

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
August 25, 1998**

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

**VISIT TO PUBLIC BOAT RAMPS**

As a follow up to previous discussion regarding real estate issues, the Commissioners visited four public boat ramps prior to making any decisions to resolve the issues.

**CALL TO ORDER**

The meeting was called to order at 1:10 p.m.

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of the Commissioners' meeting of Tuesday, August 18, 1998 as corrected. Motion carried.**

**APPROVAL OF CHECK REGISTER**

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

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Brugman moved, seconded by Commissioner Eagan, to accept the agenda as amended (to add discussion on Wicomico Taxing District Shores (as requested by Commissioner Chesser) and an update on the costs for consultant for rewrite of the comprehensive plan (as requested by Commissioner Eagan). Motion carried.**

**CONSENT AGENDA**

Correspondence to:

1. Shawn A. Stanley relative to traffic improvements along Route 235.
2. Iris J. Curtis relative to activities and needs of area youth.
3. Jack. F. Witten, Potomac River Association, acknowledging receipt of correspondence of August 4, 1998
4. Various individuals concerning Wicomico Shores Phase II Special Taxing District.
  - a. George W. and Maree F. Loutsch
  - b. David and Elaine Greer
  - c. Alfred A. Lacer, Esquire
5. Peter Brown and Tracy L. Stanton, University of Maryland, relative to partnership of learning for Smart Growth issues.

6. Various boards, commissions and committees expressing appreciation for the presentation of their annual reports.
  - a. Human Relations Commission
  - b. Nursing Center Advisory Board
  - c. Library Board of Trustees
  - d. Community Health Advisory Committee
  - e. Plumbing Board
  - f. Ethics Commission
  - g. Aids Task Force

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

#### COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Draft Agenda for September 1, 1998

Commissioner Eagan moved, seconded by Commissioner Brugman to cancel the public forum for September 1. Motion failed two to three with Commissioners Thompson, Chesser, and Jarboe voting against.

2. Department of Public Works Items

- a. Public Works Agreement Addendum for Forest Farm Subdivision, extending the completion date to September 1, 1999; backed by a Letter of Credit in the amount of \$322,000 provided by The First National Bank of St. Mary's.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Addendum as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining.**

- b. Public Works Agreement Addendum for Chestnut Hills Subdivision, extending the deadline for completion to August 1, 1999; backed by a Letter of Credit in the amount of \$350,600 provided by Crestar Bank.

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

3. Board of Education

- a. Fiscal Year 1999 Grant Awards  
NASA Science Teach Ambassador (\$3,500)  
Great Mills Child Care Center (\$7,148)  
(Letter to Board of Education approving the inclusion of these grant awards into the FY '99 budget)

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

- b. Maintenance of Effort – Nonrecurring Costs (Revised)  
(Letter to Maryland Department of Education)

**Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and sign the letter as presented. Motion carried.**

4. Sheriff's Department  
Domestic Violence Grant Award  
(Second Year Federal Grant in the amount of \$56,088)

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

5. Cable Advisory Committee  
(Letter to Chair approving revised by laws)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the letter approving the bylaws as presented. Motion carried.**

6. Request by Director of Emergency Management Agency to proceed with Application for frequency license for emergency radio system.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Director of EMA to file an application with FCC for the frequency license. Motion carried**

7. Metropolitan Commission  
(Request for Financial Support for modification of existing water and sewer lines in conjunction with widening of Route 235)

Also Present: Larry Petty, Director, Metropolitan Commission

Mr. Petty appeared before the Board to explain the Route 235 water and sewer line project necessitated by the widening of Route 235. The estimated cost of the project is \$2.08M, and Mr. Petty requested a commitment of financial support from the County in the amount of \$1M to help cover these costs and that he would also be making a request from State Highway Administration to solicit a financial commitment from them. He stated that MetComm would not be deriving direct benefit from the widening project and should not have to absorb the entire cost. During his presentation Mr. Petty suggested the Highway User Revenue as a source of county funding.

Areas of discussion included service charges to users, bonding authority, debt service, negotiation with the State; FDR Boulevard project; inclusion of bond funding in the Legislative Package.

In conclusion the Commissioners directed staff to draft a letter to the St. Mary's Legislative Delegation requesting use of their influence to get the Governor to provide state funding for the water/sewer project.

8. Library Site Selection Committee  
(Membership discussion)

As a follow up to previous discussions, the County Administrator requested the Commissioners to provide names of individuals to serve on the Library Site Selection Committee. The Commissioners agreed that the Committee would consist of seven members (one selected by each Commissioner, one from the library board and Mr. Stirling); and directed staff to prepare tasks, charge and responsibilities for the Committee.

9. Request by Southern Maryland Higher Education Center for use of the County's Office of Capital Projects to manage the Center's A&E grant for the design and engineering for the construction of a second classroom building, and further to use the Procurement Office services.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the Center use of the County's Office of Capital Projects and the Procurement Office. Motion carried.**

## ZONING BOARD OF APPEALS - ANNUAL REPORT

Present: Rocky Rowland, Chair  
Terry Miller, Member  
Howard Thompson, "

The referenced members appeared before the Board to present the 1997 Annual Report of the Board of Appeals. The report included the Purpose of the Board; Functions; Problems and Challenges; Plans for the Current Year; and Other Activities.

Areas of discussion "after the fact" cases, impervious surface limitations, home-based businesses, Critical Area Commission requirements, and that the Board of Appeals would like to participate in the review of the Sensitive Areas Plan.

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

## SHERIFF'S DEPARTMENT - FIRING RANGE DISCUSSION

Present: Sheriff Richard Voorhaar  
Sgt. John Hopf  
Mike Nelson, DNR  
Jean Lippard, DNR  
Ruth Ferrar, DNR  
Major Daugherty, DOD  
1st Sgt. Rich, MSP  
Douglas S. Durkin, County Attorney

The referenced individuals appeared before the Commissioners to discuss the proposed firearms range on a 40-acre site owned by the Maryland Department of Natural Resources. Mr. Hopf presented a video showing firing range facilities in other counties (Anne Arundel, Prince George's, and Hughesville), and showing the current firing range site in St. Mary's which is located at an old gravel pit. During his presentation Mr. Knopf pointed out the advantages of the new site off of Indian Bridge Road (that the current site is in the designated wildlands, and the new site is not; that it is located in the center of the County, and that it is in a safe location). He further advised that the current lease will expire in three years, and the new lease would be for 30 to 35 years.

Areas of discussion included insurance liability and risk issues; users of the facility (Sheriff's Department, Maryland State Police, DNR, and DOD); environmental concerns; possibility of private/public facility; and the importance of proper training of officers.

During discussion County Attorney Durkin reviewed the Right of Entry document (which allows entry onto the property for the purpose of conducting a land survey and preliminary site study), particularly with regard to the indemnification and hold harmless clause and insurance issues.

After lengthy discussion, **Commissioner Jarboe moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the Right of Entry as presented by the County Attorney. Motion carried.**

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to designate the County's Risk Manager, Mary O'Brien, as the point of contact for potential users of the facility with regard to insurance issues. Motion carried.**

In conclusion staff indicated that once the liability issues are resolved, the lease for the new facility will be presented to the Board. In addition, Mr. Nelson of DNR offered his department's assistance relative to getting a survey should the County need it.

**PUBLIC HEARING - SUPPLEMENTAL APPROPRIATION  
(CIRCUIT COURT)**

Present: Steve Welkos, Director of Finance

The Commissioners conducted a public hearing to consider a supplemental appropriation of \$35,700 in State grant funds through the State Administrative Office of the Courts to be used for a family support services coordinator to accommodate the expedited handling of family law related cases.

Hearing no comments, the public hearing was closed; the record will remain open for written comments for ten days.

**LEONARDTOWN COMMISSIONERS  
HOTEL/CONFERENCE CENTER IN LEONARDTOWN**

Present: J. Harry Norris III, Mayor of Leonardtown  
Robin Guyther, Town Administrator

The referenced individuals appeared before the Board to request the County's support in getting assistance from the State in getting grant and/or loans relative to the hotel/conference center proposed for the Town of Leonardtown. Messrs. Norris and Guyther provided the following points with regard to the project:

- The 390-acre Tudor Hall Village project will consist of a resort hotel, conference center, and golf course, as well as upscale housing, commercial and retail space.
- The 225-room hotel/conference center and planned golf course will be owned by the Town through a non-profit corporation, Leonardtown Recreation, Inc. and will be financed through tax exempt revenue bonds.
- The project will be receiving its final wetlands permit from the Corps of Engineers and Maryland Department of Environment within 15 days.
- Construction should start by middle of next year, and will take two years to complete.
- The Town will be seeking financial assistance from the State.
- Chamber of Commerce and Economic Development Commission have indicated support of the project.
- Some of the property is in the critical area and will require a growth allocation.
- The Town has discussed the possibility of a *host community fee*, which is a voluntary contribution in lieu of real estate taxes.

During discussion Commissioner Eagan suggested that the Town consider acquiring the land adjacent to the County's public landing and making it a waterfront project.

**After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize the Economic Development Commission to sign and forward a letter to the Governor requesting his full support of this economic opportunity through funding and any other assistance from the State. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to prepare a letter to the Governor requesting funding support. Motion carried.**

**DEPARTMENT OF PLANNING AND ZONING  
SENSITIVE AREAS PLAN/COMPREHENSIVE PLAN**

Present: Jon Grimm, Director, DPZ

As a follow up to previous discussions, Mr. Grimm appeared before the Board to present a Resolution signed by the Planning Commission on August 24, 1998 in which the Commission recommended approval and adoption of the "*Sensitive Areas Element*" of the January 20, 1998 draft comprehensive plan, as an amendment to the October 25, 1988 Comprehensive Plan.

**After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct Mr. Grimm to draft a Resolution to be signed by the Board of County Commissioners for the adoption of the "*Sensitive Areas Element*" of the January 20, 1998 draft comprehensive plan, as an amendment to the October 25, 1988 Comprehensive Plan. Motion carried.**

As requested by the Commissioners, a "whereas" clause will be added clarifying the action items.

**COUNTY ATTORNEY - REQUEST TO DONATE TO  
INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION**

Present: Douglas S. Durkin, County Attorney

Mr. Durkin appeared before the Board to request approval to donate \$1,000 from the County Attorney's budget to International Municipal Lawyers Association toward assisting Anne Arundel County in the filing of a brief relative to a Fair Labor Standards Act case of nationwide significance. Anne Arundel County is challenging the constitutionality of the application of the Fair Labor Standards Act to local governments. Attorney Durkin pointed out the relevancy of this case to St. Mary's County in light of the Kramer vs. Board of County Commissioners litigation, in which the removal of Fair Labor Standards Act over-time exemption for police/fire employees/volunteers would reduce the risk of further litigation by these groups.

Mr. Durkin further advised that Anne Arundel County has also requested his assistance in writing the brief, but because of his workload, he offered to review and comment on the document when completed.

**After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to donate \$1,000 from the County Attorney's budget to MLA. Motion carried four to one with Commissioner Jarboe voting against stating it would take too much of the County Attorney's time.**

**PROCUREMENT PROCESS  
UNIFIED LAND USE DEVELOPMENT CODE/COMPREHENSIVE PLAN**

Present: Jim Haley, Manager, Office of Central Services  
Douglas Durkin, County Attorney  
Jon Grimm, Director, DPZ

As a follow up to August 4, 1998 discussion questioned the status of the procurement process for inclusion of the writing of the comprehensive plan into the Scope of Work and whether the County has received a cost to do so.

Mr. Haley explained that the Scope of Work was prepared on August 14 and sent to the consultant, the consultant responded with questions, which were addressed by Mr. Grimm, and the consultant will submit costs this week.

During discussion Commissioner Eagan stated that she would like to see the consultants not rewrite the whole plan, but to modify the existing draft plan with guidance derived from the seven areas identified by the Board of County Commissioners in remanding the Plan back to the Planning Commission, but within the parameters of the October 14, 1997 public hearing notice. She inquired whether the Scope of Work to the consultant addressed this rather than starting all over again by rewriting the whole plan.

Mr. Haley stated that the Scope of Work required for the consultant to "review and report."

Discussion ensued as to the intent of the motion of August 4 (which Mr. Grimm read) which stated "to request the contractor, that when they submit cost for the Zoning Ordinance to also provide costs if they also wrote the comprehensive plan from the information the Planning Office would submit to them. Mr. Durkin indicated that the Scope of Work called for "review and report;" however, if the Board wanted the consultant to address the seven areas raised by the Board, that would be different than the scope of work given to the consultant.

After discussion the Commissioners directed staff to request a letter to the consultant to request to provide a cost to rewrite the seven areas of concern, with special emphasis on the two areas not yet resolved by the Planning Commission (agricultural preservation relative to TDR's and access management controls along major roads); that the consultant provide a breakdown of the cost of each of these items.

## COUNTY COMMISSIONERS' TIME

### Myrtle Point Master Plan Public Hearing

Commissioner Thompson stated that the joint meeting with the Planning Commission and Recreation and Parks Board on Myrtle Point has been scheduled for September 14, and she has received calls expressing concern about that date because it is the night before the primary election and they want to be out working for candidates. Mr. Grimm responded that staff followed direction given by the Board to move up the meeting from September 28.

## WICOMICO SHORES SPECIAL TAXING DISTRICT

As a follow up to last week's discussion, Commissioner Chesser indicated he was in support of implementing with Phase II of the Wicomico Shores Special Taxing District and to start the procedure to look into establishing Phase III.

Commissioner Eagan reiterated her position of last week stating that she would like to see a commitment to go forward with Phase III if it meets the legal requirements and if the citizens can afford it and want to move forward. She further referred to the letter from the firm interested in acquiring the shares of Wicomico, Inc. indicating a willingness to work with the County to the County's advantage.

Commissioner Jarboe stated that one of the principals of the firm advised that he would draft legal commitment regarding the boat ramp, but he would not vote to go forward until the Commissioners received the document.

**After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to go forward with Phase II Special Taxing District. Motion carried three to two with Commissioners Jarboe and Brugman voting against.**

~~Regarding Phase III, Commissioner Thompson clarified her comments of last week stating that it was never her intention to not move forward with Phase III. Since it was never her intention to not move forward with Phase III, Commissioner Thompson clarified her comments of last week.~~ Commissioner Chesser indicated his support of Phase III.

Commissioner Jarboe stated he would like to see a swimming pool and golf course free of encumbrances and that these commitments be put in writing and duly recorded.

## ADJOURNMENT

The meeting adjourned at 6:15 p.m.

Minutes approved by the  
Board of County Commissioners on 9/1/98

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