

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
MAY 27, 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

J. C. PENNEY SIGN UNVEILING CEREMONY

The Commissioners attended the J. C. Penney Sign Unveiling Ceremony at Wildewood.

CALL TO ORDER

The meeting was called to order at 1:10 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, May 20, 1997 and the Planning and Zoning portion of the May 13, 1997 meeting, as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize payment of the bills as presented. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

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

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To Commissioners of Charles County advising that \$33,400 has been included in the FY '98 Capital Budget for the County's potential share of the animal shelter expansion project.
- b. To Chair, Development Review Forum responding to correspondence regarding Soil Conservation fees and automation of planning and zoning procedures.
- c. To Joyce Donaldson responding to concerns regarding permitting requirements for the expansion of her business.
- d. To Agencies/Boards/Committees expressing appreciation for presentation of annual report.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve letters b. and d. of the Consent Agenda as presented. Motion carried

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve letter a. with the following revision: to add a sentence stating "The St. Mary's County Commissioners will still have the authority to approve or disapprove the actual expenditure." Motion carried.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to pull letter c. to Joyce Donaldson. Motion carried.

During the motion discussion ensued regarding the fire code requirements for certain buildings, and Assistant County Attorney Norman indicated that in that Ms. Donaldson's building was public, there was a need for proper fire suppression equipment.

After discussion the Commissioners agreed to request the Director of Planning and Zoning, the County's Code Coordinator and the Fire Marshall to attend next week's meeting, as well as Ms. Donaldson, to discuss fire code requirements.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendments**

- a. No. 97-57 - State's Attorney
(to cover trial expenses - \$5,000)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-57 as presented. Motion carried.

- b. No. 97-58 - Planning and Zoning
(to purchase an upgrade to the GIS system, laptop computer, Accuturn software and four filing cabinets) (\$1,632)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-58 as presented. Motion carried four to one with Commissioner Eagan voting against.

- b. No. 97-34 - Public Works
(to cover overtime costs for remainder of FY '97 - \$20,000)

As a follow up to previous discussions the County Administrator Kachmar reviewed an analysis of overtime costs and hours for the Department of Public Works including comparisons between Fiscal Year 1996 and Fiscal Year 1997, number of overtime hours and overtime expenditures, and number of hours per inch of snow.

In conclusion Mr. Kachmar indicated that in comparison the figures did not appear to be out of line, but suggested that better scheduling of overtime in the future needs to be addressed.

After discussion Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-34 as presented. Motion carried.

4. **Grant Documents**

- a. Department of Planning and Zoning - Grant Application from Maryland State Government Geographic Information Coordinating Committee (for obtaining and keeping current geographic data; e.g., land use, property boundaries, satellite imagery, etc.); local match is in the form of hardware and software already owned by the county.

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

- b. Department of Recreation and Parks - Revised Program Open Space Grant Application (Leonard Hall Recreational Center - Change of Scope of Work)

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

- c. Office of Community Services - Byrne Memorial Formula Grant Program - St. Mary's County Youth Service Corps (federal - \$40,000; state - \$7,000)

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

- d. Office of Community Services/Alliance - Summer Youth Achievement Program - Summer of Safety Arts Camps (State - \$22,000)

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

5. **Department of Public Works Items**

- a. Claim Letters Calling Letters of Credit
 - (1) to Cedar Point Credit Union in the amount of \$500 for Entrance Permit No. 94-0732 issued to Joseph S. and Theresa L. Mattingly.
 - (2) to Signet Bank in the amount of \$73,000 for Public Works Agreement for Breton Bay Development Association.
 - (3) to SunTrust Company Bank in the amount of \$50,000 for Food Lion at Charlotte Hall.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Claim Letters to be forwarded if necessary. Motion carried.

- b. Pine Lake Subdivision
 - * Deed accepting Weavers Court into the County's Highway Maintenance System.
 - * Traffic Resolution No. 97-13 establishing 25 mile per hour speed limit on Weavers Court.
 - * Traffic Resolution No. 97-14 establishing stop sign on Weavers Court.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Deed and Traffic Resolutions as presented. Motion carried.

- c. Traffic Resolution No. 97-15 establishing 25 mile per hour speed limit on Far Cry Road
- d. Public Works Agreement Addendum for Hickory Hills North; backed by United Pacific Insurance Performance Bond in the amount of \$184,800
- e. Public Works Agreement Addendum for Laurel Glen PUD Subdivision; backed by LOC by First National Bank of St. Mary's in the amount of \$555,000
- f. Public Works Agreement Addendum for Christmas Hill Minor Subdv.; backed by LOC by First National Bank of St. Mary's in the amount of \$10,000
- g. Public Works Agreement for Redgate Estates Subdivision; backed by Letter of Credit with First National Bank of St. Mary's in the amount of \$63,800

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the referenced documents (c through g), as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining in that she is on the Board of Directors of First National Bank of St. Mary's.

6. **Boards/Committees/Commissions - Appointment Letters (agency representatives)**

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and sign the letters of appointment to the following individuals. Motion carried.

Community Health Advisory Committee

Tom Russell (term to expire 12/31/2000)
Linda Wright "

Council on Children and Youth

Mary Beth Voorhees (term to expire 12/31/2000)

7. **July 29 County Commissioners' Meeting (Fifth Tuesday)**

The County Administrator advised that there were five Tuesdays in July, and the Board is required to meet four times a month. He indicated that there had been discussion whether to waive the fifth Tuesday in July and inquired whether the Board would consider taking formal action to cancel the July 29 meeting.

Commissioner Brugman moved, seconded by Commissioner Eagan, to waive the July 29 meeting. Motion carried.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- * Maryland Career Connections
- * Senior Companion Program

ANNUAL REPORTS

Board of Appeals

Present: Lawrence "Rocky" Rowland, Chair
Terry Miller
Howard Thompson
Tom Tudor

The referenced individuals appeared before the Commissioners to present the Board of Appeals' 1997 Annual Report. The report included the functions of the Board of Appeals (appeals, conditional use applications, variances, etc.); judicial review; case load measures and decisions; documentation by the board of the various cases before it; critical areas decisions; complaints and after-the-fact enforcement. In addition the members indicated that the issue of animal shelters will be addressed during the update of the zoning ordinance. In closing the members expressed appreciation to the staff support from DPZ and advised the Commissioners that the Board is striving to uphold the zoning laws and to ensure that landowners get the best use of their properties.

The Commissioners indicated that they looked forward to the next joint meeting of the Commissioners, Planning Commission and Board of Appeals.

A copy of the report is on file in the Commissioners' Office.

Airport Commission

Present: James Hinebaugh, Chair
Roland Behnke

The referenced individuals appeared before the Commissioners to present the Airport Commissions' 1997 Annual Report. The report included a review of changes over the last year (change from a commission to an advisory board); significant activities (improvements at the airport, completion of runway extension, grant funding); challenges for the coming year (commuter air service, extension of Runway 11, etc.) and plans for the current year.

A copy of the report is on file in the Commissioners' Office.

FISCAL YEAR 1998 BUDGET

Present: John J. Kachmar Jr., County Administrator
Steve Welkos, Director of Finance
Roy Hicks, Deputy Director of Finance
Douglas Durkin, County Attorney

As a follow up to previous discussions Mr. Welkos reviewed the adjustments to the Fiscal Year 1998 Budget.

After review and discussion of the FY '98 Budget and the adopting Ordinances, the Commissioners took the following actions:

Ordinance No. 97-24 - Appropriations Ordinance

Commissioner Brugman moved, seconded by Commissioner Jarboe to amend the Appropriations Ordinance to take \$2500 from the Navy Alliance and add it to the Watermen's Association. Motion carried.

During discussion of the motion County Attorney Durkin pointed out that he would need to verify whether the Navy Alliance and the Watermen's Association were qualified as non-profit organizations to receive funding from the County.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign Ordinance No. 97-24 - Appropriations Ordinance.

Commissioner Chesser moved, seconded by Commissioner Eagan, to amend the main motion to provide \$10,000 to the Employees' Health Advisory Committee for wellness activities with funds to come out of the Reserve Account. Motion carried.

Vote unanimously carried on the amended main motion.

Ordinance No. 97-25 - Revenue Tax Ordinance

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 97-25 as presented. Motion carried.

Commissioner Chesser noted for the record he concurred with the fire tax, the income tax, and energy tax; however, he had a problem with the constant yield of \$2.08, but indicated he would vote for the Ordinance in its entirety. He pointed out that with the growth coming into the County, that it was not appropriate at this time to lower the tax rate.

Commissioner Thompson stated she concurred with Commissioner Chesser's comments. She stated that she believed it was a good budget, but expressed concern for future year's budgets when there will probably be more demand for school construction.

Commissioner Eagan indicated that the budget approved by the Commissioners addressed the needs of the County, and that it was her belief that the growth in the County will provide the additional revenues needed for future years.

DEPARTMENT OF PLANNING AND ZONING
DECISION/DISCUSSION

ZPUD #92-0506 - STEWART'S GRANT

Requesting rezoning from **RL** to **PUD-CP** and **PUD-R**. The property contains 426 acres and is located on the south side of MD Route 246 (Great Mills Road), approximately 0.5 miles east of MD Route 237 (Chancellors Run Road); Tax Map 51, Block 8, Parcels 40, 243, 384.

Mr. Grimm presented the Commissioners with a restatement of some of the issues of the Stewart's Grant project. Mr. Grimm stated that the Planning Commission has reviewed the request for the PUD and adopted a resolution stating their findings for making that recommendation and, if the County Commissioners endorse these findings they can adopt them legally as their own.

Mr. Chesser expressed his concerns with the egress of a subdivision of that size especially with the safety/emergency vehicles. Mr. Grimm responded that this was also a concern of Planning Commission which was reflected in their findings.

Mrs. Thompson suggested that any PUD with this size coming before the Board prepare a projected revenue analysis done by someone with expertise in that field to reflect the buildout of that project.

Mr. Chesser moved, seconded by Commissioner Eagan moved to accept the recommendation of the Planning Commission for approval, adopt the Planning Commission's findings and direct staff to prepare an ordinance for review. Mrs. Thompson added that she thought that this was a very well done PUD. Motion carried 5 - 0.

CWSP #96-2300 - BAY FORREST SUBDIVISION, Section 1

Requesting change in sewer category from NPS to RS(e) for 312 acres, zoned RPD, located in the Dameron area; TM 64, Blocks 1/2, Parcels 5 and 37.

Mr. Grimm introduced this case to the Commissioners adding that he had no further information on the project than that which had been presented at the hearing.

Mr. Norman presented to the Commissioners an informational sheet on why it would be difficult to approve the applicant's request as stated. Mr. Norman stated the applicant's request doesn't comply with the comprehensive water and sewer plan. Mr. Norman suggested that the Board approve the applicant's request subject to or on the condition that a text amendment be written and approved by the Planning Commission in its January 13th staff report.

Mrs. Eagan expressed her concerns on the time frame that this text amendment would take. Mr. Norman stated a reasonable time frame would be within the next three (3) to six (6) months. Mr. Grimm stated that the time frame reflects the legally mandated notice and advertising process.

Mrs. Thompson stated she thought that the comprehensive plan has major impact on what the Board does in the future and would be appropriate that if they were to allow this kind of septic system it should be part of the plan but that this changes what happens in the RPD.

Mrs. Eagan stated that if their only option as Commissioners is to deny this application due to all of the statutes surrounding this application why did the applicants have to come before the Commissioners. Mr. Norman replied that this was a very complicated case and even if the Commissioners approved a text amendment this would still have to go up to the Maryland Department of Environment for their approval.

Mr. Grimm suggested several options for resolving Bay Forest. Mrs. Thompson suggested that Mr. Grimm put on paper those options discussed so the Commissioners could look over them and try to make a decision at next weeks meeting.

This case is continued until 6/3/97.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Personnel (Classification Appeals, Worker's Compensation Leave, Request to Fill Vacancy, and County Administrator's Evaluation), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Reclassification 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
George Foster, Personnel Officer
Judith A. Spalding, Recorder

(Phil Rollins, Director, Recreation and Parks and Michael Humphries, Museum Division Director attended from 5:30 p.m. - 5:53; Douglas Durkin, County Attorney attended from 5:53 to 6:25 p.m.; Paul Wible, Director, EMA attended from 6:25 p.m. - 6:35; and Sheriff Voorhaar attended from 6:35 to 6:43 p.m.)

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

Time Held: 5:30 p.m. - 6:43 p.m. (continued 7:15 - 7:30 p.m.)

Action Taken: The Commissioners discussed reclassification appeals and agreed to take action in open session.

Personnel (Worker's Compensation Leave)

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
Sheriff Richard Voorhaar
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 6:43 p.m. - 6:50 p.m.

Action Taken: The Commissioners discussed the Request for Waiver of the Personnel Manual policies relative to Worker's Compensation Leave and agreed to take action in open session.

Personnel (Request to Fill Vacancy)

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
Sheriff Richard Voorhaar
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 6:50 p.m. - 7:15 p.m.

Action Taken: The Commissioners discussed with Sheriff Voorhaar his request to fill a vacancy and agreed to continue discussion at next week's meeting.

Personnel (County Administrator Evaluation Process)

(Because of time constraints the Commissioners agreed to reschedule this discussion to next week's meeting.)

FOLLOW UP TO EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the Waiver of the Personnel Manual policies relative to Worker's Compensation Leave for Charles Malone, Sheriff's Department. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Brugman, to reclassify the Administrative Coordinator in EMA from Grade 5 to Grade 6. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Brugman, to reclassify the Administrative Coordinator I in the Sheriff's Department from Grade 6 to Grade 8. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to reclassify the Administrative Coordinator I in Recreation and Parks (Museum Division), Grade 6 to a Museum Program Coordinator, Grade 8. Motion carried.

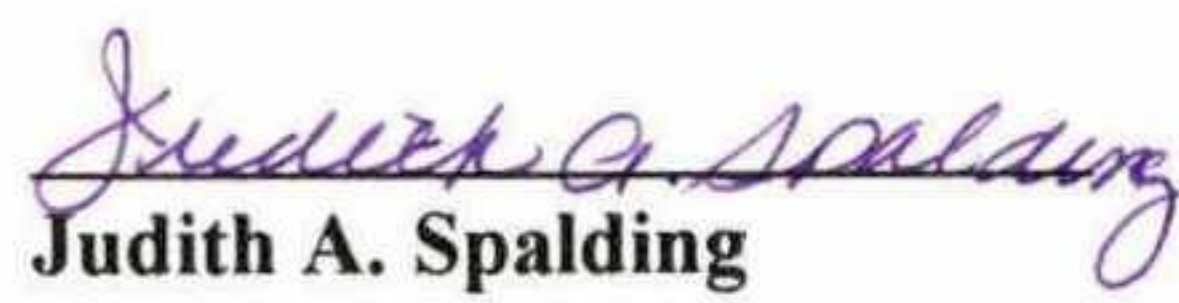
Commissioner Eagan moved, seconded by Commissioner Jarboe, to deny the reclassification requests for the Legal Assistants in the Department of Law with the understanding it will be revisited in a year. Motion carried four to one with Commissioner Brugman voting against.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct staff to proceed as discussed in Executive Session regarding the Request to Fill Vacancy in the Sheriff's Department. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Minutes Approved by Board of
County Commissioners on 6/3/97


Judith A. Spalding
Recording Secretary