

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JUNE 10, 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 a.m.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, 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-one-one with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

Personnel

Consideration of Appointments to Boards, Committees, Commissions

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

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

Time Held: 11:05 a.m. -12:55 p.m.

Action Taken: The Commissioners reviewed status sheets and gave direction to staff.

APPROVAL of MINUTES

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, June 3, 1997 as presented. Motion carried.

APPROVAL of BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the Agenda with the following amendment (to add an executive session on personnel - Finance Department), as presented. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To Maryland Office of Planning (three letters) advising that the clearinghouse projects are consistent with the county's plans, programs and objectives:
 - (1) #MD970417-0332 - Southern Maryland Tri-County Community Action Committee, Inc. - Starting Early Starting Smart
 - (2) #MD970422-0355 - Maryland Department of Natural Resources - Implementation of Maryland's Coastal Zone Management Program
 - (3) #MD970513-0428 - Virginia Polytech Institute & State University - Continuation of Evaluation of Wastewater Treatment Plants for BNR Technology Using Advances in Technology.
- b. To Chair, Historic Preservation Commission, expressing appreciation for presentation of annual report and addressing the issues raised during the presentation.
- c. To Brian Andrew Vetter and to Nicholas James Juron offering congratulations upon receiving the award of Eagle Scout (two letters).

Commissioner Eagan 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. 97-61 - State's Attorney's Office**
(To provide additional funding for salaries for remainder of FY '97 - \$8,672 and \$549)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-61 as presented. Motion carried.

- b. **No. 97-62 - County Administrator's Office**
(To transfer funds to purchase gift items for presentations to citizens - \$2,692)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-62 as presented. Motion carried.

- c. **No. 97-63 - County Administrator's Office**
(To cover membership renewal fees to ICMA for County Administrator - \$606)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-63 as presented. Motion carried.

2. **Department of Public Works Items**

- a. Public Works Agreement Addendum for **Woods Subdivision, Sections 1 and 2**; backed by a letter of credit in the amount of \$10,000 with Maryland Bank & Trust Company.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Addendum to Public Works Agreement as presented. Motion carried.

- b. Road Deeds for acceleration/deceleration lanes off Mechanicsville Road for the **Shannon Run Subdivision.**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Road Deeds as presented. Motion carried.

- c. **Tri-County Youth Services Bureau Renovations Project**

The County Administrator presented the record plat for the Tri-County Youth Services Bureau Renovation Program and advised that all Commissioners were required to sign the plat.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign the Record Plat, as presented. Motion carried.

3. **Office on Aging
Retired Senior Volunteer Program Grant Application**

(\$38,051 - Federal; \$17,537 - Local plus \$1,819 local inkind)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Grant Application upon submission of the document by the Office on Aging.

During discussion of the motion Commissioner Chesser offered a motion to amend the motion that Commissioner Thompson not sign the Grant Application until receipt of sign-off sheet by the Legal Department.

Commissioner Brugman moved, seconded by Commissioner Chesser, to amend the main motion that Commissioner Thompson be authorized to sign the Grant Application after review and approval by the Legal Department. Motion carried.

Vote on the main motion was unanimously carried.

4. **Live Where You Work Demonstration Program
Department of Economic and Community Development**

Also Present: Dennis Nicholson, Deputy Director, DED

The County Administrator presented a memorandum dated June 9 from the Department of Economic Development regarding the *Live Where You Work (LWYW) Demonstration Program*, administered by the Maryland Department of Housing and Community Development and inquired whether the Commissioners were interested in participating. Mr. Nicholson explained that the intent of the program is for state and county governments and employers to contribute \$1,000 each to assist employees in obtaining home ownership near where she/he works.

After discussion relative to the impact on businesses, the need to define the boundaries, Commissioner Brugman moved, seconded by Commissioner Chesser (for discussion purposes), to

send a letter to MDHCD indicating that even though the concept is well intended that St. Mary's County is not interested at this time because zoning regulations, comprehensive plan, and Smart Growth are in place to drive growth. Motion failed one to four with Commissioners Thompson, Chesser, Eagan and Jarboe voting against.

Commissioner Eagan moved, seconded by Commissioner Chesser, to send a letter to MDHCD indicating tentative interest; that there are questions that need to be addressed; that the Commissioners are requesting advice from the Economic Development Commission and Housing Authority, that there may be questions raised by EDC and the Housing Authority that would need to be addressed; and further requesting a 30-day extension in order to get these concerns addressed. Motion carried four to one with Commissioner Brugman voting against.

5. **Current Pending List**

The County Administrator presented and reviewed the current Pending List with discussion as follows:

Strategic Plan - County Administrator advised that RFP for Survey is being developed and will be completed in approximately one week.

Procurement Policy/Fire Depts/Rescue Squads - Staff will be meeting with auditors to finalize policy.

Jones Intercable Realignment Proposal - Awaiting response from Jones by June 18.

Radio Communications - RFP due in two weeks.

Regional Community College Proposal - Staff to prepare correspondence to Charles County Commissioners to determine if there is interest in summer study.

Courthouse Project - Architect to develop "menu" of options with risks and benefits of each.

Landfill RFP - Has been rebid and bids re due June 20, 4 p.m.

6. **National Association of Counties Conference**

The County Administrator presented a memorandum from the County's Tourism Coordinator advising that only certain counties will have exhibit space at the NACo Conference in July. The memorandum further indicates that the Maryland Office of Tourism Development will have an exhibit space, and that Ms. Woodburn has offered the County's service by providing *Still Making History* maps/brochures and/or stress balloon giveaways to the State, and with the possibility of distributing stuffed ham samples.

The Commissioners agreed to provide the maps/brochures and directed the County Administrator to work with Ms. Woodburn to see if it was feasible to provide the stuffed ham.

7. **Transportation Issues**

For the Commissioners' information the County Administrator advised that he met with Navy officials and others to discuss local transportation issues. He stated that the Navy is encouraging the County to use bus transportation to provide ridership on an initial basis to and inside the Navy base and when the contractor community comes into the County. There is another meeting scheduled for Friday, June 13 to discuss specific routes.

ANNUAL REPORTS

Recreation and Parks Board

Present: Jim Burgan, Chair
Phil Rollins, Director, Recreation and Parks
Art Shepherd, Recreation Division Chief

The referenced individuals appeared before the Commissioners to present the Recreation and Parks Board 1997 Annual Report. The report included FY '96 Highlights (Parks and Facilities, and Recreation and Special Facilities); FY '98 Focus; Challenges, Issues and Concerns; and a Summary of Participation for Recreational Activities and Sports.

Areas of discussion included the status of the KEEP building and ball field improvements.

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

Wicomico Recreation Complex Board

Present: Hal Bishop, Chair
Pat Myers, Golf Manager
Phil Rollins, Director, Recreation and Parks

The referenced individuals appeared before the Commissioners to present the Wicomico Recreation Complex Board's 1997 Annual Report. The report included Golf Participation; Financial Overview; FY '96 Highlights; Challenges, Issues and Needs; and Annual Comparison Financial Statement for Fiscal Years 1993 through 1996.

Discussion ensued regarding the removal of the asphalt at Wicomico Shores as required by the lease with Wicomico, Inc. and the fact that an Environmental Permit has been obtained to begin the work. The Commissioners agreed to check with the County Attorney whether it can be delayed in order to make sure there were no endangered species or Army Corps of Engineers' concerns.

Later in the meeting County Attorney Douglas Durkin and Deputy Director of Planning and Zoning Keith Lackie appeared before the Board to address the issues raised by the Commissioners. Mr. Lackie referred to May 31 correspondence from the DNR indicating that the site was known as a historic waterfowl concentration area, and that construction of water dependent facilities should not occur during the October 1 -April 30 wintering period. He further advised that an inhouse and state environmental review for the proposed subdivision (of which three proposed lots are encumbered by the parking lot) determined that there were no known endangered species at this particular site.

County Attorney Durkin referred to the letter from the attorney for Wicomico, Inc. requiring the removal of the asphalt immediately, and Mr. Durkin stated that any delay could subject the County and taxpayers to liability.

With regard to the question regarding Corps of Engineers involvement, Mr. Lackie responded that COE is involved in non-tidal wetlands and buffers, and that removal of the asphalt would not be an unpermitted activity.

In addition Mr. Durkin advised that he had prepared a response to the lawsuit filed by the citizens which says there is no claim against the County, and further that he forwarded a response to the attorney for Wicomico, Inc. indicating that the County would comply with terms of the lease and the delay was caused by the need to get the required environmental permit.

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

COUNTY COMMISSIONERS' TIME (first session)

Zoning Ordinance/Animal Shelter

Commissioner Jarboe referred to the issue of the zoning ordinance and the need for a provision to allow for an animal shelter in St. Mary's County, and that the Zoning Ordinance update has not yet come before Board. He stated that the Animal Welfare League and Humane Society have worked to raise money for a shelter.

Therefore, Commissioner Jarboe moved, seconded by Commissioner Brugman (for discussion purposes), that the Commissioners review and amend the Zoning Ordinance to allow the use of animal shelters on industrially certified land with adequate buffer to protect the adjacent residences. Motion carried three to two with Commissioners Thompson and Chesser voting against.

During discussion of the motion Commissioner Thompson stated that the Department of Planning and Zoning had submitted a revised schedule which indicated that the Zoning Ordinance update would not come before the Board until completion of the Comprehensive Plan, and that the process is taking longer than anticipated. She stated she believed it should go through the regular update process.

Further during discussion Commissioner Jarboe clarified the intent of his motion which was to have it move forward to begin the process for amending the Zoning Ordinance (that a proposal be drafted and go through the appropriate public hearing process).

Myrtle Point

Commissioner Jarboe requested the Commissioners concurrence regarding the Myrtle Point property: (1) that the steel bar be taken removed; (2) that the old farm road be regraded for improved access to riverside parking and scenic overlook; (3) that picnic tables be located at the site.

County Administrator Kachmar advised that there was a recent meeting to discuss some of these issues including providing access and putting up picnic tables, trash disposal and portable toilet facilities.

(Commissioner Jarboe left meeting - 3:20 p.m.)

St. Clement's Island - Potomac River Museum Board

Present:	Roy Dyson, Chair	Viola Gardner
	Kim Cullins, Vice-Chair	Mary Lillian Hewitt
	Robert Arnold	Kent Holmes
	James Banagan	Grace Sheaffer

The referenced individuals appeared before the Commissioners to present the St. Clement's Museum Board's 1997 Annual Report. Mr. Dyson expressed appreciation to the Commissioners for their support over the years; expressed concern regarding the drop off of numbers of school students visiting the museum and the need for a reliable boat to take visitors to and from the island. Other areas of discussion included the moving of the *Little Red School House* to the museum area.

During the presentation Ms. Cullins advised that she attended Orioles spring camp in Florida on Maryland Day.

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

**PLANNING COMMISSION
COMPREHENSIVE PLAN STATUS REPORT**

Present: All Commissioners except Commissioner Jarboe
Jon Grimm, Director Planning & Zoning
Keith Lackie, Deputy Director Planning & Zoning
Jeffrey Jackman, Planner
Mary Haden, Planner
Frank Taylor, Chairperson Planning Commission
Shelby Guazzo, Vice Chairperson Planning Commission
Joe Anderson, Planning Commission
Hal Willard, Planning Commission
Peggy Childs, Recording Secretary

The members met with the Board of County Commissioners to provide a status report on the Comprehensive Plan Update, currently in progress by DPZ. Commission members and staff have met at 7:30a.m. in more than 20 special work sessions reviewing the December 1996 Draft.

Major components are how to manage development in the RPD, including Adequate Public Facilities, and the protection of agriculture and aquaculture. TDR's are advocated for large developments in the RPD to allow preservation of land and the Commission is looking at ways to fund adequate public facilities. Incentives are being provided to make development in the development district, town centers, and village centers more attractive to the builder. Plans from other jurisdictions have been reviewed to identify methods to increase protection of open space. The plan would not preclude a residential community next a farm field. Commissioner Chesser cautioned that this has proven to be incompatible and undesirable in the past. The Commission agreed on the importance of the farmer's "right-to-farm." More information is needed regarding the provision of community sewer facilities in the RPD, in accordance with the County Commissioners' direction.

A specific request of the Commissioners has been that the Plan be more "user-friendly". The Commission believes the new Plan will be much clearer and easier to follow, the overall theme being to provide developers with an equal choice for major development in either the RPD or the Development Districts.

The proposed review schedule is as follows:

7/11/97	-	Completion of Public Hearing Draft
7/21/97	-	Presentation to Planning Commission
Jul/Aug	-	Presentation to Individual groups
9/22/97	-	Joint Public Hearing PC/CCRS
10/27/97	-	PC Final Recommendation
11/18/97	-	CCRS Adoption

The Maryland Office of Planning is pleased with the way the Plan is being reviewed and has no problems with extending the adoption beyond July 1st.

The Commissioners directed that the following issues be evaluated:

- (1) Extend the Lexington Park Development District Boundary south to Park Hall Road.
- (2) Include the Valley Lee Village Center, which was erroneously mapped in the previous Plan.
- (3) Ensure the farmer's "right-to-farm".

COLTON ENDOWMENT TASK FORCE

Present: John Colton, Spokesperson
Jerry Cheseldyne, Member

As requested by the Commissioners, the referenced individuals appeared before the Board to present the criteria to be used in evaluating the proposals for the use of the Colton Endowment funds. Mr. Colton advised that his great aunt's (Bruce Colton) will requested that the funds be used for low to moderate income housing for the elderly. He reported that three groups had been in contact with three groups interested in utilizing the funds for specific projects (Cedar Lane Apartments, Victory Housing, Inc., and Shelter Development).

During the presentation Mr. Colton indicated that the Task Force had the following requests: that the Task Force be given the opportunity to review the formal Requests for Proposals; that the Task Force be placed on the evaluation committee for the RFP's; and that the Task Force be given approximate time frames for the duration of the process (from RFP's, evaluation, and awarding of endowment).

During discussion the County Administrator advised that the list will be reviewed by the County Attorney and Procurement Department after which an RFP will be developed.

Commissioner Thompson indicated that it was the Commissioners' intent to get recommendations and input from the task force but expressed concern that some members of the task force that have a conflict of interest.

In closing the Commissioners thanked the Task Force for its efforts in development of the criteria list.

COUNTY COMMISSIONERS' TIME (second session)

Holland Forrest

Commissioner Eagan advised that she attended the Holland Forrest Ribbon Cutting on May 28 and accepted a baseball on behalf of the Board.

J.C. Penney

Commissioner Eagan stated she attended the sign unveiling ceremony for J. C. Penney and was told by one of the representatives how cooperative and wonderful the Department of Planning and Zoning has been in helping them with their project.

Clarification - County Commissioners' Time

Referring to the motion made relative to the Zoning Ordinance and Animal Shelter earlier in the meeting, Commissioner Thompson requested clarification regarding County Commissioners' Time. She indicated that the purpose of additions and deletions to the agenda was to add items that would require action, and that it was her understanding that Commissioners' Time was for informational purposes.

It was the consensus of the Commissioners that Commissioners' Time was mainly for informational purposes; however, there could be exceptions, if necessary.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss matters of Personnel (Employment Contracts, Office on Aging Position, County Administrator's Evaluation, and Finance Department), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Property Acquisition (Skipjack Property and Leonard Hall Lease), as provided for in Article 24, Section 4-210(a)11. Motion carried three to one with Commissioner Brugman voting against.

(Commissioner Jarboe returned to the meeting at 4:40 p.m.)

Personnel (Finance 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
(Subject Employee attended from 6:51 p.m. - 7:05 p.m.)
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 4:40 p.m. - 5:00 p.m. (continued 5:40 - 6:11pm and 6:48 - 7:25p.m.)

Action Taken: The Commissioners discussed a personnel matter and gave direction to staff.

Property Disposition (Skipjack Property)

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

Authority: Article 24, Section 4-210(a)11
Time Held: 5:00 p.m. - 5:20 p.m. (continued 5:35 p.m. - 5:40 p.m.)

Action Taken: The County Administrator brought the Commissioners up to date with regard to the referenced property and received direction from the Board.

Property Disposition (Leonard Hall Lease)

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

Authority: Article 24, Section 4-210(a)11
Time Held: 5:20 p.m. - 5:35 p.m.

Action Taken: The Commissioners discussed the referenced lease and gave direction to staff.

Personnel (Office on Aging Position)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan (left at 6:35 p.m.)
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Gene Carter, Director, Office on Aging
George Foster, Personnel Officer
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 6:11 p.m. - 6:45 p.m.

Action Taken: The Commissioners discussed the position and gave direction to staff.

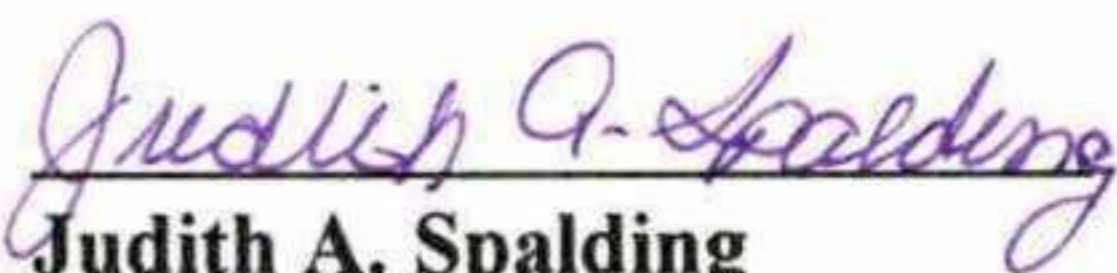
Personnel (Employment Contracts and County Administrator's Evaluation)

Because of time constraints, the referenced personnel matters were deferred until a later meeting.

ADJOURNMENT

The meeting adjourned at 7:25 p.m.

**Minutes Approved by Board of
County Commissioners on 2/17/97**


**Judith A. Spalding
Recording Secretary**