

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
MARCH 11, 1997**

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

CALL TO ORDER

The meeting was called to order at 11:05 p.m.

COMMUNITY COLLEGE LEGISLATIVE PROPOSAL

Present: Tom Mattingly, Chair, Board for the Community College at St. Mary's
Fred Wallace, "
Charlotte Young, "

As a follow up to previous discussions, the Commissioners continued discussion regarding the legislative proposal for the restructuring of the Charles County Community College.

Discussion included:

- * the importance of all three Southern Maryland Counties to sit down together to discuss and negotiate the proposal;
- * major areas of concern of all three counties: membership, budgetary concerns including fiscal oversight, and property ownership;
- * fiscal issues including; capital budget funding; possible redundancy of programs, fiscal implications of a bilateral agreement (including administrative costs), and categorical transfers;
- * whether to continue the meeting this evening and whether all three Boards of County Commissioners will attend.
- * which proposal to use as a starting point (the original Charles County proposal; Delegate Wood's version; Option A developed by Calvert County or Option B developed by St. Mary's County Attorney incorporating the major issues in Option A but following the Community College law in the Maryland Annotated Code).

(During the meeting, via speaker phone, Charles County and Calvert County Boards of Commissioners agreed to attend the meeting this evening at the St. Mary's campus of the Charles County Community College. It was further agreed that Option B would be the starting point for discussion.)

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, March 4, 1997, as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize payment of the bills. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the Agenda as amended (that the 6:30 Community College Legislative Proposal meeting will take place at the Community College campus in Leonardtown). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

1. Correspondence

- a. To Southern Maryland Navy Alliance responding to remarks in support of the regionalization of the Community College.
- b. To Ellen Malone responding to comments relative to the Reilly property.
- c. To Oran Wilkerson responding to his comments regarding the update of the Comprehensive Land Use Plan.
- d. To Delegate Van Mitchell, Chair, Southern Maryland Legislative Delegation, in support of HB 1120 - Capital Bond Appropriation.

2. Department of Public Works

- a. Public Works Agreement Addendum for Persimmon Hills Subdivision, Section 1, Fifth Election District; backed by a Bond in the amount of \$204,180, with International Fidelity Insurance Co.
- b. Traffic Resolution #97-08 posting a 25 mile per hour speed limit on Quatman Road for its entire length.

Commissioner Jarboe moved, seconded by Commissioner Eagan,, to accept the Consent Agenda as presented. Motion carried four to one with Commissioner Brugman voting against because he did not agree with the letter to Mr. Wilkerson (letter c).

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Budget Amendments

- a. No. 97-32 - Public Works
(Detention Center Construction - \$754,000)

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

- b. No. 97-33 - County Administrator
(for MIS emergency departmental requests - \$25,000)

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

2. Boards, Committees, Commissions

- a. Letter Appointing Paul Colonna to the Emergency Services Committee

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

- b. Letter of Appreciation to individual no longer able to serve on the Emergency Services Committee

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

5. **Sheriff's Department - Local Law Enforcement Block Grant Program**

(Follow up to 2/20/97 Public Hearing)

Follow Up Information Form to be signed by Commissioner Thompson

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Follow Up Form as presented. Motion carried.

6. **Information Systems Manager**

* County Administrator Kachmar introduced Ann Anderson, the County's newly hired Information Systems Manager

* Relative to the Information Systems Manager, Mr. Kachmar requested authority for the signing of the Employee Contract.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize County Administrator Kachmar to sign the Contract. Motion carried.

Later in the meeting after noting that the Contract was prepared for Commissioner Thompson's signature, Commissioner Brugman moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Contract. Motion carried.

7. **County Attorney**

- a. Correspondence to Planning Commission and Recreation and Parks Board regarding Myrtle Point: Recreation and Parks Element of Comprehensive Plan.

After review Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the letter with the addition of two paragraphs as set forth in the County Attorney's March 7, 1997 memorandum (one to include specific recreational activities--athletic fields, hiking and biking trails, fishing pier, marina, picnic grounds and pavilion, campground, swimming and beach facilities, archaeological and historical interpretation facilities; and the other paragraph to address the issue of a public/private partnership for the development of the park).

Commissioner Thompson moved, seconded by Commissioner Brugman, to amend the main motion to include language that the "Planning Commission and Recreation and Parks Board consider the unique waterfront characteristics of the property while considering for inclusion in their master plan" Motion carried.

Vote on the main motion to include the referenced amendments to the letter was unanimous.

- b. Correspondence to Planning Commission regarding Subdivision Regulations (requesting Planning Commission to examine advantages and disadvantages of various exemptions and exceptions, to develop a proposal to alter the system by which the County acquires title to subdivision roads, to review the Subdivision Regulations in its entirety, and provide the Commissioners with recommendations.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to send the letter to the Planning Commission.

Commissioner Brugman moved, seconded by Commissioner Eagan, to amend the letter to change "maintain 'strict' government regulation" to "maintain 'fair and adequate' government regulation." Motion carried.

Vote on the amended main motion was unanimous.

c. Emergency Shelter Grant Agreement Program

Letter to Department of Housing and Community Development authorizing the substitution of a standard form page 9 to the previously executed Emergency Shelter Agreement. Paragraph 10 of Page 9 had been mistakenly stricken from the grant agreement.

Commissioner Eagan moved, seconded by Commissioner Brugman, to authorize Commissioner President Thompson to sign the letter to the Department of Housing and Community Development as presented. Motion carried.

d. 1997 Legislative Package

- (1) Request for Amendment to Parcel of Record legislation and status report

After review, discussion, and proposed amendments, Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and submit to the Legislative Delegation the amendments to House Bill 764 - Validity of Specified Deeds as discussed: "... shall apply to Deeds and individual subdivision lots: (1) which were created by Deed, (2) which Deed created subdivisions of not more than five lots, (3) for which lot a certificate of occupancy had been issued before December 1, 1985 in the Critical Area or before August 1, 1990 in the remainder of the County, (4) which deeds were recorded before December 1, 1985 in the Critical Area or before August 1, 1990 in the remainder of the County, and (5) which lot otherwise qualifies for building purposes." Motion carried.

- (2) Personal Property Tax Bill (third version)

(Enabling legislation to allow St. Mary's County to grant a property tax credit against the county property tax imposed on personal property.)

Commissioner Eagan moved, seconded by Commissioner Thompson, to request the Legislative Delegation not to proceed with the legislation. Motion failed two to three with Commissioners Jarboe, Brugman and Chesser voting against. (Therefore the bill will proceed.)

- (3) Board of Education Benefits Bill (designation of witnesses and review of proposed testimony)

Commissioner Eagan moved, seconded by Commissioner Brugman, to accept the testimony to be given by Personnel Officer George Foster, and that the Board of Education should be notified of the hearing on the bill. Motion carried.

- (4) Human Relations Commission Bill (Designation of witnesses and review of proposed testimony)

The Commissioners gave their concurrence to the testimony to be given by County Attorney Durkin.

- (5) Derelict Boat Bill status report

A bill has been introduced by Calvert County to return the responsibility for removal of derelict boats back to the State.

PROCLAMATIONS

The County Commissioners presented the following Proclamations:

- * Developmental Disabilities Awareness Month
- * National Girl Scout Week

FISCAL YEAR 1998 TENTATIVE RECOMMENDED BUDGET REVIEW

Present: John J. Kachmar Jr., County Administrator
Steve Welkos, Director of Finance

County Administrator Kachmar and Director of Finance Welkos appeared before the Commissioners to review the draft Fiscal Year 1998 tentative Recommended Budget. Mr. Welkos reviewed the proposed calendar (Recommended Budget to be approved on March 25; Public Hearings scheduled for April 15 and 22, and signing of the Final Budget on May 27); major areas of budget increases/decreases; revenues: including property taxes, local income tax, other local taxes, licenses and permits, charges for services, fines and forfeitures, state/federal grants, and other revenues; and capital projects.

During discussion Commissioner Thompson raised concerns that the budget was drafted with tax cuts and that she did not believe it was based on a decision of the Board of County Commissioners. Commissioner Eagan responded that she believed that this was a consensus of the majority of the Board during discussion of the Budget Message and at a subsequent meeting. Commissioners Brugman and Jarboe concurred with Commissioner Eagan.

A budget Work Session has been scheduled for Thursday, March 13 beginning at 9:00 a.m.

"SMART GROWTH" LEGISLATION

Present: Jon Grimm, Director, Department of Planning and Zoning

Commissioner Thompson referred to a "fax" from the Southern Maryland Delegation requesting the Commissioners' comments on the latest amendments to the "Smart Growth" bill. Mr. Grimm reviewed his responses to the five amendments as set forth in his March 11 memorandum to the Board of County Commissioners.

After discussion Commissioner Brugman moved, seconded by Commissioner Eagan, to draft correspondence indicating that even with the addition of the five amendments, that the St. Mary's County Commissioners do not support the "Smart Growth" legislation as currently proposed. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

All Commissioners were present. DPZ staff present were Jon Grimm, Director; Keith Lackie, Environmental Planner; Mary Hayden, Planner I; Diane Sullivan, Fiscal Support Specialist; and Peggy Childs, Recording Secretary.

GROWTH ALLOCATION DECISIONS

These public hearings were held on February 18, 1997. Commissioner Jarboe stated there were two applications - one within a development district and one *not* in a development district, and asked if the two applications need to be approved together, as the transmittal letter to the Critical Area Commission seems to indicate? Mr. Grimm replied they should be transmitted to the CAC together, but there should be two separate motions.

Commissioner Thompson asked if any further research has been done regarding the 6-acre

threshold in the Critical Area Program, which would have to be removed from the County's program if the Lacey single-lot subdivision is to be approved. Mr. Grimm replied he has looked into that further and there is no statutory requirement and no apparent reason for the threshold. Staff is ready to prepare that change for the 4-year Critical Area review which will be done later this year. Commissioner Jarboe and Commissioner Eagan were concerned as to why this amendment is being proposed now when the Commissioners have been told that their amendments must wait for the Ordinance review. Mr. Grimm responded that the amendment to remove the 6 acre threshold, if approved by the Commissioners, would be done later this year during the Critical Area review and not at this time.

SSUB #96-0540 - GARDINER'S PLACE (Design Competition Category)

Request for 17.77 acres of growth allocation for an 11-lot subdivision, located in the Lexington Park Development District.

Commissioner Jarboe moved that this revised concept development plan be approved as presented. Seconded by Commissioner Brugman; passed by unanimous vote.

SSUB #96-1976 - JAMES M. LACEY (Single-Lot Subdivision Category)

Requesting 1.5 acres of growth allocation for a single-lot subdivision in Oakley.

Commissioner Jarboe stated this application request is not in a growth area and a text amendment to the Critical Area Program will be required to approve it. He said he sees these applications as two different things; furthermore, the subdivision only scored 11 points out of a possible 112. Mr. Grimm responded that single-lot subdivisions typically score poorly and it has been discussed that they should not even be scored. For that reason, the low score should not be the only basis for denial; if there are others, that is different.

Commissioner Brugman moved for approval of the 1.5 acre growth allocation award; seconded by Mr. Chesser; however, Commissioner Thompson pointed out that the text amendment is also necessary for this approval.

Commissioner Brugman moved to amend his motion to include approval of the text amendment to the Critical Area Program; i.e., removal of the 6-acre threshold provision. As stated by Mr. Grimm *and approved by the Commissioners*, the text amendment will not be done now but at a later date, during the 4-year review of the Critical Area Program. Commissioner Chesser seconded the motion to amend, which passed by a vote of 4-1; Commissioner Jarboe voted against.

The vote on the amended motion for approval of the 1.5 acre growth allocation award also passed by a vote of 4-1; Commissioner Jarboe voted against.

On March 13, 1997 the Board of County Commissioners gave concurrence to sign the letter to the Chesapeake Bay Critical Area commission forwarding the Growth Allocation amendments.

WATER/SEWER CATEGORY AMENDMENT

CWSP #96-0484 - TOWER ESTATES

This public hearing was held on February 25, 1997. The request is to change the water category from NPS (No Planned Service) to RW (Rural Water) to allow this subdivision to connect to the Country Lakes community water system at the direction of the Metropolitan Commission and as recommended by the Planning Commission. Certification has been provided by the Planning Director that the request is consistent with the County's Comprehensive Plan, as required by the statute.

Commissioner Eagan moved for approval of the water category change to RW; seconded by Commissioner Jarboe and passed by unanimous vote. Commissioner Jarboe moved to authorize and sign the transmittal letter to the State Water Resources Division and that the Resolution prepared by staff by signed; seconded by Commissioner Eagan and passed by unanimous vote.

ALPD DECISIONS

Public hearings were held on Tuesday, February 25, 1997 on the two applications submitted:

ALPD #96-1310 - BRIAN RUSSELL (90 acres)

ALPD #96-3011 - GLENN RUSSELL (25.8 acres)

ALPD #96-3012 - WALTER F. RUSSELL, SR. (5 ACRES)

120.8 acres in the Clements area combined into one ALPD for family members.

ALPD #96-9009 - ANDREW, BETTY & WALTER RUSSELL, JR.

125 acres on Route 234 in Clements.

Commissioner Chesser moved to approve the two applications and direct staff to prepare the packages for transmittal to the State Agricultural Land Preservation Foundation. Seconded by Commissioner Jarboe and passed by 4-0-1; Commissioner Brugman abstained because he was not present at that public hearing.

COUNTY COMMISSIONERS' TIME

Crystal City Move - Department of Planning and Zoning

Commissioner Eagan stated she had received a call from an individual who requested she bring to the Board's and County Administrator's attention that some of the people moving here from Crystal City have to take a day away from work to go to Planning and Zoning. It was suggested that perhaps DPZ could be open on Saturdays one day a month to accommodate those new people coming to the County. She requested the County Administrator to find out how many individuals are in this situation, and if there is a great number, to look into the possibility of having DPZ opened on Saturdays once a month.

Patuxent River Commission

Commissioner Thompson stated she has been on the Patuxent River Commission for five years and her membership is up for reappointment. She inquired whether one of the other four Commissioners would be interested in serving.

Colton Endowment Point Task Force

Commissioner Thompson requested the County Administrator to look into the status of the Colton Endowment Point Task Force and give the Commissioners a briefing.

ADJOURNMENT

The meeting adjourned at 5:20 p.m.

Minutes Approved by Board of
County Commissioners on 3/19/97

Judith A. Spalding
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Recording Secretary

