

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
AUGUST 6, 1996**

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

**CALL TO ORDER**

The meeting was called to order at 1:05 p.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, July 23, 1996, and the July 18 Minutes of the Lexington Park Master Plan Discussion. Motion carried.

The Commissioners agreed to defer a decision on the Solid Waste Public Hearing Minutes of July 23, 1996 until Commissioner Jarboe has had an opportunity to review the audio tape.

**APPROVAL OF BILLS**

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

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Brugman moved, seconded by Commissioner Jarboe, to delete the executive session for property acquisition (Wicomico Shores) and to hold a public hearing on the matter at a later date. Motion carried.

**CONSENT AGENDA**

The Consent Agenda included the following documents:

1. **Correspondence**
  - a. To Maryland Office of Planning indicating that the Section 5311 Operating and Capital Grant for Rural Areas of Maryland project is consistent with the County's plans, programs, and objectives.
  - b. To Frank Fox, Sierra Club, responding to comments regarding the Preliminary Recommendations report on U.S. 301 improvements.
  - c. To Maryland Department of Natural Resources requesting utilization of the Point Lookout State Park Wastewater Treatment Plant to provide sewer service to property owners located in the Scotland and Rodo Beach areas.
  - d. To Starmaker Learning Center regarding the provision of transportation for students attending Starmaker Center.
  - e. To Melva Abell responding to concerns regarding St. Mary's Disposal.
  - f. To Ann Gregory regarding concerns relative to zoning and the Seymour Junk Yard.
  - g. To Dan Williams, Calvert County Solid Waste Department, expressing appreciation for tour of solid waste facility and landfill.

- h. Letters of Appreciation to organizations/companies for contributions in support of Fire/Rescue Appreciation Day
- 2. **Boards, Committees, Commissions**
  - a. Letter appointing William C. Caplins to the Cable Advisory Committee for a term to expire 12/31/2000/2003
  - b. Letter of Appreciation to Rev. Earl Baker for service on Cable Advisory Committee
- 3. **Ordinances/Resolution**
  - a. Ordinance No. 96-22 - FY '97 Supplemental Appropriation in the amount of \$29,839 for Circuit Court Contractual Master Service
  - b. Ordinance No. 96-23 - FY '97 Supplemental Appropriation in the amount of \$15,000 for the State's Attorney's Office for a prosecution-based program to serve victims of domestic violence.
  - c. Resolution No. Z96-03 Road Name Change (portion of Graves Road to Mrs. Graves Road)
- 4. **Department of Public Works Items**
  - a. Public Works Agreements
    - (1) Springwood Estates - United Pacific Insurance Company (\$84,600)
    - (2) Woods Subdivision, Section 1 and 2 - Maryland Bank & Trust (\$39,200)
    - (3) Chestnut Hills, Section 4 - Crestar Bank (\$184,000)
  - b. Addenda to Public Works Agreements
    - (1) St. Mary's Airport T-Hangars - Calvert Bank & Trust (reducing surety to \$89,625 per draw agreement)
    - (2) Hunting Quarter - Maryland Bank & Trust (reducing amount to \$39,000 and extending completion date to 7/13/97)
  - c. Johnson Farm Estates, Section One
    - (1) Acceptance of Deed - Mount Sterling Court
    - (2) Road Resolutions
      - \*R96-17 - Designating Mount Sterling Court as a "Stop Street" at its intersection with Dr. Johnson Road.
      - \* R96-18 - Posting Mount Sterling Court at 25 miles per hour
  - d. Correspondence to First National Bank of St. Mary's calling Letter of Credit A1-08-08-94 for Entrance Permit for Francis P. Russell and Julia M. Russell
- 5. **Information Release**

Regarding County official's attendance at Maryland Association 46th Annual Summer Conference August 15 - 17, 1996.

**Commissioner Eagan moved, seconded by Commissioner Chesser, and motion carried, to approve the Consent Agenda for 8/6/96 with the following clarifications:**

- 1(f) Letter to Ann Gregory regarding Seymour Junkyard (to ensure that the Director of Planning and Zoning communicates with Ms. Gregory and provides the information requested by her.
- (4d) Calling Letter of Credit - Russell (Commissioner Eagan abstained because she is on the Board of Directors of First National Bank )

- (5) Information Release - (was amended to include information about the self-help initiatives as an example of sharing common issues at the Conference can be beneficial)

#### COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar, County Administrator

- 1) **Walden Sierra  
Grant Extension**

On behalf of Walden/Sierra, Mr. Kachmar presented an amendment to the two Women's Service contracts which extends the contracts through November 30, 1996.

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

- 2) **Budget Amendment No. 97-3  
Department of Public Works**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide funds for Airport Layout Plan Services update for runway extension project (\$3,700).

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

- 3) **Personnel  
Department of Planning and Zoning**

The County Administrator presented a memorandum from the Personnel Officer requesting authorization to advertise and fill the Capital Facilities Planner Position, Grade 10, through the competitive hiring process.

During discussion Commissioner Eagan referred to the position requested by the Board of Education and suggested that the Bd/Ed have input into this position. County Administrator Kachmar indicated he would contact the Bd/Ed to determine the requirements of the position and whether the position will be shared between the County and the Board of Education.

- 4) **Request for Temporary Use of Hollywood Elementary School  
KEEP Program**

Also Present: Phil Rollins, Director of Recreation and Parks

Mr. Rollins advised that bids for the purchase/construction of a childcare building at Hollywood Elementary School will be going out for bid shortly; however, until the facility is ready temporary space is needed to house the KEEP and Before and After School Care Programs. He therefore, requested authority to utilize the Old Hollywood School multi-purpose room on a temporary basis to house these programs until the facility is completed (approximately four to six months).

After discussion the Commissioners gave concurrence to authorize Recreation and Parks to temporary utilize the Old Hollywood School as requested.

5) **Hiring Policy//Personnel Budget Line Item Procedures**

The County Administrator referred to the temporary policy adopted by the County Commissioners on September 26 regarding the Commissioners review and approval of all hirings. He presented a memorandum requesting the Commissioners to reverse its temporary decision and to re-establish the and requested the Board to re-establish the hiring authority as outlined in Chapter 2, Section 0203 of the Personnel Manual, which gives hiring authority to the County Administrator.

In addition the County Administrator presented a memorandum requesting the Commissioners' approval of a policy to be established by the County Administrator and Director of Finance that only the County Administrator be allowed to approve all departmental budget transfer from personnel line items to any other budget category.

**After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to accept the County Administrator's recommendations to re-establish the personnel hiring policy as contained in the Personnel Manual and further to approve the establishment of an administrative procedure for transfer of personnel budget line items. Motion carried.**

7) **Health Care Benefit Package for New Employees**

The County Administrator advised the Commissioners that he would be discussing this issue in executive session with the Commissioners.

**PROCLAMATION  
NATIONAL NIGHT OUT**

The Commissioners presented the referenced Proclamation designating Tuesday, August 6 as National Night Out.

**OFFICE ON AGING**

Present: Gene Carter, Director, Office on Aging  
Jennie Page, Office on Aging

Mr. Carter appeared before the Commissioners to present and request approval of the following grant documents

- \* Fiscal Year 1997 State Senior Grant Program - Notification of Grant Award
- \* Fiscal Year 1997 Group Senior Assisted Housing Contracts
- \* Fiscal Year 1997 Senior Care Program - Notification of Grant Award

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

In addition Mr. Carter presented and highlighted the Fiscal Year 1997 Area Plan Update which included the following:

- \* It will be a maintenance of effort plan
- \* Greater emphasis on promoting senior programs and services
- \* Primary goal will be to develop strategies to increase senior center participation
- \* Senior I and A workload will no longer include transportation requests, which will now be handled by the transportation unit.
- \* Senior will be encouraged to use expanded public transportation services to improve their access to senior sites, medical facilities, shopping and other services.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and**

authorize Commissioner Thompson to sign the FY '97 Area Plan Update as presented. Motion carried.

**ANIMAL CONTROL AND SHELTER  
REQUEST FOR PROPOSAL**

Present: Paul Wible, Director, EMA  
Phil Cooper, Deputy Director, EMA  
Doug Durkin, County Attorney  
Jon Grimm, Director, DPZ

The referenced individuals appeared before the Commissioners to discuss the Request for Proposal for Animal Control and Shelter Services in St. Mary's County.

During review of the RFP the following were noted:

\* **Animal Control Ordinance Amendment**

To change the delegation of authority from only the EMA Director to "any other individual or entity authorized by the Director." Amending the Ordinance would require a public hearing notice of which to be published for four consecutive weeks.

\* **Amendments to the Request for Proposal (RFP)**

To add a cancellation clause

To revise the indemnity and hold harmless provision to specify a minimum level of insurance.

To require privatization to be in place within 30 days of award of RFP

**Zoning Ordinance**

To amend Zoning Ordinance because a private shelter is not permitted in the County.

Discussion ensued on the following issues:

- \* risk management issues
- \* whether there would be cost savings to the County by privatizing
- \* St. Mary's County's contributions to the Tri-County Animal Shelter
- \* whether the Zoning Ordinance should be amended for this specific issue or during the scheduled update (Mr. Grimm noted that if the process began now, the Ordinance would not be amended until late November at the earliest.
- \* whether to proceed with amending the ordinance and animal control ordinance prior to proceeding with the RFP
- \* personnel issues (staffing and overtime), staff requested direction from the Board whether to proceed with the RFP.
- \* Budgetary issues
- \* Options: (1) whether to leave the animal control program as is--with the County; or (2) have EMA collect animals and privatize the shelter.
- \* Hold up of Charles County's shelter expansion because St. Mary's had not made a decision whether to continue with shelter or privatize.

Commissioner Jarboe moved to begin the process for amending the Zoning Ordinance and Animal Control Ordinance. Motion failed for lack of a second.

After lengthy discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to move forward with the RFP with the additions and revisions as discussed (including the amendments to the Zoning Ordinance and Animal Control Ordinance). Motion failed two to three with Commissioners Thompson, Brugman, and Chesser voting against.

The Commissioners indicated that the County would continue with the animal control program as currently in place and further that the amendment to the Zoning Ordinance be done during the scheduled update.

**WORLDWIDE DIRECT (FORMERLY J.J. MAILING)  
FAST TRACK REVIEW**

Present: Jon Grimm, Director, DPZ  
Doug Durkin, County Attorney  
Martin Fairclough, Director, DECD  
James Haley, Procurement Officer  
Art Smith, Worldwide Direct  
Jeff Greene, McCrone

Mr. Grimm advised that pursuant to the County Resolution No. 93-27 Worldwide Direct presented an Application for Fast Track Review for expansion of its building at the St. Mary's Industrial Park (expansion on warehouse, production area and office space to provide for expanded sales opportunities and increased staffing). He pointed out that the Comprehensive Plan designates the correct zoning, water, sewer, and road infrastructure to serve the site and that he recommended approval of the application for fast track review.

The County Attorney noted that the County recently concluded the Contract of Sale of the St. Mary's Press Building, which had been leased by J.J. Mailing. There were damages to the building at a total of \$27,00 which was deducted from the sale of the building. The Commissioners had directed him to continue collection proceedings against J. J. Mailing.

County Attorney Durkin further pointed out that relative to the Commissioners' decision on the fast track application, since this was a legislative and discretionary matter that the Commissioners may exercise their judgment as long as it was not for an arbitrary or capricious reason.

Mr. Smith explained that Worldwide is not leaving the building that it is continuing to lease it and would be willing resolve the matter of the damages.

During discussion Commissioner Eagan indicated she would approve the fast track application if the damage issue was going to be resolved; however, she requested that fast tracking process be reviewed with the goal of doing away with it.

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the Fast Track application for Worldwide Direct, with the understanding that Worldwide will reimburse the County for damages. Motion carried four to one with Commissioner Jarboe voting against stating that the County should focus on simplifying regulations.**

**WICOMICO SHORES GOLF COURSE  
EASEMENT REALIGNMENT AGREEMENT**

Present: Phil Rollins, Director  
Doug Durkin, County Attorney  
Joe Mitchell, Attorney, MetComm  
Steve King, MetComm

The referenced individuals appeared before the Commissioners to request approval of a Modification to an Easement Realignment Agreement among the Board of County Commissioners, Wicomico, Inc., Chaptico Land Development, Inc. and St. Mary's Metropolitan Commission for the realignment of an existing easement from Executive Boulevard to Parcel One(d) of Wicomico, Inc.

Mr. Rollins and Mr. Durkin reviewed the various land use issues at Wicomico Shores including encroachments, other easement issues, and other potential problems.

During discussion County Attorney Durkin pointed out that the purpose of this Modification to the Easement Agreement was to do the following:

- \* To resolve the problem created by two previous easements which authorized construction of conflicting uses on the same property (a road and a water tower);
- \* To realign the access road to avoid the water tank and the ninth green;
- \* To give the County notice before use of the blanket utility easement;
- \* To clarify the six easements created by three previous documents.

Mr. Durkin advised that the Commissioners have three options: (1) approve the Modification to Easement Agreement; (2) direct staff renegotiate; or (3) do nothing and suffer the consequences.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Modification to Easement Agreement as presented. Motion carried.**

**EXECUTIVE SESSIONS**

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss a matters of Property Acquisition (Charles County Community College), as provided for in Article 24, Section 4-210(a)11; Personnel/Potential Litigation, as provided for in Article 24, Section 4-210(a)1/8; and Personnel (Health Benefits Package for New Employees), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1 (time permitting). Motion carried 3-1-1 with Commissioner Jarboe voting against and Commissioner Brugman abstaining.**

**Personnel (Health Benefits for New Employees)**

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

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

Time Held: 4:48 p.m. - 5:35 p.m.

Action Taken: The County Administrator reviewed a proposal regarding health benefits for new employees. The discussion will continue at a later time.

**Property Acquisition**

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

Authority: Article 24, Section 4-210(a)11  
Time Held: 5:35 p.m. - 5:45 p.m.

Action Taken: The Commissioners discussed the details of the referenced matter and gave direction to staff.

**Personnel/Potential Litigation**

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

Authority: Article 24, Section 4-210(a)1 and 8  
Time Held: 5:45 p.m. - 6:45 p.m.

Action Taken: The Commissioners discussed the referenced issue and gave direction to staff as to how to proceed.

**7:00 P. M.**

**FOLLOW UP TO EXECUTIVE SESSIONS**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct the County Attorney to proceed as directed in Executive Session on Property Acquisition. Motion carried.**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct staff to proceed as directed in Executive Session on the Personnel/Potential Litigation issue. Motion carried.**

**PUBLIC FORUM**

The Commissioners conducted the regular monthly public forum and accepted questions and comments from the audience:

**Dick Myers (Animal Welfare League)** - Stated he was disappointed and offended with the Commissioners' decision earlier in the meeting to not proceed with the RFP for the animal control services. (The Commissioners indicated that this was not a closed issue and that the matter may be discussed during the development of the FY '98 budget.)

**Minnie Russell** - Questioned whether Calvert County was going to pull out of the regional animal shelter. (The Commissioners advised that Calvert County had given assurances it would continue)

**Ann Gregory** - Referred to her letter to the Commissioners regarding zoning issues and



the Seymour Junk Yard. (The Commissioners advised that the Board signed a letter to her earlier in the meeting indicating that the issues she raised were being investigated and she would get a more detailed reply at a later date.)

**Mary Ann Chasen** - Inquired as to policies or procedures for selection of cable channels in the County and if there was oversight of the companies. (The Commissioners advised that there are franchise agreements with which the cable companies must comply and explained the limitations of cable channels because of FCC regulations and current capabilities. They further explained that it was difficult for a cable company to replace a channel with another channel because of reactions by customers)

**Larry Pinto** - Reiterated his concerns regarding public hearing notices stating that more location information should be provided other than just tax map citations. He stated that he had been given a response indicating that it had been a budgetary decision to reduce the information on the notices and he inquired whether there had been any change. (No action had been taken by the Commissioners to increase the budget.)

**Don DeGraves** - Inquired as to the status of the public school ball field improvements; expressed concern about the loss of the five fields at NAS and that there has only been two additional fields provided in the County; inquired about the Willows Road field. (The Commissioners explained that some improvements had been made with the funding that had been provided in FY '96 and that other improvements will be made with the \$40,000 that had been put in the FY '97 budget. With regard to the Willows Road field, the county is awaiting the Navy to finalize the long-term lease with the County; The Commissioners inquired as to what the criteria was for allowing access to the base fields.)

**Ken Hastings** - Presented a handout regarding the landfill issue (cost of new landfill, capping costs, exporting trash out of county; user fees/taxes for operation transfer stations)

**Mike Schwartz (Mike's Bikes)** - Upset that letter from DPZ about his sign was sent to his landlord instead of him; expressed strong opposition to the County's sign regulations.

**Minnie Russell** - (1) Advised the Commissioners that she received tax bills for four different properties and only three had her new five-digit address and expressed concern that other property owners may be getting bills without new address; (2) Inquired about process for updating Comprehensive Plan and expressed concerns regarding the Critical Areas; (3) Inquired whether St. Mary's County has met the requirements for forest preservation. (Commissioner Thompson explained that the Comprehensive Plan deals with zoning categories throughout the County and that the Critical Area, which has its own restrictions based on state mandate, is a overlay to the Plan. She pointed out that there will be public hearings.

**Daphne McGuire** - Inquired about the State taking funds that was made of money that was collected from the purchase of new or disposal of old tires. (County staff will look into this and respond.)

**Doug Ritchie**- Inquired about status of letter to American Cable regarding public access/equipment. (The secretary advised that a letter has been prepared to the Cable Advisory Committee to be signed by the County Administrator indicating the Commissioners' authorization on July 23 for the Committee to proceed with negotiations with the cable companies regarding public access specifications.)

#### ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Minutes Approved by Board of  
County Commissioners on 8/13/96

Judith A. Academy  
Recording Secretary