

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
MARCH 18, 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 1:05 p.m.

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, March 11, 1997, including the Department of Planning and Zoning portion, as presented. Motion carried.**

**APPROVAL OF BILLS**

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

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the Agenda as amended (to add two executive sessions on Personnel (Golf Course Manager and Systems Information Technician position and one executive session on potential litigation). Motion carried.**

**CONSENT AGENDA**

The Consent Agenda included the following:

1. **Correspondence**
  - a. Two letters (to John Horton and to Bob Boxwell) regarding the location of the Sheriff's firing range.
  - b. To James R. Owens responding to his request for an adjustment of the Lexington Park Development District to include his property.
  - c. To Austin Slater, Jr. regarding the Agricultural Land Tax Credits.
  - d. Four letters (To J. Frank Raley, Jr., Dr. Margaret O'Brien, Mr. Donald Frantz, and Mr. R.C. Duckson) responding to his comments regarding the Reilly property.
  - e. To Maryland Department of Environment regarding Sewage Sludge Utilization Permit Application for James Long Site (Charles County/within one mile of St. Mary's County).
  
2. **Department of Public Works**
  - \* Public Works Agreement Addendum for Hickory Hills Subdivision, Eighth Election District; backed by a Cashier's Check in the amount of \$12,400 with Liberty Homes Development Inc.

**Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the Consent Agenda as presented. Motion carried.**

**COUNTY ADMINISTRATOR ITEMS**

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendments**

- a. No. 97-34 - Public Works  
(To cover overtime costs for remainder of Fiscal Year 1997 - \$20,000)

(The Commissioners deferred a decision on Budget Amendment No. 97-34 in order to obtain additional information.)

- b. No. 97-35 - Public Works  
(To provide additional funds for county mapping marker expenses - \$1,200)

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-35 as presented. Motion carried.**

- c. No. 97-36 - Emergency Management Agency  
(for the purchase of 12 lead diagnostic monitors to continue piloted program approved by the State - \$12,000)

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-36 as presented. Motion carried.**

- d. No. 97-37 - Recreation and Parks  
(to provide funding for two additional grass cuttings per school site, funding for which will be reimbursed by the Board of Education (\$12,092))

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-37, as presented. Motion carried.**

2. **Grant Documents**

- a. Office of Community Services/Alliance  
(Arts Council Grant Award to support Freedom Fest - \$1,700)

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Grant Award document as presented. Motion carried.**

- b. Department of Economic Development  
(Maryland Small Cities Development Block Grant Application for revitalization of properties neighboring Great Mills High School - \$25,000)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

3. **Department of Public Works - Wilderness Cluster Subdivision, Section 3**  
(Resolution reinstating developmental rights)

**Commissioner Eagan moved, seconded by Commissioner Brugman, to sign the Resolution, as presented. Motion carried.**

4. **Personnel**  
a. Health Officer Employment Contract

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Employment Contract for Health Officer, Dr. Ebenezer Israel. Motion carried.**

- b. **Engineer III Position - Department of Public Works**  
(Memorandum dated March 12, 1997 from Personnel Officer requesting approval to appoint Richard Allen to be hired as an Engineer III, Step 3. Engineer I and Engineer IV positions were advertised and the Engineer I was filled; however, after interviews for the Engineer IV position, there were no qualified applicants. Therefore a waiver of Personnel Policies to hire an Engineer III in that the position had been advertised at an Engineer IV.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the position as requested. Motion carried.**

5. **Length of Service Awards Program for Fire Department, Rescue Squads and Advanced Life Support Volunteers**  
(To be signed by all five County Commissioners)

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the listings for the Length of Service Awards Program as presented. Motion carried.**

#### **COUNTY COMMISSIONERS' TIME**

##### **Building Permit Waivers**

Commissioner Brugman referred to the Carroll's Equipment property which had been burned down and the request for waiver of fees to replace the structure. He suggested that the Commissioners consider during the Zoning Ordinance/Comprehensive Plan update that in cases of fire or natural disasters, the building permit fee be waived to replace the structure even if there is expansion of the original structure. The Commissioners concurred that this be an item of discussion during the update of the Zoning Ordinance/Comprehensive Plan.

#### **PROCLAMATION/COMMENDATION**

The Commissioners issued a Proclamation designating the week of March 17, 1997, as National Agricultural Week.

In addition the Commissioners presented a Commendation to F. Elliott Burch, Jr. for donating use of land for the Farmers' Market.

#### **PUBLIC HEARING**

##### **FISCAL YEAR 1997 SUPPLEMENTAL BUDGET**

Present: Steve Welkos, Director of Finance

The Commissioners conducted a public hearing on the following Fiscal Year 1997 Supplemental Budget requests:

##### **Office of Community Services - HIV Awareness**

Supplemental appropriation of \$10,000 in State grant funds to OCS for the purpose of providing an increased awareness of today's profile of HIV and the overlapping problems of substance abuse and HIV infection as they exist in the rural community, and provide a model to increase leadership skills in peer HIV/AIDS education, alcohol, tobacco and other drugs, and households with young children in rural African-American communities headed by women who may be at elevated risk for substance abuse and HIV infection.

**Office of Community Services - Alcohol/Drug Impaired Driving Awareness**

Supplemental appropriation of \$12,400 in State grant funds to OCS for the purpose of promoting programs in St. Mary's County that increase public awareness and participation in activities that address alcohol/drug impaired driving, incorporating a strategy that will promote healthy life styles with emphasis on delaying onset use of alcohol and other illicit drugs, high risk driving, and provide for teen service, leadership training and safe and sober instructional experience in order to reduce teen driver accidents, and to achieve a level of trained alcohol beverage servers at each licensed beverage vender site that would ensure the presence of a trained certified person on premises at all times.

The hearing was opened for public comment.

The hearing was closed; the record will remain open for ten days for written comments.

**COMMUTER AIR SERVICE**

Present: James Haley, Procurement Officer  
Jim Hinebaugh, Chair, Airport Commission  
Sam Keiter, Kurth & Company, Inc.  
Sue Winslow, Delta Airport Consultants, Inc.  
Charles Lamb, "  
David King, Gresham, Smith & Partners  
Bruce Mundie, Director, Regional Aviation Assistance

The referenced individuals appeared before the Commissioners to present reports, final program requirements, recommendations and request for approval to proceed relative to commuter air services at St. Mary's County Airport.

Mr. Haley explained the formation of a commuter air services committee and the establishment of three subcommittees: operations, facilities, and capital programs.

The presentation included the need for commuter service based on increasing economic growth of the county, a preliminary traffic report, traffic flow forecasts (commuter service between St. Mary's County and principal Washington/Baltimore airports should carry at least 70,000 passengers each year), and that the county could support service with six 19-seat aircraft a day.

Also presented was a Preliminary Design Report which included analysis of four potential sites (Site #2 was the lowest cost and most beneficial site at an estimated cost of \$2,600,000), minimum capital improvement needs (terminal building, aircraft parking ramp, automobile parking lot, obstruction removal), funding requirements and funding sources (including a \$1.437M commitment from the State and the possibility of an additional \$643,000 to complete the project (with a 20% county match).

**After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize proceeding with the project contingent upon receipt of state funding and upon approval of appropriation in the County's Fiscal Year 1998 Budget. Motion carried.**

**ADDITION OF AN EXECUTIVE SESSION**

**Commissioner Brugman moved, seconded by Commissioner Eagan, to add to the agenda an Executive Session for Litigation, as provided for in Article 24, Section 4-210(a)8. Motion carried four to one with Commissioner Jarboe voting against.**

**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  
 Douglas Durkin, County Attorney  
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8  
 Time Held: 2:47 p.m. - 2:55 p.m.

Action Taken: The County Attorney brought the Commissioners up to date relative to the referenced legal matter and received direction from the Board.

**FOLLOW UP TO EXECUTIVE SESSION**

**Commissioner Brugman moved, seconded by Commissioner Chesser, to direct staff to proceed with the litigation as discussed in executive session. Motion carried four to one with Commissioner Jarboe abstaining.**

**PUBLIC HEARING****BIG KINGSTON CREEK****MAINTENANCE DREDGING/TIMBER JETTY REHABILITATION**

Present: George Erichsen, Deputy Director, DPW  
 C. Clarke Raley, property owner

The Commissioners conducted a public hearing for the discussion of completed plans, specifications and probable construction costs associated with the maintenance dredging and timber jetty rehabilitation at the entrance of Kingston Creek, Eighth Election District.

Mr. Erichsen advised that the taxing district had already been established by Resolution No. 95-37 and the dredging had been done, but because of storm damage from the prior year (Fran and Bertha), there was further damage to the timber jetties. The cost of the taxing district has increased from \$35.44 to \$61.02 per year per owner. Total cost of the jetty project is approximately \$28,000 (50/50 shared by State and County (through taxing district)). Mr. Erichsen pointed out that the original project was based on prior costs, and that he believed it was prudent to inform the property owners of the new costs.

In concluding his presentation Mr. Erichsen referred to the draft Resolution confirming the establishment of the Kingston Creek Waterway Improvement District, which will require the Commissioners' approval after the ten-day open record period.

During discussion Commissioner Thompson questioned the Notice of Public Hearing and the fact that the increased cost to the property owner had not been indicated. Mr. Erichsen explained that a new public informational meeting was held as well as correspondence to each property owner explaining the additional work and costs.

The hearing was opened for comments from the audience.

Judge Clarke Raley indicated that a substantial portion of the work had been accomplished and what remains is the repairs to the eastern jetty.

Mr. Lou Eberle inquired whether the Commissioners had received any negative comments. Commissioner Thompson responded no negative comments had been received.

The public hearing was closed. The record will remain open for ten days after which the Commissioners will take action on the Resolution.

#### **PUBLIC HEARING**

##### **WEEKEND INMATE FEE ORDINANCE**

Present: Steven Norman, Assistant County Attorney  
Doug Devenyns, Director of Corrections

The Commissioners conducted a public hearing on a proposed Ordinance for the collection of fees from persons sentenced to weekend jail time for the partial cost of their incarceration. The draft Ordinance includes a waiver provision for these fees if a person sentenced to weekend jail time can prove they are indigent.

Commissioner Chesser questioned the constitutionality of the Ordinance, and Mr. Norman pointed out that the purpose of the Ordinance was for reimbursement not for punishment. Mr. Devenyns indicated that such a fee had been tested at the state level.

The public hearing was closed and the record will remain open for ten days for written comment.

#### **PARCEL OF RECORD LEGISLATION**

Present: Douglas Durkin, County Attorney  
Jon Grimm, Director, Planning and Zoning

Mr. Durkin and Mr. Grimm appeared before the Commissioners to discuss possible amendments to House Bill 764 - Validity of Specified Subdivision Lots (Parcel of Record). Mr. Durkin explained that Mr. Grimm had raised some issues regarding some of the amendments crafted by the Commissioners at last week's meeting. He pointed out that the original bill is in Third Reader in the House and that there could be no amendments to that bill in the House. Any amendments offered would have to be done in the Senate and then returned to the House.

##### Issues included:

- \* Proposed language regarding "issuance of a Certificate of Occupancy;" the Building Code had not been adopted until late 1980's and CO's had not been issued until that time.
- \* Proposed language "which deed created subdivisions of not more than five lots;" it would be unusual for deeds to create more than one lot and subdivisions were not usually created by Deed.
- \* The date for the validity and effectiveness granted to deeds.

After lengthy discussion Commissioner Brugman moved to direct the County Attorney to go forward to send the amended legislation with the March 15, 1978 date for effectiveness and validity of the deeds; with the December 1, 1985 Critical Area and the August 1, 1990 dates remain; and with substitution language for the Certificate of Occupancy and for deeds creating subdivisions. Motion failed for lack of a second.

**After further discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to submit proposed legislation that the bill would remain the same with changes as discussed (adding: "provided the parent tract was subdivided into not more than five lots and provide the parent tract existed as one parcel pursuant to deed record on or before March 15, 1978; and "for which lot construction of improvements had been completed before December 1, 1985 in the critical area or before August 1, 1990 in the remainder of the County.") Motion carried.**

**EXECUTIVE SESSIONS**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Personnel (Personnel and Golf Manager Position), as provided for in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Personnel (Information Systems Technician position), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

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

**Personnel (Golf Manager Position)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan (left this session at 5:10 p.m.)  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Phil Rollins, Director, Recreation and Parks  
George Foster, Personnel Officer (entered 5:05 p.m.)  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 4:45 p.m. - 5:30 p.m.  
Action Taken: The Commissioners discussed the referenced position and agreed to take action in open session.

**Personnel (Systems Information Technician Position)**

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  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 5:35 p.m. - 5:55 p.m.  
Action Taken: The Commissioners discussed the referenced position and agreed to take action in open session.

**FOLLOW UP TO EXECUTIVE SESSIONS****Systems Information Technician Position**

**Commissioner Chesser moved, seconded by Commissioner Brugman, to establish the Systems Information Technician position, Grade 12, Step 6. Motion carried.**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to reassign Joseph M. O'Dell to the Systems Information Technician Position. Motion carried.**

**Golf Course Manager Position**

**Commissioner Brugman moved, seconded by Commissioner Chesser, to direct staff to proceed with negotiations for the filling of the Golf Course Manager position. Motion carried four to one with Commissioner Eagan abstaining.** (Commissioner Jarboe stated he believed privatization was the answer but that he would accept the selection.)

**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  
Douglas Durkin, County Attorney  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

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

Time Held: 6:02 p.m. - 6:25 p.m.

Action Taken: The Personnel Officer brought the Commissioners up to date relative to a matter of litigation.

**Personnel (Sheriff's Department)**

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  
Douglas Durkin, County Attorney  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

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

Time Held: 6:25 p.m. - 7:00 p.m.

Action Taken: The County Attorney and Personnel Officer discussed a personnel matter and agreed to take action in open session at next week's meeting.

**ADJOURNMENT**

The meeting adjourned at 7:00 p.m.

**Minutes Approved by Board of  
County Commissioners on 3/25/97**

Judith A. Spalding  
**Judith A. Spalding**

**Recording Secretary**