

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JANUARY 14, 1997**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
Steve Welkos, Director of Finance (on behalf of County Administrator)
Judith A. Spalding, Recorder

(Commissioner Jarboe was not present at the beginning of the meeting.)

(Commissioner Frances P. Eagan was not present.)

CALL TO ORDER

The meeting was called to order at 12:05 p.m.

ADDITION TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Chesser, to add an Executive Session for Personnel (Health Officer Position). Motion carried.

Later in the meeting, Commissioner Jarboe moved, seconded by Commissioner Chesser, to accept the Agenda as amended. Motion carried.

EXECUTIVE SESSION

Commissioner Brugman moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Health Officer), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Health Officer Position)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe (entered meeting at 12:07 p.m.)
Steve Welkos, Director of Finance (on behalf of County Administrator)
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 12:05 p.m. - 12:22 p.m.

Action Taken: The County Commissioners discussed the Health Officer position and agreed to take action in open session.

FOLLOW UP TO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the supplemental appropriation to the nominee for Health Officer.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to recess as the Board of County Commissioners and sit as the Board of Health. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the letter to the Department of Health and Mental Hygiene nominating an individual for the position of Health Officer. Motion carried.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to adjourn as the Board of Health and reconvene as the Board of County Commissioners. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct the Personnel Officer to draft an agreement relative to the supplemental appropriation to the Health Officer select. Motion carried.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, January 7, 1997. Motion carried.

APPROVAL OF BILLS

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

CONSENT AGENDA

The Consent Agenda consisted of the following documents:

1. Correspondence

- a. To Maryland State Clearinghouse advising that Application #MD961202-1098 (Naval Air Warfare Center Aircraft Unit, Patuxent NAS -F/A-18 E/F Stores Separation Testing) is consistent with the County's plans, programs, and objectives.
- b. (Two letters) (1)To St. Mary's County Ambulance and Rescue Association and (2) to Sheriff Voorhaar regarding the Communications Study and implementation of a new radio system.
- c. To six individuals regarding the local acquisition of Myrtle Point.
- d. To Southern Maryland Independent Living, Inc. regarding restructuring of the Commission for Disabled.
- e. To Lillian Pinno responding to traffic concerns at the intersection of Route 5 and Indian Bridge and Flat Iron Roads.
- f. To Harry Knight, Code Coordinator, Department of Planning and Zoning expressing congratulations on his recent certification as a BOCA Building Code Official.

2. Letters of Support to Maryland Historical Trust - Grant Applications

- a. Application of James W. Embrey - Seventeenth Century Shoreline of St. Mary's County
- b. Application of Silas Hurry (Historic St. Mary's City) GIS of recorded archaeological resources in St. Mary's City.

3. Department of Public Works

- a. Addendum to Public Works Agreement
Barnes Estates, Section 2; backed by Letter of Credit in the reduced amount of \$21,000
- b. Road Resolution No. 97-01 posting Beitzell Road, Seventh District, at 25 miles per hour.
- c. Road Resolution No. 97-02 designating Meadow Lane at its intersection with Lady Baltimore Avenue as a Stop Street.
- d. Road Resolution No. 97-03 posting Meadow Lane at 25 miles per hour.

COUNTY ADMINISTRATOR ITEMS

Present: Steve Welkos, Director of Finance (on behalf of the County Administrator)

1. **Correspondence**

- a. To Attorney General's Office, Consumer Protection Division, regarding Mr. Daniel Miller's erosion problems at his home in Patuxent Knolls Subdivision.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the letter as presented. Motion carried.

- b. To Department of Transportation Secretary Winstead and Department of Business and Economic Development Secretary Brady urging support of the proposed Tourist Oriented Directional Signage Program.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the letter to Secretary Winstead as presented. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the letter to Secretary Winstead as Brady. Motion carried.

2. **Freedom Fest 1997**

- a. Request for financial guarantee
b. Request for approval of Arts Council Grant Application (\$2,000)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to guarantee the funding for Freedom Fest 1997. Motion carried.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Arts Council Grant Application as presented. Motion carried.

3. **Local Law Enforcement Block Grant Programs**

Notification of Grant Award
Community Policing Strategy for Charlotte Hall/Mechanicsville
Federal Funding - \$77,273; County Funding - \$8,586

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Notification of Grant Award, as presented. Motion carried.

4. **Boards, Committees, Commissions**

- a. **Letters of Appointment**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the letters of appointment as presented. Motion carried.

Commission for Women

Kathryn Glockner

Terms to Expire

6/30/97/2001

Marcey House Board

Jodi Skinner (reappt.)

12/31/99

Mental Health Advisory Board

Douglas C. Devenyns

12/31/97/2000

Metropolitan Commission

Bill Derby 12/31/99

Nursing Center Advisory Board

Lynn Delahay 12/31/99

Teen Center Advisory Board

Karen K. Branch (reappt.) 12/31/2000

Wesley Mackall (reappt.) 12/31/2000

Tri-County Animal Shelter Advisory Committee

Charles R. Hurry No Term

Wicomico River Commission

Richard Colliflower (reappt.) 12/31/2000

b. **Letters of Appreciation**

Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward letters of appreciation to those individuals no longer able to serve. Motion carried.

COUNTY COMMISSIONERS TIME

Community College Proposal

Commissioner Thompson referred to the January 9 meeting with the three Boards of County Commissioners at Calvert County to discuss the community college restructuring proposal. As a result of the meeting the three boards agreed to send a letter to the Southern Maryland Delegation requesting a copy of the draft bill establishing a regional community college prior to giving consideration to the proposal.

Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the letter on behalf of the St. Mary's County Commissioners. Motion carried.

**PROCLAMATION
ANNUAL CHARITY BALL**

The County Commissioners presented a proclamation designating January through March as the 37th Annual Southern Maryland Charity Ball Drive.

**SHERIFF'S DEPARTMENT
QUARTERLY REPORT**

Present: Sheriff Richard Voorhaar

Sheriff Voorhaar appeared before the Commissioners to present his regularly scheduled quarterly report and noted the following:

- * 5% of law enforcement officers are on leave with injuries
- * Suggested using approximately \$2,000 generated at the Detention Center for Youth Programs. (The Commissioners agreed to consider the request during the development of the FY '98 budget.)
- * Will be meeting with tavern owners, that have shootings and other law enforcement problems, to try to develop solutions.

- * An agreement is being developed to include the Maryland State Police with the Sheriff's Department of the three counties relative to the Narcotics Task Force.
- * Will be coming before the Board on January 28 to discuss a proposal to use the closed Doncaster Youth Center as a police facility.
- * Proposed housing Immigration/Naturalization Service at the Detention Center which would generate revenues to the County. (Jail population is down and this would be an alternative use)
- * Working with Michael Humphries to establish an outpost for the Sheriff's department at the St. Clements Museum.

**DEPARTMENT OF PLANNING AND ZONING
HISTORICAL PRESERVATION GRANT APPLICATION**

Present: Jon Grimm, Director, DPZ
Mary Hayden, Planner

The referenced individuals appeared before the Commissioners to present correspondence addressed to the Maryland Historical Trust forwarding an application for grant funding from the Fiscal Year 1998 Maryland Historical Trust Non-Capital Grant Program. The funding, which will be used for the fifth phase of a multi-year project, will be used to assemble information gathered in the previous four phases and develop a Comprehensive Historic Preservation Plan for St. Mary's County and will also involve the development of a multiple property National Register nomination. The amount of funds being requested is \$25,707 with a local match of \$25,407 (\$16,651 in cash; \$8,856 in-kind).

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the grant application and authorize Commissioner Thompson to sign the letter of transmittal to the Maryland Historical Trust. Motion carried.

ST SERVICES

Present: Alan Barclay, Vice-President, Mid Atlantic for ST Services
Jim Sicliana, Environmental and Safety Manager
Ed Huber, Fertilizer Consultant
Paul Wible, Director, Emergency Management

The referenced representatives of ST Services appeared before the Commissioners to address its proposal for the storage and Urea Ammonium Nitrate (UAN) Solution liquid fertilizer at Piney Point. Mr. Barclay read a prepared statement (copy on file in the Commissioners' Office) explaining the background of the company, the company's philosophy, and its storage history. The statement explained the required permits, and the consistency and safety of UAN Solution.

After questions and comments from the County Commissioners the Board agreed to open up the meeting for questions from the audience. Questions included: whether there would be ammonia odors (no and submitted sample); whether there would be a floating roof (no, there will be an oil layer); concerns about age of tanks (tanks are inspected and given safety certification); whether water would be added and the source of that water (storm water would be used); what steps would be taken if there is an accident (only possibility of a leak would be from pipe line which is relatively small and would be a temporary situation); danger of fumes igniting (the material does not flash and there is no flash point).

In conclusion the Commissioners thanked the ST Services representatives for providing information on their storage proposal.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1. **Adult Detention Center Grant**

Mr. Ichniowski presented correspondence addressed to the Maryland Department of Budget and Management requesting a supplemental grant in the amount of \$336,000 to assist in the design, construction, and equipping of the renovation and expansion of the St. Mary's County Adult Detention Center. He advised the Commissioners that bids were opened on November 13, 1996 and the lowest bidder exceeded the available funding for the project, and, therefore, no award was made.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the letter as presented. Motion carried.

2. **Dukehart's Creek**

For the Commissioners' information Mr. Ichniowski advised that a community meeting was held January 7 to discuss with property owners the result of the State's Feasibility Report and the possibility of State and Federal assistance in the project. Concerns were raised regarding the need for the jetties and protection of the shoreline. Mr. Ichniowski advised that the information gathered (including projected costs) will be presented at an informational meeting with the property owners.

3. **Snow Removal Costs**

Mr. Ichniowski distributed a handout showing snow storm related costs which totals \$27,100 through January 11, 1997.

4. **Mt. Wolfe Road Upgrade**

Mr. Ichniowski distributed a handout setting forth the agenda for this evening's public hearing on Mt. Wolfe Road Upgrade.

5. **Request for Proposal - Solid Waste**

Mr. Ichniowski brought the Commissioners up to date with regard to the RFP for the disposal of solid waste. He stated that the RFP has been developed in accordance with the last Solid Waste meeting with the County Commissioners, and the Procurement Office is making format changes. It will be presented to the Commissioners for review next week.

EXECUTIVE SESSIONS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Property Acquisition (Myrtle Point), as provided for in Article 24, Section 4-210(a)11. Motion carried.

Commissioner Brugman moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Litigation (Parcel of Record), as provided for in Article 24, Section 4-210(a)8. Motion carried three to one with Commissioner Jarboe voting against.

Commissioner Brugman moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Interviews for Planning Commission), as provided for in Article 24, Section 4-210(a)1. Motion carried three to one with Commissioner Jarboe voting against.

Commissioner Chesser left the meeting at 3:45 p.m.

Property Acquisition (Myrtle Point)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Lawrence D. Jarboe
Steve Welkos, Director of Finance (on behalf of County Administrator)
Douglas Durkin, County Attorney
Phil Rollins, Director, Recreation and Parks
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 3:45 p.m. - 4:40 p.m.

Action Taken: The County Attorney reviewed the status of the acquisition of Myrtle Point and the Commissioners gave direction to the County Attorney.

Litigation (Parcel of Record)

(Because of time restrictions the Executive Session for Parcel of Record was not held.)

Personnel (Interviews for Planning Commission)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Lawrence D. Jarboe

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

Time Held: 4:45 p.m. - 5:30 p.m.

Action Taken: The Commissioners conducted interviews of candidates for the Planning Commission.

7:00 P. M.

**PUBLIC HEARING
MT. WOLFE UPGRADE**

Present: Dan Ichniowski, Director, Department of Public Works
George Erichsen, Deputy Director
Todd Pounds, Attorney Representing Summitt Hills, III
Ken Crouse, Lorenzi, Dodds, and Gunnill (Summitt Hills, III)

The County Commissioners conducted a public hearing to receive comments on the proposed upgrade of a portion of Mt. Wolfe Road. The upgrade is in conjunction with the development of Summitt Hill Subdivision, Section III and the limits of the upgrade (which includes realignment of a small section of the gravel drive, regrading, installation of side ditches and paving of the gravel drive, and conversion of a portion of the gravel drive to a 50-foot wide public right-of-way), are to the private portions of the road within the boundaries of the subdivision.

Mr. Ichniowski read the Notice of Public Hearing which was advertised in the December 27, 1996 and January 3, 1997 Enterprise Newspaper.

Mr. Pounds and Mr. Crouse, representatives of the developer for Summitt Hills, III, displayed a map and pointed out the location of the 46 homes proposed for Summitt Hills III, the proposed upgrade of Mt. Wolfe Road, and the portion of the road to be renamed Carroll Manor Drive.

Mr. Crouse advised that a concept plan was presented to the Planning Commission approximately 14 to 15 months ago for informational purposes only and subsequently submitted to TEC for review. It has not yet gone back to the Planning Commission for final approval.

Prior to receiving comments from the audience Commissioner Thompson advised that the public hearing was for the purpose of receiving comments on the proposed realignment of Mt. Wolfe Road only and not on other issues. Commissioner Jarboe argued that the other issues (the proposal to cross the creek) were related.

Comments from the audience included:

Margene Nelson - Expressed opposition to the proposed realignment stating it would become a short cut to the Food Lion and the neighborhood would have increased traffic as well as the potential for increased crime.

Kevin Richards - Expressed concern for traffic and stated he was concerned that eventually all of Mt. Wolfe Road would have to be paved and he did not want to pay taxes for it.

Bob Peters - Expressed concern that the road would become a shortcut; concerned about safety; WRA did analysis which indicated that rights-of-way cannot be obtained from Chappellear or Fowler; it's a prescriptive right-of-way and the nine property owners could choose to close the road off.

Terry Easter - Inquired whether the project could be divided into two separate subdivisions without crossing the creek. (Mr. Ichniowski responded that a requirement of the proposed developed is a continuous road in accordance with the road ordinance.

Wayne Smith - Questioned number of actual lots that he has heard 44, 46 and 150; concerned about emergency vehicle access.

Gail Lacey - Advertisement for public hearing was misleading (Oakes Cooksey Road was changed to Mt. Wolfe Road and doesn't say anything about Carroll Manor Road).

Keith McGuire (representing Community Preservation Coalition) - Since there is a question of whether Carroll Manor Road would connect recommended that the Commissioners deny the request until the wetlands crossing issue is resolved.

Stephen Spenshott - Concerned that the road will be used as a shortcut and responsibility (Mr. Crouse stated that in the deed it is determined to be a concurrent use right-of-way).

Herb Vaughn - Sees no benefit to this road.

Ken Hastings - Stated that the public hearing notice did not cover the subject; those affected by the road do not have clue of what is going on; the road name has many variations; that the issues are related in that without the swamp crossing there would be no realignment; that the Commissioners needed to take a position now on the swamp crossing; that the county's files were full of references to this situation; and questioned realignment of public road due to cul de sac and Carroll Manor Drive. (Commissioner Thompson informed Mr. Hastings that the Commissioners were well aware of the information regarding the swamp crossing stating it was brought to the Board's attention at the public forum; that the Commissioners have certain requirements to follow and that neither the developer's rights or the citizen's rights can be taken away. Mr. Ichniowski advised that when roads are extended and goes off the end of a cul de sac it would be covered by

the Planning Commission process. Mr. Erichsen stated that the County would not issue a public works agreement for the road until such time as the waterway improvement permit was in hand)

Anna Schmidt - Requested the Commissioners to reconsider realignment until after swamp crossing is settled.

Commissioner Thompson stated that MDE assured her that there would be public

meetings in order to allow opportunity for public comments regarding the swamp crossing proposal, and that a permit for crossing the swamp would not be issued without a public hearing. These issues will be also be addressed by the Planning Commission.

Dora Zimmerman - submitted a handout listing discrepancies in the Summitt Hill Section III Wetlands Crossing project (copy on file in the Commissioners' Office).

Harold Titus - Concerned about detrimental effects of connecting the two roads.

Scott Cotrell - Without road crossing the swamp there is not realignment, and project should not be addressed until that is settled; nine families currently maintain the road and if volume of traffic increases, questioned who would be responsible for maintaining it.

Dan Gragan - Was informed that his was the last lot to be built on (12th lot) and questioned whether his right to build would be taken away; stated that the realignment is "out of order," that the developers should get through the subdivision before they upgrade the road.

Rosiland Hautzenroder - Questioned whether she could further subdivide her lot without the proposed upgrade. (Mr. Crouse responded since the property is in the critical area (1 house per 20 acres) and cannot be further subdivided.

Gerald Ostrowski - suggested that Commissioners not give approval until swamp crossing issue is resolved.

Jerry Shaw - Concerned about swamp and bulldozers.

Susan Loomis - Stated that this was putting the "horse before the cart" and inquired whether there were any examples of it being turned around; requested that the realignment be tabled until all permits have been approved.

John Auman - Questioned who will upgrade existing Mt. Wolfe Road, which is a narrow two-lane road; some property owners were not notified of hearing; recommended the use of a billboard to post meeting notices. (Mr. Ichniowski advised that the county portion of the road is approximately 2 miles, and if the development was to come out in that direction, the County would have to determine if it met adequate public facilities requirements.)

Dan Miller - Questioned the definition of realignment. (Mr. Crouse stated that the existing gravel road would be regraded to meet county standards and install gravel shoulders, ditches, and paving, and realigning a portion to "clean up" the intersection.

Mike Pilkerton - Questioned why anyone would buy a lot until situation was straightened out.

Joanie Peters - Lives on the dirt road and if people start using it who would be responsible for paving it and questioned whether it could be closed off. (Commissioner Thompson stated that if the road were closed off, the property owners would have to sign it away.)

Herb Vaughn - Inquired why there was work on the road on weekends and questioned the purpose of stakes along the road on the opposite side of the Summitt Hill development. (Mr. Crouse stated the work was done on Saturdays in preparation for perc tests. He stated he would look into the purpose of the stakes.)

Gail Lacey - Suggested that all approvals be concurrent.

Wayne Suit - Inquired whether Carroll Manor would be fixed.

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Bob Peters - Pointed out that if the realignment goes forward it would result in prescriptive use of Mt. Wolfe Road; suggested that the Commissioners deny the road realignment request of the developer.

Hearing no further comments, the Commissioners closed the public hearing. The record will remain open for ten days.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

**Minutes Approved by Board of
County Commissioners on 1/21/97**

Judith G. Spalding
Recording Secretary