

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
AUGUST 20, 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, August 13, 1996, as presented. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Chesser moved, seconded by Commissioner Jarboe, to add two executive Sessions on Personnel (St. Mary's County Health Officer and the County Attorney to the Agenda. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following documents:

Correspondence

1. To Tana P. Glockner Shultz responding to her suggestion regarding the zoning of the area between Route 4 and North Town Creek Drive as Commercial.
2. To Gale Burwell regarding road sign for his road (Bradburn Lane)
3. To Maryland Office of Planning, State Clearinghouse advising that the DOT Environmental Assessment for the MD 2/4 Prince Frederick Area was consistent with the County's plans, programs, and objectives.

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

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar, County Administrator

1) **Board of Education Literacy Works Grant**

Consolidated Adult Education and Literacy Services Grant, administered by the Maryland State Department of Education.
(State Funds: \$6,809 - No County Funds)

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

2) Department of Public Works Documents

- a. Public Works Agreement - Barnes Estates, Section 2
(Extending Permit to August, 1, 1997 - \$83,800 - First National Bank of St. Mary's)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of First National Bank of St. Mary's.

- b. Claim Letters
(1) Avenmar, Section 1
To First National Bank of St. Mary's calling Letter of Credit in the amount of \$340,000 for Public Works Agreement

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Claim Letter, to be forwarded if necessary. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of First National Bank of St. Mary's.

- (2) St. Winifred's Estates
To Maryland Bank and Trust Company calling Letter of Credit in the amount of \$53,100 for Public Works Agreement

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Claim Letter as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Commissioner Jarboe referred to the *Southern Maryland Wood Treating* sign located on Route 235 in Hollywood stating that Mr. Courtney, who operates a wood business, as well as other enterprises (making picnic tables and crab pots), received a letter from the Department of Planning and Zoning advising that the sign was obsolete and that it should be removed. Commissioner Jarboe stated that although the sign was from the previous wood treatment plant business, the sign was helpful to Mr. Courtney in his business. He further pointed out that he believed that the sign ordinance should be suspended.

Therefore, Commissioner Jarboe moved to suspend the sign ordinance with the exception of Sections 58.10 and 58.11 and take it to public hearing.

Commissioner Thompson stated that Commissioner Jarboe was out of order because it was the policy of the Commissioners to not bring substantive motions to the table during County Commissioners' time that it should have been requested to be added to the agenda during "additions/deletions" to the agenda earlier in the meeting.

Commissioner Jarboe agreed and stated he would like it added to next week's agenda for discussion. The Commissioners agreed and suggested that a representative from the Department of Planning and Zoning be present to discuss the issue.

**DEPARTMENT OF RECREATION AND PARKS
DEPARTMENTAL BRIEFING**

Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins appeared before the Commissioners to present an overview of the Department of Recreation and Parks. The presentation included the following: Parks and facility projects in progress (Fifth District Park improvements and land acquisition; Regional Park courts, walkways, reforestation, and expansion; Piney Point Public Landing boat ramp, bulkheading, shore erosion; parking sitework; Other public landing improvement projects; Hollywood KEEP/Day Care Building; ballfield improvements); Park and facility projects awaiting grant approval (Program Open Space Consolidated Grant Application; Museum Division (Cedar Point Lighthouse cupola; Lighthouse anniversary celebration; St. Clements Museum parking lot; Summer Program wrap up; standing committee for golf course privatization; and other issues (Wicomico Shores public landing public hearing; recreation impact fees; and resolution of Abell's Wharf).

During discussion of the ballfield improvements, Mr. Rollins advised that his department has been working with the leagues in trying to resolve the problem of needed fields because of loss of access to the five fields on the Navy base and pointed out that three fields are being improved to bring them into usable condition. He further pointed out that he has suggested the Little League look at other ways of scheduling the games in order to accommodate the lack of fields.

In closing the Commissioners suggested that Mr. Rollins contact the NAS Commander to determine if there was something the County could do to get access to the base fields.

**VILLAGES OF LEONARDTOWN
ROAD ORDINANCE**

Present: Doug Durkin, County Attorney
Dan Ichniowski, Director, DPW
Michael Paone, Deputy Director, DPZ
Larry Day, Applicant
Phil Dorsey, Attorney, Villages of Leonardtown

As a follow up to last week's presentation, the Commissioners continued discussion and heard testimony from the parties involved. Comments included:

- * The County Administrator pointed out that it was the County Attorney's position that it was not the Commissioners role to interpret the Road Ordinance; however, after hearing from the principals, the Commissioners may want to consider amending the Road Ordinance.
- * Mr. Paone, DPZ, gave the background of the project and stated that the Planning Commission recommended approval of the Concept Plan which included road standards for private roads that met requirements and allowed for 35 units on the private road. He pointed out, however, the conflict between the Road Ordinance and Zoning Ordinance in that the Zoning Ordinance recognizes single family homes in a cluster development, but the Road Ordinance does not.
- * The County Attorney explained that the Road Ordinance is interpreted by the Public Works Director and the Zoning Ordinance is interpreted by the Planning and Zoning Director. Appeals of the Director of DPW's decision are to the Board of County Commissioners; appeals of the Director, DPZ are to the Board of Appeals. He further explained the time lines associated with appeals to road ordinance which is 30 days from the date of final decision.

- * Public Works Director Ichniowski explained his interpretation of the Road Ordinance stating that limitations are placed on the number of units in private road; that clustering is limited to townhouse units, not single family units ; and that DPW has tried to be consistent in its interpretations.
- * Attorney Dorsey reviewed the development of the project, including reviews and comments from DPZ staff regarding clustering and buffers; the Planning Commissions' support of the plan, and the fact that DPW had not notified him of its decision regarding the cluster development and private roads. He further pointed out that with cluster development 60% of land will remain open space.
- * Mr. Day stated that when he appeared before the Commissioners last week, he was not seeking a waiver, but was following the Road Ordinance; stated that the cluster development was an innovative way of retaining open space, and requested direction to move forward with design plans for single family homes as well as multi-family homes on a private road.
- * Commissioner Eagan referred to the Planning Commission minutes, the references to cluster development, the appropriate ordinances; the interpretations of the Ordinance; and the word "unit" versus "townhouse"/"single family," and cluster development versus cluster subdivision.
- * Commissioner Thompson indicated that time for comments and working out the issues of a project was during the TEC process; that the Planning Commission can make recommendations regarding cluster development and private roads, but it does not control the road ordinance; it is interpreted by the County Engineer.
- * Commissioner Jarboe indicated that the project was a 154-unit project, which is more than the allowed 35 units for a private road; suggested that the Road Ordinance be clarified regarding definition of "cluster" development. He further suggested that this issue regarding cluster development, amendments to the sign ordinance, clarification of detention center and boarding camp, and other issues that have been raised be brought to a public hearing. (Mr. Paone of DPZ advised that some of these issues were being addressed during the annual review of the Zoning Ordinance.)
- * Commissioner Brugman suggested that resolution to this issue and other pending issues relative to zoning be expedited.

Other areas of discussion included the study group reviewing the subdivision regulations and road ordinance; zoning classifications for cluster development; whether cluster road requirements were for a section of the project or for the entire project; townhouses versus single family homes for cluster development; 36 lots or more require public roads/35 lots or less are allowed private roads; and the fact that the Road Ordinance has not been revised since 1985.

In conclusion the Commissioners indicated concurrence that the issues raised need to be addressed through an amendment to Ordinances, requested Mr. Paone to return to the Commissioners with a time table for proposed amendments, and agreed that the matter be expedited as quickly as possible.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss the following matters matter of Personnel (Health Officer; County Attorney; Classification Appeals; Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1 and Personnel/Potential Litigation, as provided in Article 24, Section 4-210(a)1 and 8. Motion carried 3-1-1 with Commissioner Jarboe voting against and Commissioner Brugman abstaining. (Commissioner voted against and Commissioner Brugman abstained on the boards, committees, commission executive session only.)

Personnel (Health Officer)

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
William Marek, Health Officer
Judith A. Spalding, Recorder

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

Time Held: 3:50 p.m. - 4:05 p.m.

Action Taken: The Health Officer discussed a personnel issue with the Commissioners and requested guidance.

Personnel (County Attorney)

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

Time Held: 4:06 p.m. - 4:08 p.m.

Action Taken: The Commissioners agreed to take action in Open Session on an amendment to the County Attorney's contract.

Personnel (Classification Appeals)

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
Steve Welkos, Director of Finance
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 4:13 p.m. - 4:50 p.m.

Action Taken: The Commissioners reviewed classification appeals and gave direction to the Personnel Officer

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
Steve Welkos, Director of Finance
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1/8

Time Held: 4:54 p.m. - 6:45 p.m.

Action Taken: The Commissioners discussed the referenced issue, agreed on a plan of action, and agreed to continue discussion at a later date.

**COUNTY ATTORNEY
FOLLOW UP TO EXECUTIVE SESSION**

Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize Commissioner President Thompson sign the Amendment to the County Attorney's contract. Motion carried.

ADJOURNMENT

The meeting adjourned at 6:50 p.m.

Minutes Approved by Board of
County Commissioners on 8/27/96

Judith A. Spalding
Recording Secretary