

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
MAY 14, 1996**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Susan G. Wilkinson, Administrative Officer
Mary M. Langley, Recorder

CALL TO ORDER

The meeting was called to order in the Carter State Office Building Public Meeting Room at 11:00 a.m.

SALARY/CLASSIFICATION/BENEFITS DISCUSSION WITH COUNTY EMPLOYEES

The Commissioners met with county employees to receive input on the Commissioners' proposed changes to salary, classifications and benefits as presented in the May 1, 1996 issue of the *Administrative Review*. Comments were received from the Employees' Association, elected officials, department heads, and staff. A tape recording of the discussion is on file with the County Commissioners' office.

The meeting was recessed at 12:40 and reconvened at 1:00 in the Commissioners' Meeting Room (#14) in the Governmental Center.

APPROVAL OF MINUTES

The Commissioners deferred approval of the May 7, 1996 minutes until the next regular meeting.

ADDITIONS/DELETIONS TO AGENDA

The following items were added to the agenda: executive session to discuss a matter of Personnel (County Administrator position) and Public Schools update on FY97 revenues.

FOLLOW UP TO EXECUTIVE SESSION OF MAY 7, 1996

Commissioner Jarboe moved, seconded by Commissioner Brugman, to direct the Personnel Officer to determine the county administrator applicant's willingness to accept the position and, pending reference checks, to offer the position. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Susan G. Wilkinson, Administrative Officer

1) Correspondence

Ms. Wilkinson presented the following correspondence for the Commissioners' review and consideration:

To Secretary Payne of the Maryland Department of Housing and Community Development regarding St. Mary's On-Behalf-Of Bond Authority for first-time home buyers, recommending local design targeting the issue to the zip code areas of Lexington Park, Great Mills, California and Park Hall.

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

2) **Boards/Committees/Commissions**

Appointments - BOCA Code Appeals Board

Commissioner Eagan, seconded by Commissioner Chesser, to appoint Patrick J. Mudd, Jr. to the BOCA Code Appeals Board for a term to expire June 30, 2000. Motion carried.

Letters of Appreciation for presentation of Annual Reports

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward letters of appreciation to the Chairs of the Agriculture Land Preservation Advisory Board and the Agriculture Commission for presentation of Annual Reports. Motion carried.

3) **Grant Documents**

Ms. Wilkinson presented the following grant documents for the Commissioners' consideration, explaining that three (3) agencies in St. Mary's County receive Child Support Enforcement grants from the State Department of Human Resources and cooperate in administering the program with assistance from the Department of Social Services -- the Circuit Court, the Sheriff's Department, and the State's Attorney's Office.

Child Support Enforcement Grant Agreement - (State's Attorney's Office) - \$239,907

Also Present: Walter Dorsey, State's Attorney
Roberta Loker, Social Services

Mr. Dorsey noted that the Agreement presented is an amendment to this year's grant previously approved by the County Commissioners. The amendment will add \$12,000 left over from the prior year's grant and enable the county to fill a temporary position for a net cost of \$4,533.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner President Thompson to sign the Agreement documents. Motion carried.

Child Support Enforcement Grant Agreement (Circuit Court) - \$69,301

Ms. Wilkinson presented the FY97 Cooperative Reimbursement Agreement for the Circuit Court of St. Mary's County in the amount of \$69,301.

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner President Thompson to sign the Agreement documents. Motion carried.

4) **Budget Amendment 96-49 (\$37,100) -- Sheriff's Department**

Also Present: Deputy Jamie Raley, Special Services Division
Barbara Dotson, Fiscal Specialist, Sheriff's Dept.
Steve Welkos, Finance Director

Mr. Welkos presented a budget amendment to provide \$37,100 in supplemental funds to the Sheriff's Department to allow for the purchase of two additional replacement vehicles. It was noted

that the Sheriff's Department currently has an inventory of 88 vehicles, 42 of which have an excess of 100,000 miles. Ms. Dotson stated that in the short period of two months, \$1,988 was expended in maintenance costs alone just to keep the vehicles on the road. The Commissioners expressed concern over reducing the FY96 reverse balance. Mr. Welkos indicated that money could be found in various department's budgets to cover an emergency contingency.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner President Thompson to sign the budget amendment as presented. Motion carried.

5) **Resolution -- Procurement Manual, Amendment #4**

Resolution 96-14, changing the dollar limitation for departmental procurements from the current \$200 to \$500 was presented to the Commissioners for consideration.

Commissioner Chesser moved, seconded by Commissioner Eagan, to adopt Resolution 96-14, effective May 14, 1996. Motion carried.

PROCLAMATIONS

The Commissioners presented the following proclamations:

Safe Boating Week

Present: Kent Holmes, Coast Guard Auxiliary
Harold Willard, Patuxent River Power Squadron
Bruce Hargan, Patuxent River Power Squadron

The Commissioners presented a proclamation designating the week of May 18-25, 1996 as Safe Boating Week to the Coast Guard Auxiliary and to the Patuxent River Power Squadron.

Emergency Medical Services Week

Present: Phil Cooper, Emergency Management Agency
Harry Kohler, SMC Ambulance Rescue Chief

The Commissioners presented a proclamation designating the week of May 19-25 as Emergency Medical Services Week. The Commissioners will issue additional proclamations for distribution to all rescue squad buildings.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director of Planning & Zoning

Mr. Grimm presented the following items for the Commissioners' consideration:

1) **Building Code Ordinance / Critical Area**

The Maryland Chesapeake Bay Critical Area Commission has advised that the Commissioners' October 1995 exemption in the Building Code Ordinance (#95-42) applicable to detached accessory residential structures of 300 square feet or less cannot be extended to exemptions of environmental permits in the Critical Area. Mr. Grimm will advise the Critical Area Commission that the county will immediately begin requiring the environmental permit in the Critical Area. No action is required on the Building Code or Zoning Ordinances to comply.

2) **Compton Area Project - Self-Help Sewer Line Installation.**

Mr. Grimm advised that the Planning Commission has recommended that the Board of Commissioners forego its *optional* public hearing on the incorporation of the areas known as Joe Hazel and Tippetts Road into the Compton sewer service area project for the purpose of correcting additional septic system deficiencies by means of a self-help sewer-line installation. This line will be built with volunteer help, materials or contributions from the property owners, thereby reducing costs. The Commissioners' acceptance of the Planning Commission's recommendation would allow the original service area project to proceed on schedule toward an anticipated June start date.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the recommendation of the Planning Commission to forego the optional public hearing. Motion carried.

3) **Privatization of Building Code and Plumbing Inspections**

Mr. Grimm sought instruction from the Board as to whether or not it would consider a bid from the Department of Planning and Zoning to conduct the inspection program as a county staff program.

Commissioner Chesser moved, seconded by Commissioner Eagan, for the sake of discussion, to allow the Director of Planning & Zoning to participate in the competitive bid process for providing inspection services. Motion failed, 2 to 3, with Commissioners Eagan, Jarboe and Brugman voting against.

Commissioner Eagan expressed concern over the technical review process related to privatization solicitations and requested that the County Attorney look at the procurement policy in this regard and provide counsel. The Commissioner's will take the matter into consideration prior to making a final decision.

4) **911 Addressing System**

Commissioner Eagan inquired as to why the department was requiring neighborhoods in St. Mary's County that have appropriate addresses to be part of the 911 addressing process. She stated that Charles and Calvert Counties were not doing so and has been told that it is not required by law. Mr. Grimm will look into it and advise.

PUBLIC SCHOOLS

Present: Dr. Joan Kozlovsky, Superintendent of Schools
Elaine Kramer, Director of Budget & Finance

FY97 Revenue Update

Ms. Kramer presented changes to the original proposed budget based on increased projected income from local, state and federal sources which reflected total revenues of \$75,355,201, or \$151,742 more than the proposed budget total of \$75,203,459.

Cooperative Bid Solicitation for Health Insurance

Commissioner Thompson inquired as to the Board of Education's interest in participating with the county in competing its insurance packet for employees. Cost savings could be realized and would impact the FY97 budget. Dr. Kozlovsky advised that the negotiated agreement with school employees is involved which requires by law discussion in executive session with the Board of Education. Commissioner Brugman and Jarboe stated they were against meeting in executive session on this issue but supported the idea of cooperatively competing the insurance packet.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in executive session on Thursday, May 16, 1966 to discuss negotiations with the Board of Education. Motion carried 3 to 2, with Commissioner Jarboe and Commissioner Brugman voting against.

DEPARTMENT OF PUBLIC WORKS

Present: George Erichsen, Supervisor of Engineering

1) Pegg Road Wetlands - Option Agreement

Mr. Erichsen presented an addendum to a contract of sale between Joseph D. Knott and the County to extend the contingency period of the original contract for an additional 60 days from today's date. He advised that under the terms of wetlands mitigation, the county is exchanging 48 acres of property near the Valley Lee Transfer Station for eight acres in Great Mills near the Trading Post. Fourteen different sites were examined by the Corps of Engineers, and the Great Mills site was found to be the only property determined to be suitable. The ratio of exchange is based on the appraised value of the sites.

Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize Commissioner President Thompson to sign the addendum. Motion carried.

2) Bridge Posting - Millstone Landing Road

Mr. Erichsen presented Resolution R96-12 restricting the weight of vehicles on Millstone Landing Road Bridge, County Route 30269, located in the Eighth Election District, to 6,000 pounds due to the poor condition of the bridge. Mr. Erichsen noted that the bridge had originally been posted in 1986 and in the span of ten years the timber bridge is again in need of repairs.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner President Thompson to sign the Resolution to become effective when appropriate signs have been posted at the location. Motion carried.

3) Public Hearing - Graves Road Relocation / Abandonment

(Time Held: 3:35 p.m. to 4:03 p.m.)

George Erichsen read into the record the Notice of Public Hearing as advertised in The Enterprise on April 12, 19 and 26, 1996. He stated that Glebe Run Subdivision property owners had also received notice of the hearing through a mailing sent out from Public Works and that the developer had circulated a survey to affected parcel holders regarding their concurrence with the Concept Plan. Mr. Erichsen reviewed a schematic depicting the current and proposed layout of Graves Road. Commissioner Thompson opened the floor for public comment.

James Mayfield, Parcel 210 -- Mr. Mayfield stated that since the survey was taken, all the owners, save one, has changed their minds and no longer concur based on concerns related to a portion of old Graves Road. Children play in the street at the sharp curve, and increased traffic from the new development will increase the risk to the children should residents decide to use the old road instead of the new one.

Evelyn Richards, Parcel 268 -- Questioned if the name of the abandoned section of road would change. Mr. Erichsen stated that it would, as the continuous road becomes the main road.

Nancy Groomes, Parcel 298 -- Objected to the intersection of the new road to be built by the developers being so close to the old road. The increased traffic from the development will make exiting the subdivision more dangerous.

Commissioner Thompson closed the public hearing at 4:03 p.m. and indicated that concerns heard may not be related to the issue being addressed because the public hearing concerns the abandonment and realignment of a portion of Graves Road. This improvement of Graves Road and siting of the new road, Glebe Road, is a matter for the Planning Commission's review and approval since it is required for the approval of a proposed subdivision. The Commissioners will get some guidance from the County Attorney as to which statements can be considered. The public record will remain open for ten days. A taped transcript of the proceedings is on file with the County Commissioners' Office.

4) **Development Documents**

Mr. Erichsen advised that letters will be sent to appropriate developers on April 16 advising of non-compliance with development documents. He presented letters dated June 1, 1996, addressed to various financial entities, calling Letters of Credit/Passbook Savings Accounts should compliance not occur by that date, for the Board's consideration:

- Queen Arbor Subdivision Public Works Agreement (\$10,000)
- Queen Arbor Subdivision Grading Permit #92-32 (\$10,000)
- Lockes Hill Forest Public Works Agreement (\$10,000)
- Laurel Glenn P.U.D. Public Works Agreement (\$88,000)
- Bay Ridge Estates, Section 1, Public Works Agreement (\$10,000)
- Christmas Hill Manor Public Works Agreement (\$78,000)
- Trapp Hall Subdivision Public Works Agreement (\$18,000)
- Picketss Harbor Public Works Agreement (\$89,300)
- Essex South, Sec. 4B & 4C Public Works Agreement (\$225,700)
- 84 Lumber Company, Grading Permit #92-15 (\$26,300)
- Laurel Glen, PUD, Section 1, Grading Permit #92-11 (\$63,200)
- Mail Management of America, Grading Permit #93-24 (\$20,200)
- Picketts Harbor, Grading Permit #90-44 (\$20,000)
- Dexter Subdivision, Grading Permit #90-18 (\$5,800)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner President Thompson to sign the referenced letters. Motion carried 4-0-1 with Commissioner Eagan abstaining.

5) **Public Works Agreement - Shannon Run Subdivision (\$496,200)**

Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner President Thompson to sign the public works agreement for Shannon Run Subdivision. Motion carried 4-0-1, with Commissioner Eagan abstaining.

KINDERGARTEN EXTENDED ENRICHMENT PROGRAM (KEEP) AND BEFORE AND AFTER SCHOOL CARE CENTER (BASCC)

Present: Phil Rollins, Recreation and Parks Director
Arthur Shepherd, Recreation Division Chief
Jean Valentine, Recreation & Parks, Child Care Coordinator
Steve Welkos, Finance Director

Mr. Rollins summarized his May 9, 1996 letter to the County Commissioners concerning the loss of classroom space at Hollywood Elementary School this fall for the KEEP and BASCC programs. The Board of Education is unable to make a modular unit available for this use due to expected student enrollment increases throughout the county, and Mr. Rollins requested permission to utilize \$50,000 in available park impact fee revenue and \$75,000 from the transfer tax in FY97 to fund the purchase of a modular unit for the program as recommended by the Finance Director. Currently 42 kindergartners and 1st and 2nd graders at Hollywood Elementary use this self-supporting program. It was noted that the private sector has expressed no interest in providing this service.

Commissioner Brugman moved, seconded by Commissioner Eagan, to provide funding for the purchase of the modular unit utilizing \$50,000 in park impact fee revenue and \$75,000 in transfer taxes. The \$75,000 in transfer tax funding is to be paid back out of program revenues over a four-year period. Motion carried.

COUNTY COMMISSIONERS' TIME

Commissioner Jarboe expressed displeasure with the Washington Post Article of Sunday, May 12, 1996 written by Jackie Spinner. He questioned the validity of statements made concerning the ability of the Commissioners to get along, and tasked the county's public information specialist with reviewing the minutes over the past 17 months to determine the number of unanimous and non-unanimous votes taken.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss matters pertaining to litigation and personnel. Motion carried.

PERSONNEL - County Administrator Position

Present: Commissioner Barbara R. Thompson, President
 Commissioner D. Christian Brugman
 Commissioner Paul W. Chesser
 Commissioner Frances P. Eagan
 Commissioner Lawrence D. Jarboe
 George Foster, Personnel Officer
 Mary M. Langley, Recorder

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

Time Held: 5:00 p.m. - 5:25 p.m.

Action Taken: Staff briefed the Commissioners on the status of current negotiations with a candidate for the county administrator position.

LITIGATION - The Skydiving Center

Present: Commissioner Barbara R. Thompson, President
 Commissioner D. Christian Brugman
 Commissioner Paul W. Chesser
 Commissioner Frances P. Eagan
 Commissioner Lawrence D. Jarboe
 Douglas Durkin, County Attorney
 Jim Haley, Airport Manager
 Bil Chen, Counsel
 Mary Langley, Recorder

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

Time Held: 5:30 p.m. - 6:08 p.m.

Action Taken: Staff briefed the Commissioners on the status of litigation with The Skydiving Center of Greater Washington.

FOLLOW UP TO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Brugman, that the County Commissioners research the references for the county administrator candidate and direct the Personnel Officer to continue negotiations and report back to the Board next Tuesday. Motion carried.

ADJOURNMENT

The meeting was duly adjourned at 6:12 p.m.

Minutes Approved on 5/21/96
 by Board of St. Mary's County Commissioners

Mary M. Langley
 Mary M. Langley, Recorder