

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
SEPTEMBER 3, 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 Eagan moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, August 27. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to delete Wicomico, Inc. presentation (as requested by the principles) and to add County Commissioners' time to the agenda. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following documents:

1. **Correspondence**
 - a. To Terry Montague Jr. regarding pet welfare and the St. Mary's Animal Welfare League Shelter.
 - b. To Calvert County Commissioners suggestion the discontinuance of the Yard Waste Composting Joint Services Agreement.
 - c. E Mail to Eric Marr regarding Historic St. Mary's City and the recreation and educational importance of the park.
 - d. To F. Elliott Burch Jr. Chair, Development Review Forum regarding additional developer/builder representative.
 - e. To Thomas N. Jones responding to his complimentary comments regarding the recreational lane adjacent to Wildewood Parkway.

2. **Resolution No. W/S 96-04
Comprehensive Water and Sewer Plan Amendments**

(Follow up to 8/13 public hearing and 8/27 discussion) Approving water/sewer amendments for CWSP No. 95-2590 (Bruce Knolls Subdivision); 96-0068 (Rue Woods Subdivision); and 95-0625 (Rodney Thompson property)

3. **Boards, Committees, Commissions**

a. **Letters of Appointment**

<u>Commission for Women</u>	<u>Terms to Expire</u>
Beverly B. Johnston	6/30/97/2001
Norma J. Pipkin	6/30/98/2002
 <u>Economic Development Commission</u>	
Frederick Norman Gass	6/30/99
 <u>Recreation and Parks Board</u>	
Virginia (Jody) Payne	12/31/98/2002

Commissioner Jarboe moved, seconded by Commissioner Eagan, to accept the Consent Agenda with the exception of Letter 1(a) addressed to Terry Montague, which he would like held for discussion. Motion carried.

Commissioner Jarboe questioned the statement in the letter that the County "is obligated to enforce the Zoning Ordinance" and therefore moved, seconded by Commissioner Brugman, to add language about enforcement of the Zoning Ordinance "as redundant, restrictive, and ridiculous as it may be at times." Motion failed one to four with Commissioners Thompson, Brugman, Chesser and Eagan voting against.

Commissioner Brugman moved, seconded by Commissioner Chesser, to sign and forward Letter 1(a) to Terry Montague as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar, County Administrator

1) **Metropolitan Commission
Request for Waiver of Fees**

The County Administrator advised that the Metropolitan Commission is requesting a waiver of fees charged by the Department of Public Works for digital topographical maps. By letter dated August 19 Mr. Petty, Director of MetComm advised that the information from the maps is used to facilitate the planning for water and sewer facilities in support of the County's Comprehensive Water and Sewer Plan; requests from citizens desiring services to their communities, which are not profit-driven endeavors.

By memorandum dated August 27 the County Administrator pointing out that there are a number of arrangements between departments and public/private agencies that allow for exclusion from fees for services. A suggested recommendation would be to waive the fee to MetComm and in turn MetComm would have a consultant add mapping of water and sewer utilities to the system.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve waiver of the fee for digital topographical maps in turn for MetComm providing mapping of water and sewer facilities. Motion carried.

2) **Board of Education
Categorical Transfers**

The County Administrator presented correspondence from the Superintendent of Schools requesting categorical transfers for Fiscal year 1996 (close-out) and for Fiscal year 1996 as follows:

For FY '96:

<u>Category</u>	<u>Amount</u> <u>Increase (decrease)</u>
Administration	\$34,364
Operation of Plant	5,419
Maintenance of Plant	1,000
Fixed Charges	(40,783)

For FY '97:

<u>Category</u>	<u>Amount</u> <u>Increase (decrease)</u>
Health Services	\$9,922
Fixed Charges	(9,922)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign a letter to the Board of Education approving the categorical transfers as requested. Motion carried.

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

The County Administrator presented a memorandum from the Personnel Officer requesting authorization the reinstatement of an employee as an Office Specialist II (Grade 2) in the Sheriff's Department, Corrections Division. This action requires a waiver of the merit selection procedures within Chapter 6 of the County's Manual of Personnel Policies and Procedures.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the reinstatement as requested. Motion carried.

4) **1997 Legislative Package Summary Sheet**

For the Commissioners' information the County Administrator presented the draft Summary Sheet for the 1997 Legislative Package. The completed documents will be provided to the Commissioners prior to the September 24 public meeting.

During discussion of the proposals, the Commissioners requested that submitters of proposals from county government (including boards and committees and MetComm) come before the Commissioners on September 17 to explain the need and background of the requested legislation in order to prepare the Commissioners for the September 24 public meeting. After the review the Commissioners will determine whether to delete any of the items from the package. The Commissioners further requested that the list be rearranged to separate those submitted by county staff and those submitted by citizens and civic organizations.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1. **Easement Agreement**
Charles County Community Site at Great Mills

Granting Southern Maryland Electric Cooperative, Inc. a easement or right-of-way for electric lines at the Community College at Great Mills

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

2. **Easement Agreement**
Southern Maryland Higher Education Facility

Between Board of County Commissioners of St. Mary's and Bell Atlantic - Maryland granting a right-of-way to Bell Atlantic for telecommunication and electrical systems for the Southern Maryland Higher Education Facility located on Airport Road, Sixth Election District.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Easement Agreement as presented. Motion carried 4-0-1 with Commissioner Thompson abstaining.

3. **Acceptance of Deeds - Triangle Drive**

- * Between Burch Oil and Board of County Commissioners
- * Between David Thomas Copsey and Board of County Commissioners
- * Between Dorothy May Major and Samuel Bernard Burch Jr. (for informational purposes only)
- * Between Burch Oil and Board of County Commissioners
- * Between F. Elliott Burch, Donald B. Burch and Samuel Bernard Burch and Board of County Commissioners

Mr. Ichniowski advised that the County Attorney was in the process of reviewing the Deeds and requested authorization for Commissioner Thompson to sign the deeds pending the County Attorney's review.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Deeds upon review of the County Attorney. Motion carried.

PUBLIC HEARING
MALLARD CREEK SPECIAL TAXING DISTRICT

Present: Dan Ichniowski, Director, DPW

The County Commissioners conducted a public hearing on the proposed establishment of a special taxing district for the improvement of Mallard Creek Court in Mallard Creek Subdivision, from Drayden Road to the end of the cul-de-sac, approximately 1,260 linear feet. The estimated annual assessment for the proposed taxing district which includes: Lots 1, 2, 3, 4, 5, 6, 7, and 8 in Parcel 402, is \$427.35 per lot.

The hearing was opened for public comment:

Doug Cook (President, Homeowners' Association) - Spoke in support of the taxing district; He further questioned the different assessment amounts (\$483-03 as presented at the public informational meeting; \$427.35 as presented in the public hearing notice and draft Ordinance). Mr. Ichniowski responded that the amount had been reduced because of items removed from road work which were not necessary because of the condition of the road and that \$427.35 was the correct amount.

Fred Strickland - Advised that his lot (Lot 8) does not have direct access and with the improvements, he was concerned that he would be denied access. Mr. Ichniowski responded that he would be allowed access to the county road. In addition Mr. Ichniowski stated that he would look into whether a driveway could be provided for future connection to his lot.

The public hearing was closed, the record will remain open for ten days for written comment, and the Commissioners will make a decision in two weeks (September 17).

COUNTY COMMISSIONERS' TIME

Commissioner Chesser suggested that because of the current work load that the Commissioners to give consideration to re-establishing the Thursday work sessions. Commissioner Thompson pointed out that whenever a work session was required, the Commissioners were willing to meet on a Thursday afternoon (e.g., Solid Waste issues).

EXECUTIVE SESSIONS

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. Motion carried 3-1-1 with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Personnel (Classifications; County Health Officer), as provided for in Article 24, Section 4-210(a) and Personnel/Potential Litigation, as provided for in Article 24, Section 4-210(a)1 and 8. Motion carried.

Personnel (Consideration of Appointments to Boards/Committees/Commissions)

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: 2:45 p.m. - 3:35 p.m.
Action Taken: The Commissioners reviewed the current status sheet, made nominations and gave direction to staff.

Personnel - County 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
Doug Durkin, County Attorney
Judith A. Spalding, Recorder
Authority: Article 24, Section 4-210(a)1
Time Held: 3:35 p.m. - 3:40 p.m.
Action Taken: The Commissioners discussed procedures for the filling of the County Health Officer position due to the retirement of Dr. William Marek.

Personnel (Classifications)

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 (from 4:15 - 4:50 p.m.)
Judith A. Spalding, Recorder
Authority: Article 24, Section 4-210(a)1
Time Held: 3:40 p.m. - 4:50 p.m.
Action Taken: The Commissioners discussed certain classification issues 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
Judith A. Spalding, Recorder

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

Time Held: 4:50 p.m. - 6:05 p.m.

Action Taken: The Commissioners discussed the referenced issue and options for handling.

7:00 P. M.

PUBLIC FORUM

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

Bill McCarthy (Esperanza Farms) Stated he is in critical area; requested the County to amend the zoning ordinance to include decks as impervious (as is done in Calvert and Charles Counties) rather than pervious. Also referred to a county right-of-way between his property and Holly Road which he has been maintaining and suggested that this parcel and other similar parcels be given to an adjacent property owner for a \$1 a year; suggested that the Zoning Ordinance be reviewed to get rid of those things that interfere with property rights and do not harm the Bay.

Larry Pinto - Requested the Commissioners to look into the apparent "behind closed doors" cancellation by DNR of the Maryland Aquatic Reef Program for the Chesapeake Bay. He pointed out the benefits of the program and has learned that the funds for the Program were being reallocated to the Oyster Program; reiterated his concerns regarding insufficient property location information in the public hearing notices by the planning commission and the board of appeals.

Mike Schwartz - Referred to pictures he had provided to the Commissioners and inquired as to the laws regarding abandoned, condemned, burned-out buildings and whether the laws were being enforced; requested explanation of the county owning an empty marina (which he had read about in the newspaper); expressed disappointment in the Commissioners' decision to defer acting on the sign ordinance.

Daphne McGuire - Inquired again about the State taking funds that was collected from the purchase of new or disposal of old tires and indicated that the memorandum from DPW was not sufficient.

Allie Bursey - Stated she is trying to sell her property and has requested rezoning to commercial and inquired as to the time schedule for zoning changes; reported that it was difficult understanding rules and regulations at DPZ which believed were obscure and ambiguous.

Al Bingman - Referred to the Commissioners discussion on August 23 regarding the sign ordinance and admissions that it was a "flawed" document; suggested that the sign ordinance be declared null and void until it can be improved or eliminated.

Kathy Suit - Expressed concern regarding sign ordinance and that she had been cited because of the sign she had for her real estate business; questioned the process in citing businesses for illegal signs and pointed out that other signs still remain; requested that there be adequate notice for the public hearing on the sign ordinance. (The Commissioners advised that signs are reported by individuals and through inspections by DPZ.)

Bill Edger - Advised that he has a restaurant in McKay's Plaza and expressed concern over the sign ordinance and the impact on his business from having to remove the portable sign.

Robert Thompson - Inquired whether the mosquito control program was county or state and advised that his area had not been sufficiently sprayed. (The Commissioners advised that it is a state program and the county provides funds. The spraying is done in communities and the payment for the service is paid to the community leader who works with the Department of Agriculture for the spraying.)

Larry Pinto - Explained the operation of the mosquito control program in Golden Beach, how the number of sprayings are determined, and the billing process.

FOLLOW UP TO EXECUTIVE SESSIONS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct staff to proceed with classifications as discussed in Executive Session. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct County Administrator to proceed as discussed regarding the process for appointment of a County Health Officer. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session regarding the personnel/potential litigation issue. Motion carried.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

**Minutes Approved by Board of
County Commissioners on 9/10
Judith C. Spalding
Recording Secretary**