

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
September 29, 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  
Judith A. Spalding, Recorder

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of the Commissioners' meeting of Tuesday, September 22, 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 Eagan, to accept the agenda as amended (to delete Airport lease discussion and executive session and to add an executive session for personnel). Motion carried.**

**CONSENT AGENDA**

Correspondence to:

1. Carol Samuel, Leonardtown High School, regarding traffic and safety concerns at the entrance to Leonardtown High School.
2. George Kalnasy, Leonardtown Volunteer Fire Department, relative to the MCI proposal.
3. Charles Mattingly relative to merits and limitation of recent court orders.
4. Georgia Sprinkle and Margaret Mahone relative to rezoning of property along Route 235.
5. Congressman Steny Hoyer requesting support for reauthorization of the Older Americans' Act.
6. Various chairs expressing appreciation for the submittal of their board's Annual Reports.
  - a. Mary Whetstine, Teen Center Advisory Board
  - b. Raphael Guenther, So. Md. Wood Treatment Plant Task Force
7. Members of the Emergency Radio System Negotiating Team expressing appreciation for their efforts in the recent negotiations with MCI Systemhouse.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda with the exception of Letter No. 2. Motion carried. (Letter No. 2 will be amended and returned to the Board.)**

## COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Grant Documents
  - a. Office of Capital Projects  
Grant Offer – St. Mary's County Airport – Airport Improvement Project  
(FAA - \$157,599; State - \$8,755)
  - b. FAA Grant for Airport Master Plan  
Certification for Contracts, Grants, Loans and Cooperative Agreements  
(Airport Master Plan Grant approved and signed on 9/22; Because of deadline for submission. Commissioner Thompson signed referenced Certifications on 9/24. Approval is needed to reaffirm Commissioner Thompson signing of the document.)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Grant Offer as presented and to approve and reaffirm Commissioner Thompson's signature on the FAA Certifications. Motion carried.**

- c. Alliance for Alcohol Drug Abuse Prevention  
Grant Award from Governor's Office of Crime Control & Prevention  
(Federal - \$40,000; Matching - \$14,000)

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

- d. Department of Economic and Community Development  
Emergency Shelter Grant Agreement 1998  
(\$33,053 from Maryland Department of Housing and Community Development)

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

- e. Office on Aging  
Fiscal Year 1999 Area Plan Update Application  
(Federal - \$162,110; State - \$156,183; County Cash and Inkind)

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

2. St. Mary's County Commercial Drivers License Policy

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the Commercial Drivers License Policy as presented. Motion carried.**

3. Department of Public Works - Personnel  
Request to Combine Engineer/Technician Positions into a higher level Engineering Position

(Memorandum from the Human Resources Department forwarding request from Department of Public Works for reclassification of two positions within the Development Review Division (Engineer and Engineering Technician to be consolidated into one position of Engineer V, Grade 13, Step 4). The positions had been advertised at a lower grade and no qualified applicants applied.)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the requested reclassification as presented. Motion carried.**

4. Core Funding Agreement between Maryland State Department of Health and Mental Hygiene and St. Mary's County for Fiscal Year 1999 Local Health Department Core Funds.

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

5. Information Release  
Availability of Recycling at Blessing of the Fleet

**The Commissioners agreed to approve and issue the Information Release as presented.**

6. Natural Gas Code Ordinance Discussion

Also Present: Harry Knight, Code Coordinator, DPZ  
Tom Russell, Chair Plumbing Board

County Administrator Kachmar advised that concerns had been expressed regarding the requirement for testing for a gas fitters license.

Commissioner Thompson questioned the inclusion of this item under the County Administrator's time and stated that the information provided to the Commissioners did not include a recommendation from the Plumbing Board or a proposed Ordinance for consideration.

Mr. Knight and Mr. Russell explained that the Gas code was to be addressed during the development of the consolidation of building construction codes; however, during meetings with the applicable boards (Plumbing, Electrical, and BOCA Appeals) questions had been raised. Each board had proceeded with reviewing and proposing amendments to their respective codes. The National Electric Code 1996 was then adopted in January 1998. Furthermore, that if the Gas Code Ordinance was rescinded and local licenses were no longer issued for gas fitters only, a problem could be created regarding their ability to get work. He pointed out that if the Commissioners wanted to rescind the Gas Ordinance, it would have to be done by Ordinance, which would require a public hearing. The Plumbing and Gas Board have suggested amending the 1993 National Standard Plumbing Code with 1994/1995 Supplements to include St. Mary's County provisions.

**After discussion Commissioner Brugman moved, seconded by Commissioner Thompson, to direct staff to prepare a draft ordinance amending the 1993 National Standard Plumbing Code with the 1994/1995 Supplements to include provisions for St. Mary's County (deleting the requirement for testing Master Plumbers for a Gas Fitters License) for the Commissioners' review prior to scheduling a public hearing. Motion carried.**

## PROCLAMATIONS

The Commissioners presented the following Proclamations:

- Mental Illness Awareness Week
- Domestic Violence Awareness Month

**COMMISSION FOR WOMEN  
ANNUAL REPORT**

Present: Norma Pipkin, Chair  
Gwen Bankins

The referenced representatives of the Commission for Women appeared before the Board to present the Commission for Women's 1997 Annual Report. The report included the group's purpose and significant activities (which included Domestic Violence Awareness Program; Domestic Violence Research; Women's History Month; Speakers Program; and Educational Outreach.) In conclusion Ms. Pipkin pointed out that the Commission is in need for increased resources for victims of domestic violence.

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

**DEPARTMENT OF RECREATION AND PARKS  
PROGRAM OPEN SPACE ANNUAL PROGRAM AND  
CONSOLIDATED GRANT APPLICATION**

Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins appeared before the Board to present the referenced Program Open Space Annual Program and Consolidated Grant Application for two projects: Acquisition of property in northern end of the County (\$165,286 in POS Funds – no local match required); and development of the northern county park (\$199,314 in State Funds to be matched with \$175,000 in County Funds).

**After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the grant applications as presented. Motion carried.**

**Hollywood School Playing Fields**

Commissioner Brugman inquired as to the status of the grass at the Hollywood School fields and whether it should be sodded instead, and Mr. Rollins responded that because of the drought, it will have to be reseeded this fall. The estimated cost for sodding is \$25,000 to \$40,000 depending on the scope of work. By December if the grass has not taken, then sodding would be in order.

Mr. Jim Burgan, Chair, Recreation and Parks Board, stated that the Recreation and Parks Board voted that if the spring grass did not take during the summer, to ask the Commissioners to go forward with sodding the field.

**DEPARTMENT OF PLANNING AND ZONING**

Present: Jon Grimm, Director, DPZ

**Public Hearing**

The Commissioners conducted a public hearing on amending the St. Mary's County Zoning Ordinance Section 10.9 for the purpose of prohibiting private detention centers and juvenile detention facilities from all zoning districts and to Section 58.3 to exempt certain signs from the permitting requirements of the Zoning Ordinance.

Mr. Grimm read the Notice of Public Hearing which was advertised in *The Enterprise* newspaper September 11 and September 18, 1998. The Planning Commission conducted a public hearing on August 24 on the text amendments and recommended the text amendments to prohibit private detention centers and private juvenile detention facilities in all zoning districts and to explicitly permit certain temporary signs for non-profit and community groups.

During discussion Commissioner Thompson referred to the comment by the County Attorney that the prohibition could be found to be unconstitutional and she inquired whether this information had been conveyed to the Planning Commission. Mr. Grimm responded that the Planning Commission received Mr. Durkin's memorandum regarding this.

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

#### **Priority Funding Area Map Designation**

As a follow up to previous discussion Mr. Grimm reviewed the *Priority Funding Areas* Map showing how the criteria function with regard to the geography of the County. He pointed out the properties that are *Priority Funding Areas* and that they have been identified and certified as meeting the "Smart Growth" criteria. In addition Mr. Grimm reviewed the spreadsheet showing the detailed characteristics of the various zoned areas with calculations showing how the areas qualify for certification.

In closing Mr. Grimm advised that the maps can be revised and recertified at any time should a new analysis be done.

**After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the letter to Maryland Office of Planning forwarding documentation as certification that the *Priority Funding Areas* meet the "Smart Growth" criteria. Motion carried.**

#### **DEPARTMENT OF RECREATION AND PARKS PUBLIC LANDING ISSUES**

Present: Phil Rollins, Director Recreation and Parks  
Bill Ball, Recreation and Parks  
Linda Opdyke, Legal Assistant, Department of Law

As a follow up to the public landing tour and previous discussions, referenced staff appeared before the Board to review and get direction regarding certain public landings.

#### **Abell's Wharf**

(Involves an indemnification problem) The Deed received from Maryland Rock does not comply with the Maryland Attorney General's Opinion that local governments cannot enter into indemnity and hold harmless agreements unless the following have been provided: sufficient appropriations to cover losses or claims; insurance to cover possible losses or claims; statement within the indemnification clause which limits the responsibility of the government to only those funds which have been appropriated. The County has three options: to reject the deed until sufficient appropriations clause has been added; reject the deed and pursue condemnation; or accept the deed as is.

In conclusion the Commissioners requested additional information including the area for which the indemnification would apply and cost to acquire additional property prior to giving direction.

#### **Bushwood Wharf**

(Question as to ownership of the public landing and staff recommended that the Board direct the County Attorney's Office to initiate appropriate legal action to resolve this long standing real estate dispute.)

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to direct the County Attorney to pursue legal action as recommended. Motion carried.**

**Chaptico Wharf**

(Property boundary dispute resolved)

**Forest Landing**

(Title and boundary dispute; Mr. Rollins recommended that the Board direct the County Attorney to pursue appropriate legal action to resolve this matter and not wait until additional information is gathered before taking action as recommended by the County Attorney.)

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to direct the County Attorney to take appropriate legal action to resolve this matter. Motion carried.**

**Leonardtwn Wharf**

(County has no ownership interest in the boat ramp, only an easement for the ramp itself. Options include: abandon it; maintain status quo; or convey County's easement interest in the ramp to the Town of Leonardtown and that language be included in the transfer that the ramp will remain open to the public and if not it would revert back to the County.)

The Commissioners expressed interest in conveying the County's interest to Leonardtown and suggested Mr. Rollins pursue this with the Town and return to the Board with a recommendation.

**ST. MARY'S PUBLIC SCHOOLS  
STATE CAPITAL IMPROVEMENTS PROGRAM  
FISCAL YEARS 2000 – 2005**

Present: Patricia Richardson, Superintendent of Schools  
Brad Clements, Supervisor of School Facilities  
Karen Abrams, Attorney, Board of Education

The referenced representatives of St. Mary's Public Schools appeared before the Board to present and review the Public School's State Capital Improvements program (CIP) for FY 2000 – FY 2005, which was approved by the Board of Education on September 9. The Program was reviewed by the St. Mary's Planning and Zoning Office for compliance with the County's Comprehensive Plan; the Planning Commission endorsed the CIP on August 31.

By way of overhead slides, Mr. Clements reviewed the School Construction Program projects and time line, funding sources, total project costs and requested state amount; and current enrollment and enrollment projections.

**After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and sign the letter to State Public School Construction Program granting preliminary approval of the St. Mary's Public School's Fiscal Year 2000 – 2005 State Capital Improvements Program. Motion carried.**

**FIRE/RESCUE  
REVOLVING LOAN FUND**

Present: Steve Welkos, Director of Finance  
James Cumbie, Bond Counsel, Venable Baetjer and Howard  
Emergency Services Committee Representatives

Mr. Welkos appeared before the Board to review the proposed Fire and Rescue Revolving Loan Fund Loan Application Process. The Loan Fund will provide low interest loans to volunteer fire departments and rescue squads to finance the purchase of equipment and to finance land acquisition and construction costs. He pointed out that the Commissioners had appropriated \$1M in County bond funds for purposes of establishing initial financing for the

Fund, and that general obligation bonds can be issued for this purpose not to exceed \$2M. During his presentation Mr. Welkos advised that the County could charge an interest rate of approximately 5%; however, the interest rate on the loan is recommended to be ½%.

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the Revolving Loan Fund Application Procedures at an interest rate of ½%. Motion carried.**

**Commissioner Brugman moved, seconded by Commissioner Chesser, that the interest rate be reviewed annually during the setting of the fire tax rates, which are set by the Board of County Commissioners. Motion carried.**

## COUNTY COMMISSIONERS' TIME

### Nonpublic School Transportation

Commissioner Eagan referred to a memorandum from the Transportation Supervisor advising that in order to improve school bus safety, reflective tape has been placed on rear of all buses and strobe lights are being placed on the roof of all buses; cellular phones have also been installed in all buses to improve communication in case of emergencies.

### Maryland Public Television

Commissioner Thompson advised that on September 30, 1998 Channel 22 will be having a story about the drought in St. Mary's County.

## EXECUTIVE SESSION PERSONNEL

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss a matter of property acquisition (St. Mary's County Airport), as provided for in Article 24, Section 4-210(a)11. Motion carried four to one with Commissioner Brugman voting against.**

### Executive Session – Personnel (Workers' Compensation 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  
"Mac" McClintock, Director of Human Resources  
Mary O'Brien, Risk Manager  
Judith A. Spalding, Recorder

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

Time Held: 6:05 p.m. – 6:30 p.m.

Action Taken: County staff informed the Commissioners of a workers' compensation issue and the Commissioners agreed to take action in open session.

### Follow Up to Executive Session

Commissioner Eagan moved, seconded by Commissioner Brugman, to instruct staff to enforce the policy currently in place for workers' compensation and not what has been practiced. Motion failed two to three with Commissioners Eagan, Thompson and Chesser voting against in that the Board agreed to give a consensus rather than a motion.

In conclusion the Commissioners gave consensus to direct staff to enforce the policy currently in place regarding workers' compensation payment and to add it to the October 6, 1998 agenda for discussion in open session.

**ADJOURNMENT**

The meeting adjourned at 6:30 p.m.

Minutes approved by the  
Board of County Commissioners on 10/6/98

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