

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
SEPTEMBER 26, 1995**

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Present: Commissioner Barbara R. Thompson, , President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Aleck Loker, County Administrator  
Judith A. Spalding, Recorder

**CALL TO ORDER**

The meeting was called to order at 1:00 p.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, September 19, 1995. Motion carried.

**APPROVAL OF BILLS**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Check Register. Motion carried.**

**CERTIFICATE OF APPRECIATION**

Present: Sheriff Richard Voorhaar

Sheriff Voorhaar presented a Certificate of Appreciation to County Administrator Loker recognizing his support and efforts in the Community Policing Program in Lexington Park.

**AGENDA FORMAT**

County Administrator Loker reminded the Commissioners that the Commissioners had agreed to meet in the afternoon only on a trial basis in September and, therefore, presented two versions of the draft agenda for October 3--(a) with the current format of meeting in the afternoon; (b) the previous format of starting at 8:55 a. m. for their consideration.

After discussion it was the consensus of the Board to continue to meet using the current format (meeting later in the day), with the understanding that the matter could be addressed again at a later date.

**INTRODUCTION OF DIRECTOR OF FINANCE**

County Administrator Loker introduced the County's new Director of Finance, Steve E. Welkos, to the Board.

**COUNTY ADMINISTRATOR ITEMS**

Present: Aleck Loker, County Administrator

1) **Response Letters**

The County Administrator presented the following response letters for the Commissioners' review and signatures:

- To various individuals relative to the Clean Water Act amendments

- To Commission on Environment regarding recent drought and ban on burning.
- To Mr. Petrie relative to his concerns regarding cab fares in St. Mary's County.

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

- To students at Hollywood Elementary School expressing appreciation for their endorsement for the acquisition of Myrtle Point.

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

2) **Budget Amendments**

The County Administrator presented the following budget amendments recommended for approval by the Finance Office with justifications as indicated:

**No. 96-7**

**Public Works**

Airport Runway 29 Extension (\$6,545)

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-7 as presented. Motion carried.**

**No. 96-8**

**Public Works**

Mulberry South Taxing District (\$83,120)

Prior to making a decision on Budget Amendment No. 96-8, the Commissioners requested more information regarding the transfer of funds from the Wicomico Shores Account to Mulberry.

3) **Community Development Block Grant Agreement  
Subrecipient Agreement  
Holland Forrest**

On behalf of the Department of Economic and Community Development, the County Administrator presented the referenced Community Development Block Grant Agreement and Subrecipient Agreement for the Holland Forest Landing Project. The Grant, in the amount of \$259,322, is for the construction of a neighborhood/Head Start center in the Holland Forrest Landing and Barnes Court area.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Community Development Block Grant Agreement and the Subrecipient Agreement as presented. Motion carried.**

4) **Letter of Intent  
Maryland Housing Rehabilitation Program**

The County Administrator presented a Letter of Intent for the County's participation in the Maryland Housing Rehabilitation Program and certifies that St. Mary's County will use its Fiscal Year 1995 MHRP allocation.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign the referenced Letter of Intent for the Maryland Housing Rehabilitation Program. Motion carried.**

5) **Alliance for Alcohol/Drug Abuse Prevention Policy Council Meeting**

The County Administrator presented correspondence addressed to Community Leaders inviting them to attend the October 24, 1995 Alliance for Alcohol/Drug Abuse Prevention Policy Council Meeting at the Carter State Office Building at 3:30.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the referenced Meeting Notice Letter as presented. Motion carried.**

6) **Myrtle Point Property  
Letters Requesting Assistance**

The County Administrator presented correspondence addressed to the Congressional Delegation, Legislative Delegation and State Officials requesting assistance and support for securing funding to acquire some or all of the Myrtle Point property for a public park. .

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

7) **Public Works Agreement  
Barnes Estates**

On behalf of the Department of Public Works the County Administrator presented a Public Works Agreement dated August 22, 1995 between SaTaV Corporation and the Board of County Commissioners for St. Mary's County guaranteeing completion of Stephen Young Court by August 1, 1996. The Agreement is backed by a Letter of Credit in the amount of \$83,800 with The First National Bank of St. Mary's.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Agreements as presented. Motion carried with four Commissioners voting in favor and Commissioner Eagan abstaining in that she is on the Board of Directors of First National Bank of St. Mary's.**

9. **Historic Preservation Grant Contract for Phase III**

On behalf of the Department of Planning and Zoning the County Administrator presented the third phase project grant contract for the ongoing historic sites survey to be submitted to Maryland Historical Trust. The survey for Phase III is for the Third and Sixth Districts.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the Grant Contract as presented. Motion carried.**

11. **Wicomico Shores Special Taxing District**

Also Present: Jon Grimm, Director, Planning and Zoning  
Douglas Durkin, County Attorney

Mr. Grimm advised that because of an oversight the Marie Fenlon property, Lot 12, Plat 3, Section 2, was inadvertently omitted from the Wicomico Shores Special Taxing District. Adding the property to the District requires the County Commissioners' approval.

During discussion Mr. Grimm noted that the parcel is not a legal lot of record, and in order to rectify that situation, the property owner must record a subdivision plat. An acceptable plat has been presented; however, it cannot be recorded until sewer access is available. Including the property in the taxing district would make it available to sewer facilities and would enable the property owner to make it a legal lot.

Further, Mr. Grimm advised that the County Attorney has indicated that the property cannot be added to the Special Taxing District by Resolution, but must be done by Ordinance in that the Taxing District was established by Ordinance. This will require a public hearing, and, therefore, Mr. Grimm requested authorization to proceed with the public hearing to include the Marie Fenlon property in the district.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize the Director of Planning and Zoning to proceed with the public hearing to include the referenced property in the Wicomico Shores Special Taxing District. Motion carried.**

12) **Employment Contract**  
**Director of Finance**

**Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Employment Contract for Steven E. Welkos, the recently appointed Director of Finance. Motion carried.**

### **RECREATION AND PARKS**

Present: Phil Rollins, Director  
Hal Bishop, Chair, Recreation and Parks Board

1) **Wicomico Shores - Request to Purchase Lot #179**

As a follow up to a previous Executive Session Mr. Rollins appeared before the Commissioners to request authorization to proceed to acquire Lot #179, one-third of an acre, at a purchase price of \$23,000, on Golf Course Drive in Wicomico Shores adjacent to the Golf Course Maintenance Barn. Funds to acquire the property would come from the Golf Enterprise Fund with probable reimbursement from Program Open Space.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize the Director of Recreation and Parks to proceed with acquiring Lot #179 in Wicomico Shores as requested. Motion carried.**

2) **Piney Point Waterfront Park/Boating Facility**  
**Shore Erosion Project**

As a follow up to previous discussion, Mr. Rollins requested the Commissioners' approval to do the complete shore erosion control project at Piney Point Park. He advised the Board that he had presented two options (the complete project at an estimated cost of \$205,850; partial project at an estimated cost of \$74,176), and that the Recreation and Parks Board and staff recommend proceeding with the full project. Mr. Rollins explained the funding sources and the financial impact of the project on the Impact Fees/Money in Lieu of Land.

**After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the Director of Recreation and Parks to apply to Department of Natural Resources, Shore Erosion Control, for funding towards the complete Piney Point Shore Erosion Control Project. Motion carried.**

### **BUILDING CODE DISCUSSION**

Present: Jon Grimm, Director, DPZ  
Harry Knight, Code Coordinator  
Peggy Childs, Recorder

#### **1993 BOCA & 1992 CABO 1&2 FAMILY DWELLING CODE**

As a follow-up to the August 29, 1995 public hearing Mr. Grimm, by his memorandum dated 9/18/95, provided additional information, including a survey of how other counties handle

residential detached accessory structures and agricultural buildings. Two letters received during the open comment period were also provided for the Commissioners' information.

Questions and comments by the Commissioners included agricultural exemptions, elimination of the permit requirement for residential accessory sheds under 300 sq. ft., temporary structures (tents); the proposed contractor's licensing program requested by the BOCA Appeals Board, construction floor plans for administrative review, and permit requirements for signs.

Regarding increasing the plumbing permit exemption from \$200 to \$1,000, Mr. Grimm stated that a public hearing will be required to increase the exemption. Mr. Knight added that the key words here are "minor installations or repairs" and said the exemption is for material only; it does not include labor. The Plumbing Inspector advises that new installations cannot be included in this exemption and he feels the intent of the Plumbing Board may be misconstrued. A water system to a new barn, for instance, would not be exempt even if it had a value of less than \$1,000. Mr. Chesser noted that a permit exemption for a barn would not help a farmer very much if he still had to get permit for electricity and running water. Mr. Knight suggested a possible addendum for exemptions to water systems for animal use only, adding that the Plumbing Code is not written for protection of animals but protection of people. Commissioner Chesser suggested something should also be included regarding runoff. The Commissioners directed that the Plumbing Board clarify these issues and present their findings to the Commissioners so they can modify the Plumbing Code. Mr. Chesser said he would like to see the issue resolved for the farmers before winter.

**Commissioner Brugman moved to amend § R.110 of the CABO 1&2 Family Dwelling Code to provide a permit exemption for residential accessory structures of 300 sq. ft. or less, adding that the Commissioners pledge their full support of enforcement of this regulation. The motion was seconded by Commissioner Chesser and passed by unanimous vote.**

**Commissioner Brugman moved that the minimum fine under § 14.e of the Building Code Ordinance not be increased to \$200 but remain at \$100; and that the maximum fine under this same section be reduced from \$1,000 to \$500. Seconded by Commissioner Eagan; motion carried by 4-1; Commissioner Chesser voted against.**

**Commissioner Jarboe moved to delete § 14.f of the proposed Ordinance, which would authorize the BOCA Appeals Board to establish a construction licensing program. This program would not be approved. The motion was seconded by Commissioner Eagan and passed by unanimous vote. If the Commissioners were to decide in the future to establish this program, authority could be granted to the BOCA Board through an Ordinance amendment.**

**Commissioner Jarboe moved to amend § 14.d by reducing the fine from \$200 to \$100 to make it consistent with § 14.e. The motion was seconded by Commissioner Brugman and passed by a vote of 4-1. Commissioner Chesser voted against.**

**Commissioner Jarboe moved to amend the language of § 14.p from "more than three days" to "more than fourteen (14) days" for temporary structures (tents). The motion was seconded by Mr. Brugman and passed by a vote of 3-2. Commissioners Thompson and Chesser voted against.**

Following discussion of the last motion, Commissioner Jarboe asked if there is any height restriction for residential accessory structures. Mr. Grimm replied that the height restriction is contained in the Zoning Ordinance and is considered similar to a setback. Commissioner Thompson noted that, because of the permit exemption just approved for structures under 300 sq. ft., there may be people who build sheds too close to their property line but they would have to move them, and the County Commissioners would stand by enforcement of zoning setback. When you live in a subdivision, it makes a difference what your next door neighbor does, she said; everyone must abide by zoning requirements.

Commissioner Eagan moved to adopt the Building Code Ordinance as amended but withdrew her motion when Mr. Grimm asked for time to finalize the Ordinance, as amended, for the Commissioners' signature on October 3, 1995, with an effective date in two weeks time to allow staff to prepare zoning inspectors and permits counter personnel. The Commissioners gave their concurrence.

## **COUNTY COMMISSIONERS' TIME**

### **St. Mary's Press Building**

Commissioner Brugman requested that the County Attorney and the Director of Public Works present a status report on the St. Mary's Press Building.

### **Hiring Procedures**

Commissioner Brugman moved, seconded by Commissioner Jarboe, that all hirings in county government be reviewed by the Commissioners on a case-by-case basis until the Efficiency Task Force has completed its final report for this year.

During discussion Commissioner Brugman moved, seconded by Commissioner Jarboe, to amend the motion to allow those positions that are already in process to go forward. Motion carried.

Motion unanimously carried on the amended main motion.

### **Procurement Approvals**

Commissioner Eagan advised that she had noticed that according to a published agenda, that the Calvert County Commissioners approve awarding contracts and inquired why the St. Mary's County Commissioners do not do this.

County Administrator Loker responded out that the Commissioners approve the budget for a major purchase and that the County uses a fair procurement process.

### **Temporary Airport Manager**

Commissioner Thompson suggested that Jim Haley, temporary airport manager, meet with the Airport Commission.

## **SPACE NEEDS/JUDICIAL CENTER NEEDS**

Present: Dan Ichniowski, Director, DPW  
Bruce Manger, Consultant  
J. Harry Norris, III, Town Mayor  
Rebecca Proffitt, Town Commissioner  
Robin Guyther, Town Manager

As a follow up to previous meetings, the Commissioners discussed the three alternatives discussed at last week's meeting and the various factors relative to the proposed judicial center. Issues included in the discussion were: whether a need existed; amount of space needed; location factors (costs; parking; land acquisition; expansion availability; operator synergy; constructability; economic benefit; historic value; completion time frame; and aesthetics); and the Town's ability to participate with the County if the Center were to remain in downtown Leonardtown.

After discussion Commissioner Brugman moved, seconded by Commissioner Jarboe, that the Judicial Center remain in downtown Leonardtown by expanding the current Courthouse.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to amend the motion to indicate that approval of renovating the existing courthouse is contingent upon Leonardtown providing the land for parking. Motion carried four to one with Commissioner Chesser voting against.

Vote on the amended motion was three to two with Commissioners Thompson and Chesser voting against.

#### **EXECUTIVE SESSIONS**

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Personnel (State's Attorney's Office; EMA; Sheriff's Department), as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

#### **Personnel (Sheriff's Department - Workmen's Comp Leave Request)**

Present: Commissioner Barbara R. Thompson, President  
 Commissioner D. Christian Brugman  
 Commissioner Paul W. Chesser  
 Commissioner Frances P. Eagan  
 Commissioner Lawrence D. Jarboe  
 Aleck Loker, County Administrator  
 Douglas Durkin, County Attorney  
 Judith A. Spalding, Recorder

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

Time Held: 5:50 p.m. - 5:53 p.m.

Action Taken: The Commissioners discussed an exception to Chapter 25 of the Personnel Manual and agreed to take action in Open Session.

#### **Personnel (Emergency Management Agency)**

Present: Commissioner Barbara R. Thompson, President  
 Commissioner D. Christian Brugman  
 Commissioner Paul W. Chesser  
 Commissioner Frances P. Eagan  
 Commissioner Lawrence D. Jarboe  
 Aleck Loker, County Administrator  
 Douglas Durkin, County Attorney  
 Judith A. Spalding, Recorder

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

Time Held: 5:55 p.m. - 5:57 p.m.

Action Taken: The Commissioners discussed a personnel request and agreed to take action in Open Session.

#### **Personnel (State's Attorney's Office)**

Present: Commissioner Barbara R. Thompson, President  
 Commissioner D. Christian Brugman  
 Commissioner Paul W. Chesser  
 Commissioner Frances P. Eagan  
 Commissioner Lawrence D. Jarboe  
 Aleck Loker, County Administrator  
 Judith A. Spalding, Recorder

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

Time Held: 5:58 p.m. - 6:40 p.m.

Action Taken: The Commissioners discussed two personnel issues and agreed to take action in Open Session.

## PERSONNEL MATTERS

### Emergency Management Agency

Commissioner Eagan moved, seconded by Commissioner Chessser, to approve the waiver of the Personnel Manual, by reassigning the current Deputy Director, Grade 20, to the Secretary III/Steno, Grade 14, position, as per her request, within the Emergency Management Agency. Motion carried.

### Sheriff's Department - Worker's Comp

Commissioner Chessser moved, seconded by Commissioner Jarboe, to approve an exception to Chapter 25 of the Personnel Manual by approving the 17 days of Workers' Compensation Leave for a Deputy First Class in the Sheriff's Department. Motion carried.

### State's Attorney's Office

Commissioner Eagan moved, seconded by Commissioner Jarboe, to deny the request to waive the competitive hiring process by reassigning an employee from a Secretary III, Grade 13 position to Child Support Coordinator, Grade 11 position. Motion carried.

Commissioner Chessser moved, seconded by Commissioner Eagan, to approve the State's Attorney's request for a Clerk Receptionist, Grade 11, position, to accommodate the work load and to relieve the professional staff from clerical duties. Motion carried.

## PUBLIC MEETING

### 1996 LEGISLATIVE PACKAGE

The Commissioners conducted a public meeting on the 1996 Legislative Package. The items reviewed and presented were as follows:

1. **Elected School Board**  
To establish an elected school board in St. Mary's County  
(Submitted by Elected School Board Task Force)
2. **Public Facilities Bond**  
To request additional authorization for the issuance of General Obligation Bonds in an amount not to exceed \$20,000,000 for Capital Projects for Fiscal Year 1997.  
(Submitted by Director of Finance)
3. **Board of Appeals Membership (Alternate)**  
To allow both alternates to sit on the Board in the absence of members  
(Submitted by Director of Planning and Zoning)
4. **Comprehensive Water/Sewer Plan - Administrative Procedures**  
To expedite project plan approvals within the County's designated development districts and town centers by creating an "administrative amendment process" for comprehensive water/sewer plan amendments.  
(Submitted by Director of Planning and Zoning)
5. **Alcoholic Beverage License - Class C License - Clubs**  
To delete language regarding the sale of a Class C license to clubs composed solely of members who have served in the United States Armed Forces in any war.  
(Submitted by Patuxent Moose Lodge)
6. **Bank Traps**  
To prohibit the use of bank traps in the waters of St. Mary's County.  
(Submitted by Commissioner Paul Chessser)



Additional items submitted were:

**Vernon Gray, President, Alliance for Concerned Taxpayers**

**Open Meetings Act** - To prohibit executive sessions for the consideration and deliberation of property acquisition or disposition, except for covert law enforcement purposes.

**Health Department Permits** - To require health department permit for recycling facilities

**Elected School Board** - To amend the proposal to include language preventing the present appointed board from entering into personal employment contracts beyond an expiration of June 30, 1997; and to eliminate the designation of a county commissioner as an ex-officio member.

**St. Mary's River State Park** - To continue to allow operation of a police training and public recreational firearms shooting facility in the designation of certain portions of the St. Mary's River State Park as "wildlands."

**County Commissioners/Ethics Ordinance** - To prohibit a county commissioner, subsequent to election, from accepting any non-paid position with any business or organization whose relations with the county government results in that Commissioner having to abstain from participation in the deliberative and decision-making actions of the Board.

**Government Consolidations** - To transfer responsibilities and functions of Bd/Eds data processing, purchasing, and facilities management to St. Mary's County Government and that the Bd/Ed budget be reduced by the cost of those functions for the calculation of Maintenance of Effort funding.

**Donald Ervin (School Bus Contractor)**

**County Road Maintenance** - To require all county maintained roads to be marked with center and shoulder lines and to increase the maintenance right-of-way distance to 20 feet from the center line.

(Delegate Slade indicated that the request would be cost prohibitive and that perhaps the County could negotiate for an easement with the property owners.)

**Larry Pinto**

**Health Insurance** - To request legislators to review the financial burden placed on Maryland businesses from the increased health insurance premiums from the "Maryland Comprehensive Small Employer Reform Law," HB 1359.

**Anthony Pitt**

**President, Board of County Commissioners** - To provide for the annual election of the president of the County Commissioners by majority vote of the Board of County Commissioners.

**Robert Thompson**

**Gambling Casinos in Maryland** - Suggested that there be a referendum to allow the citizens to decide whether to allow gambling casinos.

**Commissioner Chris Brugman**

**Casino Gambling** - To place casino gambling on the ballot (referendum) for the 1996 elections in St. Mary's County.

**Board of Education/Maintenance of Effort** - To allow jurisdictions to reduce the Board of Education's budget if there is a reduction in school enrollment.

**Southern Maryland Tri-County Council** - To give St. Mary's County the option of whether or not to remain a partner in Tri-County Council.

**Open Meetings Act/Executive Sessions** - To eliminate discussion of boards, committees, and commissions; hiring of personnel; and land acquisition from executive sessions.

**Repeal of Smoking Ban** - To repeal the 1995 decision to ban smoking in the work place.

**Doug Ritchie**

**Homesite Tax Exemption** - To provide for a homesite tax exemption and to tax income to provide revenues in St. Mary's County.

At conclusion of the meeting Commissioner Thompson advised that the Commissioners will be meeting with the Legislators at a Breakfast Meeting on October 16 at Ye Old Restaurant in Leonardtown and will be taking positions on the legislation on Tuesday, October 24.

**ADJOURNMENT**

The meeting adjourned at 9:45 p.m.

**Minutes Approved by Board of  
County Commissioners on 10/3/95**

Judith A. Spalding  
**Recording Secretary**