

Comments and letters from airport commission members (to dissolve and/or to make it an advisory or give the Commission its authority back)

Correspondence from MAA indicating that “placing an airport commission between the activities and the governing body only increases the layers of bureaucracy without insulating the County from its responsibilities,” and that when the Airport can be more financially independent, a new Airport Commission could be considered;

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign Ordinance No. 98-38 Repealing Ordinance No. 79-69 and 96-13; Dissolution of the Airport Commission; and Delegation of Airport Commission’s Responsibilities to Airport Manager. Motion carried four to one with Commissioner Thompson voting against stating she believed there was a role and need for an advisory board.

COUNTY COMMISSIONERS’ TIME

Lighting at Wildewood Boulevard and Route 4

Commissioner Chesser stated he has received requests for the installation of an overhead light at the intersection of Wildewood Boulevard and Route 4 because this intersection is very dark. Seniors from the retirement village are particularly concerned.

New Medicare/Medicaid Regulations

Commissioner Thompson referred to a letter from the U.S. Department of Health and Human Services regarding the new Medicare/Medicaid Regulations and questioned the impact on the Nursing Center. The letter requested comments from the County. County Administrator Kachmar indicated he would request the Nursing Center Director to draft a letter regarding any potential problems.

Letter from Sheriff/Firearms Range

Commissioner Thompson referred to July 16, 1998 correspondence from the Sheriff requesting a meeting with the Commissioners (along with the County Attorney, DNR, LGIT, MSP, DOD and the Sheriff’s Office) to clear up any misunderstandings regarding the Law Enforcement Firearms Range.

The Commissioners requested the secretary to make the arrangements for this meeting.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss a matter of Personnel (Ethics Commission), as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss a matter of Potential Litigation (Real Estate Issues), as provided for in Article 24, Section 4-210(a)8. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Executive Session - Personnel (Ethics Commission)

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

(Also Present: Members of the Ethics Commission: George Abell, Art Casale, Charles Walsh, Pete Weiskopf)

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

Time Held: 3:35 p.m. – 4:50 - p.m.

Action Taken: The Ethics Commission brought some personnel issues to the attention of the Board.

Executive Session - Potential Litigation (Real Estate Issues)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Lawrence D. Jarboe
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Mortimer Smedley, Assistant County Administrator
Douglas Durkin, County Attorney
Phil Rollins, Director, Recreation and Parks
Linda Opdyke, Legal Assistant
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a) 8

Time Held: 4:52 p.m. – 5:40 - p.m.

Action Taken: Staff reviewed a number of real estate issues/problems, received direction from the Board, and agreed to continue discussion of additional property issues at a later date.

JOINT MEETING WITH PLANNING COMMISSION/BOARD OF EDUCATION

Present: Jon Grimm, Dir., DPZ; Planning Commission: Hal Willard, Bill Donaldson, Jim Dexter, John Taylor, Robert Parkinson; Board of Education/Public Schools: Pat Richardson, Superintendent, Michael Hewitt, Chair, Lila Hoffmeister, Julie Randall, Mary Washington) Also Present: DPZ: Jeff Jackman, Mary Hayden; Public Schools: Brad Clements, Lorraine Fulton, Kim Howe; County Staff: John Kachmar, County Admin., Mort Smedley, Asst. County Adm., Jim Stirling, Capital Projects, Steve Welkos, Dir. of Finance, "Mac" McClintock, DHR)

The Board of County Commissioners met with the Planning Commission, Board of Education to discuss the Comprehensive Plan and Adequate Public Facilities, particularly as it pertained to the school system.

Comprehensive Plan Update

In response to inquiries from the Commissioners Mr. Willard, Vice Chair of the Planning Commission reviewed the progress of the Comprehensive Plan:

- Since the remand of the Plan the Planning Commission has been meeting an extra two meetings a month;
- In order to allow the PC to concentrate more on planning issues, some ministerial duties (site plan approval) have been delegated to the Zoning Administrator;

- Each of the items remanded by the BOCC is being addressed; however, he noted that each change often requires a change in other areas of the document;
- "SMART GROWTH" and Traffic Plan/Access Controls Policy– Discussions have been completed
- TDR Program – Had a forum with other counties' planning officials as well as a number of developers' perspective; restructuring of program has not been completed.
- Agricultural Overlay Program (renamed "agricultural district") – looking for appropriate legal definition.
- Commercial Zoning on Route 5 – Advertisement has been prepared for August 10, 1998 public hearing.

Adequate Public Facilities

Mr. Grimm reviewed the Adequate Public Facilities provision of the Zoning Ordinance as it relates to public schools and pointed out the action items of the Planning Commission. Mr. Clements reviewed the Bd/Ed's concerns with regard to the present Ordinance (including concerns about the impact of schools from new developments); school capacity summary; enrollment projections; capital improvement programs; redistricting and transportation issues; review of proposed changes to the Adequate Public Facilities by the Board of Education Growth Management Advisory Committee.

Areas of discussion included classroom sizes; future school expansions, school capacities/size of schools; new schools in appropriate districts/service areas; impact fees (responsibility of developers and directing students to schools outside the area if necessary); incentives for developers to build in development districts; possible relocation of Carver Elementary because of its location in the AICUZ (that the three Boards be involved in this issue); that all schools should be brought up to the highest level of quality; that staff at schools with redistricted students should make themselves available before the start of the school year to the students and parents in order to make the transition a smoother process.

In conclusion it was the consensus of all present that the three groups should meet more often in order to share ideas and concerns.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Minutes approved by the
Board of County Commissioners on 7/28/98

Judith A. Spalding

Judith A. Spalding, Recorder