

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
November 3, 1998**

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

(Commissioner Paul W. Chesser was not present.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the minutes of the Commissioners' meeting of Tuesday, October 27, 1998, as presented. 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 Brugman moved, seconded by Commissioner Eagan, to accept the agenda as presented. Motion carried.

CONSENT AGENDA

Correspondence to:

1. Lorraine Comi, Bayside Care Center, expressing appreciation for contribution in support of Fire/Rescue Appreciation Day.
2. Maryland Office of Planning, Clearinghouse & Plan Review Unit, transmitting Review & Recommendation form for application of Connor Environmental Services & Engineering Assessments for construction of 228 units in Lexington Park (Willow Ponds Apartments).
3. Boards & Commissions expressing appreciation for the presentation/submittal of their annual report.
 - a. Larry Petty, Director of the Metropolitan Commission
 - b. Alexis Zoss, Chair of the Adult Public Guardianship Review Board
4. Vernon Gray concerning Homestead Tax Credit.
5. David Winstead, Secretary of the Maryland Department of Transportation, concerning Route 235 expansion project and resultant need for water and sewer line reconstruction.
6. Ronald Sugarman regarding the status of the Wicomico Shores Special Taxing District.
7. Jerry Nokleby concerning request for rezoning of St. Mary's Marina property.
8. Jesse Hinson concerning request for additional sewer allocations for property on St. George's Island.

9. Mona Lisa relative to request for names of candidates for County Commissioner in the general election.
10. Joseph Laska concerning drainage problems on property in Chestnut Hills, Leonardtown.
11. Jack Witten, Potomac River Association, concerning Myrtle Point.
12. Erik Jansson, Potomac River Association, expressing appreciation for comments on variety of topics.
13. Bob Boxwell, So. Md. Audubon Society, concerning protection of bird habitat at Myrtle Point.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Consent Agenda as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

- * **Draft Agenda – November 10, 1998**
- * **Calendar of Events**

1. Budget Amendment No. 99-10

(To cover funds required to start the design of Town Creek Elementary School HVAC; Green Holly School Roof; and Margaret Brent Middle School Addition/Renovation projects - \$112,000)

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

2. Department of Public Works Items

- a. Public Works Agreement Addendum for Pepper Ridge, Phase I, Wildewood Subdivision; backed by a letter of credit in the amount of \$47,000 provided by Mercantile Safe Deposit & Trust Company.

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

- b. Scrap Tire Recycling Amnesty Day Project Inter-Government Agreement.

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

3. Boards, Committees, Commissions

(Letter to Governor's Appointment Office forwarding nominations to the St. Mary's County Property Tax Assessment Appeal Board.

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

4. Grant Documents

- a. Office of Central Services
Mass Transit Administration – FY '99 Americans with Disabilities Act Assistance Grant Agreement
(State Funding - \$128,585)

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

5. St. Mary's County Treasurer
Authorization to Write Off Uncollectible Taxes
(Account #06-04701-7 for tax years 1995 – 1998; authorization to write off from 1990 to 1994)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Authorization form as presented. Motion carried.

6. Information Release – Results of two-day household hazardous waste collection program held October 24 and 25, 1998.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the distribution of the Information Release as presented. Motion carried.

7. Draft Plumbing and Natural Gas Code Ordinance
Draft Inspection Fee Resolution
(Request to schedule public hearings)

Also Present: Harry Knight, Code Enforcer
Tom Russell, Chair, Plumbing Board
John Castle, MetCom

As requested by the Commissioners the referenced individuals appeared before the Board to discuss the status of the referenced draft documents.

Draft Plumbing and Natural Gas

Areas of discussion included:

- That the Commissioners need to take action to approve the scheduling of a public hearing in order for the current board to make the decision;
- That only a Fair Summary needs to be available when scheduling the hearing the County Attorney is currently revising (the final draft documents);
- Whether the Attorney General has issued a formal opinion regarding the legality of a gas fitters license (the AG has spoken with the County Attorney but has not given a written opinion that the County should not require a separate *gas fitters* license);
- That the County should not require an additional license (gas fitters) on top of the Master Plumbers license;
- That the Commissioners have concerns that those who do not have a Master Plumbers license, but do gas fitting work, not be able to work;
- That the gas fitters license is a state issue (there is currently no state requirement for a gas fitters license), that it probably cannot be addressed locally, and that it would require legislative action by the State;
- Review of options available to the Board including making local license null and void, but allow them to stay valid until the current expiration dates of June 1, 1999 for gas fitters;
- That the County should be careful to not violate any Antitrust laws;

After discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to direct staff to proceed with a public hearing to delete the requirement for a Master Plumber to have a gas fitters license in St. Mary's County and to retain the existing gas fitters license until June 1, 1999 or until the Attorney General rules it illegal. Motion carried.

Inspection Fee Resolution

Mr. Knight explained that there is a contract to be implemented that had gone out on competitive bid, and the contract has been awarded; however, until the Resolution is adopted for the Inspections Fees, the contractor is not entitled to charge the new fees.

In that the County Attorney is currently revising the Ordinance, the Commissioners agreed to wait for the revised document prior to scheduling a public hearing.

COUNTY COMMISSIONERS' TIME

Locked Door at Carter Building

Commissioner Thompson referred to the letter regarding the doors at the Carter Building being locked when public meetings are being held, and she stated that she has also had the same problem. Assistant County Administrator Smedley and Public Information Officer Pedersen advised the Board that the problem is being addressed

Permit Problem

Commissioner Eagan reported that she received a telephone call from an individual who was having problems regarding a DPZ permit issue. He was under the wrong impression that this Board would not be meeting, and he would not be able to get his problem addressed. Commissioner Thompson responded that she had his name and telephone number and would provide it to Commissioner Eagan.

ADJOURNMENT

The meeting adjourned at 10:00 a.m.

Minutes approved by the
Board of County Commissioners on 11/10/98

Judith A. Spalding
Judith A. Spalding, Recorder