

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**  
**JUNE 3, 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 Eagan, to approve the minutes of Tuesday, May 27, 1997 as corrected. 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 discussion/decision on Bay Forest and two executive sessions-- Potential Litigation on a property issue/property disposition and property lease discussion). Motion carried.**

**CONSENT AGENDA**

The Consent Agenda included the following:

1. **Correspondence**
  - a. To Jones Intercable inquiring as to status of Addendum to Franchise Agreement relative to channel realignment.
  - b. To Chairs of Zoning Board of Appeals and Airport Commission expressing appreciation for presentation of annual reports.
  - c. To Commission for the Disabled approving the by-laws for the Commission.
  - d. To Board of Education regarding transportation funding.

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

During discussion of the motion Commissioner Jarboe referred to the bylaws setting forth restrictions regarding relationship of members of the Nursing Center Board to the Nursing Center and whether the same criteria apply to the Commission for Disabled. He pointed out that members of the CFD are appointed because of their interest and relationship (e.g.; handicapped individuals).

## COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

### 1. Budget Amendments

- (a) **No. 97-59 - Recreation and Parks**  
(To provide funding for repairs at Margaret Brent Recreation Center - \$6,800)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-59 as presented. Motion carried.**

- (b) **No. 97-60 - MIS**  
(To provide funding to cover hardware and Novelle software for automation of county departments - \$313,197)

**Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-60 as presented. Motion carried.**

### 2. Grant Document

- a. Walden/Sierra, Inc.  
(Runaway and Homeless Youth - federal funding: \$100,000; State Funding - \$87,077)

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the grant application as presented. Motion carried.**

- b. St. Mary's Public Schools  
(Literacy Works Grants Program (has been awarded to St. Mary's County for the past nine years - administered by the Maryland State Department of Education - State Funds: \$6,809)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the grant document as presented. Motion carried.**

### 3. Correspondence

- a. To President, Board of Education, approving categorical transfers for the purpose of increasing the spending authority in the Student Transportation and Operation of Plant categories.

Also Present: Pat Richardson, Superintendent of Schools  
Elaine Kramer, Director, Budget and Finance  
Steve Welkos, Director of Finance

**After discussion and explanation of the categorical transfers, Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letter to the Board of Education. Motion carried.**

- b. To President, Board of Education, approving the Fiscal Year 1998 Budget.

Also Present: Pat Richardson, Superintendent of Schools  
Elaine Kramer, Director, Budget and Finance  
Steve Welkos, Director of Finance

**After discussion, Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter to the Board of Education. Motion carried.**

- c. To Office of Legislative Audits regarding collateralization of funds.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letter as presented. Motion carried.**

### **COMMENDATIONS**

The Commissioners presented Commendations to the following VISTA workers:

- \* Linda Damewood
- \* J. Scott Kiger
- \* Patricia Sawyer

### **HISTORIC PRESERVATION COMMITTEE ANNUAL REPORT**

Present: Dr. Roy Guyther, Chair  
Virginia Cox  
Dave Roberts

The referenced individuals appeared before the Board to present the Historic Preservation Committee's Annual Report for 1997. The report included the Committee's purpose, problems and challenges (lack of support from County Attorney, need for more staff support from DPZ, and frustration of members in getting tasks accomplished); significant activities of 1996 (Historic Sites Survey, Guide/Brochure, Commission Officers, and membership); ongoing projects (Newtown Manor, Ebenezer African Methodist Episcopal Church Restoration Project, Myrtle Point, Sotterley, and Certified Local Government); and Plans for 1997 (Property Tax Program, acquire CLG status, etc.)

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

### **DEPARTMENT OF PLANNING AND ZONING**

Present: Jon Grimm, Director

#### **Fire Code Issues**

Also Present: Cdr. and Joyce Donaldson (Joyce's Antiques)

As a follow up to last week's discussion Mr. Grimm appeared before the Board to discuss building code requirements relative to the expansion of Mrs. Donaldson's business, Joyce's Antiques located on Route 235 north of the Hollywood Fire Department. Mrs. Donaldson has expanded her business to the second floor without authorization, and was informed by DPZ that it was a violation of the building code, and that she was given a June 6 deadline for scheduling a meeting with staff to determine compliance options.

Mr. Grimm explained the requirements of the expansion and the fact that the business was a non-conforming use and would be allowed to continue. He stated that according to Mr. Knight, the Code Coordinator in DPZ, that there were options available to Mrs. Donaldson other than the sprinkler system. He further explained that the contents of the letter to the Donaldson's was in

accordance with direction from the County Attorney relative to municipal infractions. In addition Mr. Grimm restated his offer to work with the Donaldson's to look at the various options in meeting the code requirements.

Discussion ensued relative to definitions of "mercantile," and "business," other similar structures/businesses, grandfathering of non-conforming uses under the old regulations, fire code regulations, and the options available to the Donaldson's as well as other businesses in the same situation.

In closing Mr. Grimm noted that it was the mission of his department to help the citizens get what they want within the law.

The Commissioners agreed for DPZ to waive the June 6 deadline in order to allow Mr. Grimm, Mr. Knight, and the Fire Marshall to meet with the Donaldson's to develop a solution.

### **Electrical Permit Requirements**

In response to an inquiry from the Commissioners at last week's meeting, Mr. Grimm advised that there is no electrical permit proposed, but there is a requirement for registration for inspection. This is consistent with the Board's action on the standing committee for inspection services' recommendations. The RFP for those privatized services is currently being solicited for a future award by the Procurement Office.

Commissioner Eagan also raised the question regarding heating/ventilation/air conditioning/refrigeration inspections and licensing, to which Mr. Russell responded that it was his understanding that there was some disagreement at the state level between the State Plumbing Board and the State HVAC Board, and there are no regulations at this time.

### **CWSP - #96-2300 BAY FOREST SUBDIVISION, Section 1 Decision/Discussion**

Present: All County Commissioners  
Jon Grimm, Director Planning and Zoning  
Steven Norman, Assistant County Attorney  
Diane Sullivan, Fiscal Support Specialist II

Mr. Grimm stated that per the Commissioner's request he presented a list of options to resolve Bay Forest. These options were divided into two groups one to work through the Planning Commission to direct that a text amendment be made if you hold the current case pending which have the following options:

- Eliminate the six user threshold.
- Establish new criteria that could allow these kind of shared systems to be utilized. (Establish time tables and offer ideas of what would be approvable.)

The second group of options would relate to approving the map amendment and then direction that a specific text amendment to come forward that would allow it to be authorized. These options are:

- Table the case and await the Planning Commission's recommendation.
- Deny the application as it is not consistent with the Comprehensive Water & Sewer Plan.

Commissioner Eagan asked about the time period if they chose to eliminate the six user threshold? Mr. Grimm stated that if they chose that option the specific language would have to be developed and presented to the Planning Commission at a public hearing. The Planning Commission would review it and make a recommendation to the Commissioner's. Concurrent or subsequent to the Planning Commission's action there is a thirty day agency review cycle for

referrals to the Maryland Office of Planning, Maryland Department of the Environment, and other agencies seeking comment for the proposed amendment. After receiving those comments and the Planning Commission's recommendation a public hearing could then be scheduled before the County Commissioners at which time the Commissioner's would be able to act on the case. This would take about ninety (90) days.

Commissioner Chesser asked about the longevity of this system? Tom Russell, Director of Environmental Health stated that with the proper maintenance and due to the fact that Metcom would have control over these systems it should last at least twenty-five (25) years.

Commissioner Thompson expressed her concern that there needed to be specific parameters on these it you are going to allow it including:

- Defining terms from Metcom stating what they would be able to .
- Board of County Commissioner's intent with respect to growth.

**Commissioner Eagan, seconded by Commissioner Chesser moved that the Board of County Commissioners direct the Planning Commission to prepare a text amendment to eliminate the six shared unit system. Motion carried 5 - 0.**

**Commissioner Eagan, seconded by Commissioner Chesser moved to approve a map amendment for Bay Forest to the comprehensive water and sewer plan subject to the specific text amendment to the comprehensive water and sewer plan above. Motion carried 5 - 0.**

Commissioner Jarboe asked if there could be an option or an alternative for an individual who has land that was subdivided before the comprehensive plan was put into effect. If they were accessible to the bay interceptor could they design a line big enough to access the bay interceptor and make it available to the rest of the community as well. Mr. Grimm responded that the current water and sewer plan has a bay interceptor access policy that allocated a single lines being extended to new subdivision. This would be an amendment to the water and sewer plan to allow the interceptor to be opened up for service for new development. The existing platted lots in order to access the bay interceptor line would have to abut it under the current written policy. This policy was developed around 1982.

**Commissioner Jarboe, seconded by Commissioner Eagan moved to direct the Planning Commission to review the policy of the bay interceptor and its connection for existing subdivisions put in before the comprehensive water and sewer plan prior to 3/15/79. Motion carried 5 - 0.**

## COUNTY COMMISSIONERS' TIME

### Presentation of Picture - Sotterley

Commissioner Thompson advised that she accepted on behalf of the Board of County Commissioners a picture taken of the participants at Sotterley's Community Day.

## EXECUTIVE SESSIONS

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to meet in Executive Sessions to discuss matters of Personnel (Sheriff's Request to Fill Vacancy, Office on Aging Position, Employment Contracts, and County Administrator's Evaluation), as provided in Article 24, Section 4-210(a)1. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Consideration of Appointments to Boards, Committees, Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Sessions to discuss property disposition (Skipjack), potential litigation (Wicomico Shores); and property lease discussion. Motion carried three to two with Commissioners Brugman and Jarboe voting against.**

**Personnel (Request to Fill Vacancy)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser (left the meeting at 4:25)  
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: 4:02 p.m. - 5:00 p.m.

Action Taken: The Commissioners discussed with Sheriff Voorhaar his request to fill a vacancy and gave direction to staff to develop a proposal.

**Personnel (Office on Aging)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
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: 5:00 p.m. - 5:25 p.m.

Action Taken: The Commissioners discussed the filling of a position and agreed to continue discussion at next week's meeting.

**Personnel (Employment Contracts)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
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: 5:25 p.m. - 6:02 p.m.

Action Taken: The County Administrator reviewed various employment contracts with the Commissioners, and the Board agreed to finalize action at next week's meeting.

**Potential Litigation (Wicomico Shores)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
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)8

Time Held: 6:02 p.m. - 6:13 p.m.

Action Taken: The Commissioners discussed the referenced legal matter and directed the County Administrator to discuss the issue with the County Attorney.

**Property Disposition (Skipjack Property)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman (left the meeting at 6:35 p.m.)  
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)11

Time Held: 6:13 p.m. - 6:42 p.m.

Action Taken: The County Administrator discussed issues relative to the referenced property and received direction from the Board.

**Property Disposition (Leonard Hall Junior Naval Academy Lease Discussion)**

Present: Commissioner Barbara R. Thompson, President  
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)11

Time Held: 6:42 p.m. - 6:55 p.m.

Action Taken: The County Administrator discussed the lease with LHJNA and received direction from the Board.

**Personnel (Boards, Committees, Commissions)**

(Because of lack of time the Commissioners deferred discussion until next week.)

**Personnel (County Administrator's Evaluation)**

(Because of lack of time the Commissioners deferred discussion until next week.)

**7:00 P. M.**

**FOLLOW UP TO EXECUTIVE SESSIONS**

**Sheriff's Department (Request to Fill Vacancy)**

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to direct staff to proceed as directed in Executive Session. Motion carried.**

**Office on Aging**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to direct staff to pay the individuals from May 27 to present at Grade 11, Step 5 until a decision is made next week and to direct the Personnel Officer to prepare a memorandum to the Director of Office on Aging as discussed in Executive Session.

**Employment Contracts**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to finalize the Employment Contracts at next week's meeting.

**Property Disposition**

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

**Potential Litigation**

Commissioner Jarboe moved, seconded by Commissioner Eagan, not to proceed with condemnation and proceed as discussed in Executive Session. Motion carried.

**Property Lease (Leonard Hall)**

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

**PUBLIC HEARING  
ROAD NAME CHANGES**

Present: Paul Wible, Director, EMA

The Commissioners conducted a public hearing in response to petitions in accordance with the St. Mary's County Zoning Ordinance for naming and renaming of roads.

**Four Long Lane (Request to change to Helen Bohle Drive)**

**Helen Bohle** - Requested that the road name be changed to Helen Bohle Drive because her family was the owner of the property.

**James Quade** - Suggested that the road be named anything the Bohles want except using their name because "they do not get along and he and his wife did not want a constant reminder of what had gone on in the past."

**Carroll Manor Road (Request to change to Suite Landing Road)**

**Wayne Suite** - Stated that all property owners were in favor of changing the road name to Suite Landing Road.

**Gail Lacey**- Indicated there has been confusion whether they live in the city or the country and confusion about the road name.

**East Rennell Avenue (Request to change to Rennell Avenue)**

**West Rennell Avenue (Request to change to Rennell Avenue)**



**Gerrad's Cove Road to Gerard's Cove (Administrative change to correct spelling)**

Hearing no further comments the public hearing was closed. The record will remain open for ten days, after which the Commissioners will make decisions on the road names.

**PUBLIC FORUM**

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

**Katherine Thorn** - Advised the Commissioners of problems with animal control at San Souci; pointed out that the Animal Welfare League wanted to work with the County's Animal Control but Animal Control does not want to call the wardens out after 4 p.m. and will not allow SMAWL to take animals out of the County's traps. Staff will contact EMA to get responses to these concerns.

**Dick Myers (Representing SMAWL)** - Expressed concern with the Commissioners' decision to provide the additional \$33,400 to the Tri-County Animal Shelter's expansion project and indicated that SMAWL would like to have been included in the process in making that decision; stated that the Commissioners should have gotten a legal opinion as to whether Charles County had the right to "force" the Commissioners to make this decision; that the animal shelter's job is not to have animals adopted, but only to hold them; expressed concern as to how employees at the shelter handle themselves and distributed a letter from a volunteer citing disturbing incidents at the shelter; suggested putting a temporary shelter at Myrtle Point (with shelter employees acting as temporary custodians of the Park); Presented a proposal for an animal shelter in St. Mary's County at a cost of approximately \$40,000 (to be built on county property, either Myrtle Point or in an industrial zoned area); SMAWL has \$60,000 to put toward the project and recommended that the County provide the land; and suggested to the Commissioners to proceed with a text amendment to the Zoning Ordinance to provide for animal shelters in St. Mary's County.

(A tape of the proceeding is on file in the Commissioners' Office.)

**ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

**Minutes Approved by Board of  
County Commissioners on 6/10/97  
Judith A. Spalding  
**Judith A. Spalding**  
**Recording Secretary****

