

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JULY 1, 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 Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, June 24, 1997, and the portion of the minutes from Planning and Zoning for June 3 (Bay Forest w/s amendment) and June 10 (Comprehensive Plan presentation) as presented. Motion failed 0 - 5 because of needed corrections.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, June 24, 1997, as corrected, and the portion of the minutes from Planning and Zoning for June 3 (Bay Forest w/s amendment) and June 10 (Comprehensive Plan presentation). Motion carried.

APPROVAL OF BILLS

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

The secretary noted that because of end-of-the-fiscal year closeout, there will be no bills for payment next week.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Jarboe moved, seconded by Commissioner Brugman, to add discussion of a Waterway Improvement Grant for boat ramp and fishing pier at Myrtle Point. Motion carried three to two with Commissioners Thompson and Chesser voting against.

The County Administrator requested the addition of an Executive Session on Personnel (Office on Aging Bus Drivers).

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the agenda as amended. After discussion and clarification of the motion, the motion carried four to one with Commissioner Chesser voting against.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To Chair, Community Health Advisory Committee, expressing appreciation for presentation of 1997 Annual Report.

- b. Follow up letter to Contributors toward purchase of Myrtle Point explaining use of donation.
- c. To Maryland Department of Natural Resources appointing Director of Planning and Zoning Jon Grimm as the County's representative on the Rural Legacy Program.
- d. To Gerda Manson expressing appreciation for providing input regarding Myrtle Point.
- e. To Lee Norris Soderberg clarifying issue regarding limited improvements at Myrtle Point.
- f. To Paul Gary responding to concerns regarding the proposed expansion of the Lexington Park Development District line in the Comprehensive Land Use Plan.
- g. To Spring Valley Tenant's Association responding to concerns and suggestions to make the community safer for its residents.
- h. To Karen Abrams, Attorney for the Board of Education, regarding ground water use permit for Chopticon High School.
- i. To Maryland Department of Environment regarding Sewage Sludge Utilization Permit Application for Donald Strickland Site - Strickland Road, Great Mills, MD.

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

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Boards, Committees, Commissions

a. Letters of Appointment

BOCA Code Appeals Board

R. H. "Pete" Breck (Reappt.)

Term to Expire

6/30/2002

Commission on the Environment

Jennifer R. Beckman

12/31/99/2003

Mental Health, Substance Abuse and Victims Adv. Council

Linda Sturch

6/30/2002

Social Services Board

John B. Butler

6/30/2000

Wicomico River Commission

Fluellen L. Safy-Uddin

12/31/2001

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the referenced appointments and to sign the letters of appointment accordingly. Motion carried.

b. **Letters of Appreciation for Serving**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letters of appreciation as presented. Motion carried.

2. **Institute for Governmental Services
Study of Boards Committees, Commissions**

For the Commissioners' information, the County Administrator advised that correspondence dated June 27 was received from the Institute for Governmental Services reporting on the status of the Institute's study of Boards, Committees, Commissions.

3. **Fiscal Year 1998 Board of Education Budget**

(Request for approval of FY '98 Revolving and Restricted Fund Budgets)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward a letter to the Board of Education approving the Revolving and Restricted Fund Budget as requested. Motion carried.

4. **Grant Documents**

a. **State's Attorney's Office**

(Governor's Office of Crime Control and Prevention for "Domestic Violence Intervention - Total Federal Funds: \$11,250 - No County Funds Required)

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

b. **Office of Community Services**

(Chesapeake Bay Trust Grant Application for "Hooked on Fishing" Project - Total State Funding - \$616)

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

5. **Maryland HotSpot Communities Initiative Announcement**

The County Administrator presented a memorandum from the Lt. Governor providing background information on the HotSpot Communities Initiative assistance for St. Mary's County. Included in the memorandum was a Strategy Summary of the various elements, actions, and financial assistance.

6. **Personnel
Job Descriptions**

The County Administrator presented the job descriptions for the following positions and inquired whether the Commissioners would like to take action today or defer a decision until next week. He further pointed out that the third position description, Risk Manager, was being reviewed by the Board of Education.

- * Director of Facilities Planning and Construction
- * Director of Human Resources

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the job descriptions for the two positions as presented.

During discussion of the motion Commissioner Chesser requested that a decision be deferred until next week in order to allow time to review the descriptions.

Commissioner Thompson questioned the duties and responsibilities of the Facilities Planner position stating that there were currently county employees doing this work.

After discussion of Robert's Rules of Order regarding ownership of the motion and whether a motion can be withdrawn, the Commissioners voted three to two with Commissioners Thompson and Chesser voting against.

7. **Current Pending List**

The County Administrator presented the current Pending Sheet and brought the Board up to date on various items:

Strategic Plan - Solicitation document for consultant services for the citizen survey has been prepared. The document will be revised to include completion date.

Radio communications - One bid has been received; the project will come back to the Commissioners with a recommendation from the Selection Committee.

Colton Endowment - Staff (County Administrator, Assistant County Attorney, and Director, OOA) to come before the board to provide the history of the endowment and the court ruling, after which the Commissioners will discuss establishing the selection committee.

Courthouse Project - County Administrator advised he is reviewing menu of options with costs submitted by the architect.

8. **Freedom Fest '97**

Also Present: Judy Pedersen, Public Information Specialist

In preparation for the upcoming Freedom Fest '97 celebration, Ms. Pedersen reviewed with the Board, the parking and exiting plan, activities and festivities, the addition of public telephones and additional portapots.

AGRICULTURAL PRESERVATION ADVISORY BOARD ANNUAL REPORT

Present: James Conrad, Chair
William D. Boyd, Sr.
James "Bubby" Norris

Donna Sasscer, Agricultural/Seafood Specialist

The referenced individuals appeared before the Board to present the Agricultural Preservation Advisory Board's Annual Report for 1997. Mr. Conrad advised that the focus of the group has been the proposed establishment of an agricultural tax credit program. He stated that legislative authority was given during the 1997 State legislative session, and the Agricultural Land Preservation Board is requesting the Board's consideration to schedule a public hearing to consider the adoption of an Ordinance granting a property tax credit in St. Mary's County.

Discussion ensued relative to the purpose and benefits of the tax credit program, the differences between the tax credit program and the land preservation program.

After discussion the Commissioners requested a copy of the draft Agricultural Property Tax Credit Ordinance and agreed to discuss the scheduling of the public hearing after review of the Ordinance.

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

DEPARTMENT OF RECREATION AND PARKS PLAYGROUND PROJECT

Present: Phil Rollins, Director
Melissa Georgiou, Community Playground Committee
Dorothy Gass, "

As a follow up to the April presentation the referenced individuals appeared before the Board to request the Commissioners' approval of the proposed playground project to be located on county-owned property at one of three sites (behind the Leonardtown Library, in front of the drill hall or Dorsey Park) The Committee has recommended the site in front of the drill hall. In addition he pointed out that the Commissioners had agreed to commit \$6,000 (10% of the estimated cost of the playground) from the Recreation and Parks Capital budget.

Mr. Rollins explained that after meetings with the organizers and solicitation of ideas from children from local elementary schools, the playground is now projected to cost \$100,000, and the Committee is continuing its fund raising efforts.

Discussion ensued regarding the materials used for the playground (including wood specifications and whether other materials can be used), playground designers/developers, extent of the playground (whether it could be done in phases), maintenance costs, establishment of a "Friends of the Playground" similar to "Friends of the Museum," Leonardtown's possible involvement, and volunteer efforts.

In summary Mr. Rollins advised that the Committee is requesting the Board's consideration for the following:

- * that the County contribute \$10,000, which would still represent 10% of the total playground cost;
- * that the Commissioners accept the recommended drill hall site;
- * that the Commissioners commit to maintain the playground in the event that the volunteers are unable to continue to do so.

Commissioner Brugman moved, seconded by Commissioner Chesser, to fund 10% of the project up to a project cost of \$100,000 and that maintenance costs be discussed at a later date. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve locating the playground in front of the drill hall at the Governmental Center. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Eagan to request the Director of Recreation and parks to provide assistance to the volunteers in forming a "Friends of the Playground," and that it be incorporated in order to protect the volunteers from potential liability.

During discussion of the motion Commissioner Brugman indicated that the Commissioners should not "force" private citizens in a particular direction, but if they choose that direction, he would support it.

Commissioner Brugman moved, seconded by Commissioner Chesser, to amend the motion to include that if the group so desires to form a "Friends" group that Recreation and Parks give them assistance. Motion carried.

Vote on the main motion as amended was unanimous.

ELECTRICAL EXAMINERS BOARD

Present: John Finch, Chair
George Kalnasy, Jr., Secretary
Keith Lackie, Deputy Director, DPZ
Harry Knight, Code Coordinator, DPZ

The referenced members of the Electrical Examiners Board appeared before the Commissioners to discuss several issues of concerns:

1. Updating the National Electrical Code to the current version

The County is currently operating under the 1993 Code and the Board is in the process of updating to the 1996 Code and the State is now using the 1996 Code. Mr. Kalnasy indicated that the EEB traditionally adopts the National Code without special exceptions for St. Mary's County. The County Attorney's Office is in the process of reviewing the Ordinance for adopting the '96 Code and has indicated that there were areas that did need to be addressed specifically for St. Mary's. In addition there are conflicts between the '93 Code and the '96 Code. Mr. Kalnasy pointed out that the Assistant County Attorney is working with them on the '96 update and should be completed within 30 days.

2. Filling of the Vacant Electrical Board Position

There is currently a vacancy on the Board with two more vacancies occurring December 31, which will create a quorum problem.

3. Clarification on Consolidation of Boards in the County

A Department of Planning and Zoning memorandum recommending the consideration possibility consolidating boards within DPZ. A public meeting was held with all boards and it was determined that Electrical Board could not be part of the consolidation because it is a state-mandated board.

4. Applications/Permits Process for Electrical Work and the County Code

Concern was expressed by EEB regarding ability of the Code Official to grant modification requests. Mr. Kalnasy referred to modification request using existing '93 code; however the modification was approved in conformance with the '96 Code, which is less restrained and has been recommended for approval by the local EEB.

5. Questions/Concerns About the Solicitation Process for Electrical Inspections

EEB expressed concern regarding RFP bids for contracting in that the members had not seen the proposals. Mr. Kalnasy advised that the County has a contract with MDIA and the EEB feels that it is providing as good service at a reasonable cost. MDIA is no longer in Charles County and the costs for inspection services are now higher. EEB questions changing the current process of using MDIA. The Commissioners explained that MDIA's contract has expired and that proposals for inspection services will be reviewed by a selection committee. EEB requested that a member be part of the review process. The Commissioners suggested that the County Attorney and Procurement advise the Commissioners as to whether this can be done. (Ms. Gallagher recommended that a trades person with general expertise in the field of inspection services, not specifically electrical or plumbing, be considered.)

Other areas of discussion included electrical permit requirements (staff to determine whether the requirement had been removed through a previous Ordinance), centralized collection of fees, and electrical inspection process.

ROAD NAME CHANGES

Present: Paul Wible, Director, EMA

As a follow up to the June 3, 1997 public hearing, Mr. Wible advised that no additional comments had been received during the ten-day open record period. The Commissioners took actions on the following requests for road name changes:

Carroll Manor Road to Suite Landing Road

Commissioner Jarboe moved, seconded by Commissioner Brugman, to Carroll Manor Road to Suite Landing Road. Motion carried.

East Rennell Avenue to Rennell Avenue

Commissioner Jarboe moved, seconded by Commissioner Eagan, to change East Rennell Avenue to Rennell Avenue. Motion carried.

West Rennell Avenue to Rennell Avenue

Commissioner Jarboe moved, seconded by Commissioner Brugman, to change West Rennell Avenue to Rennell Avenue. Motion carried.

Administrative Spelling Correction Change: Gerrard's Cove Road to Gerard's Cove Road

Commissioner Jarboe moved, seconded by Commissioner Brugman, to change Gerrard's Cove Road to Gerard's Cove Road. Motion carried.

Four Log Lane to Helen Bohle Drive

Commissioner Jarboe moved, seconded by Commissioner Brugman to keep Four Log Lane as Four Log Lane. Motion carried three to two with Commissioners Thompson and Eagan voting against.

After discussion of the referenced motion, Commissioner Chesser moved, seconded by Commissioner Eagan, to compromise by naming "Four Log Lane, " (located off of "Old Horse Landing Road" as "Helen Bohle Road," and to name James Quade's driveway as "Four Log Lane." Motion carried three to two with Commissioner Jarboe and Commissioner Brugman voting against.

WATERWAY IMPROVEMENT GRANT (MYRTLE POINT)

As a follow up to last week's discussion, Commissioner Jarboe requested the Commissioners to give consideration to proceeding with the Waterway Improvement Grant Application, which is due July 15, for a fishing pier and boat ramp at Myrtle Point. He pointed out that the County would not have to accept the funds (if and when the grant was awarded) if the citizens or the Planning Commission and Recreation and Parks Board indicate that this is not what is needed at the park. Commissioner Eagan indicated she also agreed with that concept.

Commissioners Thompson and Chesser expressed reservations about proceeding with the grant application prior to the completion of the Myrtle Point Master Plan being developed by the Planning Commission and Recreation and Parks Board.

After discussion the Commissioners agreed to request the Director of Recreation and Parks to come before the Board to get information regarding the grant application.

EXECUTIVE SESSIONS

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 in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (Office on Aging Bus Drivers), as provided in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Sessions to discuss potential litigation (Taxing Districts), as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Personnel (Office on Aging Bus Drivers)

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: 4:45 p.m. - 5:02 p.m.
Action Taken: The Commissioners discussed the referenced personnel matter and requested additional information.

Personnel (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: 5:02 p.m. - 5:25 p.m.
Action Taken: The Commissioners reviewed status sheets and gave direction to staff.

Potential Litigation (Special Taxing Districts)

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

Also Present: Douglas Durkin, County Attorney; Dan Ichniowski, Director, DPW; Keith Lackie, Deputy Director, DPZ; George Erichsen, DPW; Jan Norris, County Treasurer; Joe Suchinsky, Accounting; County Attorney's Office: Steve Norman, Assist. County Attorney, Marcia Egan, Linda Opdyke.

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

Time Held: 6:25 p.m. - 7:15 p.m.

Action Taken: The County Attorney gave a briefing on problematic issues relative to special taxing districts and the Commissioners agreed to take action in open session.

7:00 P. M.

**FOLLOW UP TO EXECUTIVE SESSIONS
POTENTIAL LITIGATION - TAXING DISTRICTS**

Rosebank Road

Commissioner Jarboe moved, seconded by Commissioner Chesser, to reject the suggestion for reconsideration of the Rosebank Road Improvement Taxing District and request staff to investigate the opportunities for a payment in lieu of taxes arrangement between the Board of County Commissioners and the Metropolitan Commission, and to request that the Treasurer enter the levy previously made. Motion carried.

Hollywood Shores, Kingston Creek and Little Kingston Creek

Commissioner Jarboe moved, seconded by Commissioner Chesser, to instruct the County Attorney to continue working with the Attorney General's Office and Department of Natural Resources to resolve the legal questions raised relevant to the Hollywood Shores, Kingston Creek Waterway Improvement and Shore Taxing District. Motion carried.

Brown's Way

Commissioner Jarboe moved, seconded by Commissioner Eagan, to instruct the County Attorney and Public Works staff to resolve the real estate title issues in the Brown's Way Road Improvement Taxing District via preparation of the appropriate deeds. Motion carried.

Policy Issues

Commissioner Jarboe moved, seconded by Commissioner Eagan, to instruct staff to further research the fiscal and other ramifications of use of road taxing districts for improvement of substandard private roads in new subdivisions and the potential replacement of State Shore Erosion and Waterway Improvement funds with county general obligation bonds, to report such results to the Board, and to schedule a Board work session when such research is completed. Motion carried.

Ordinance Revisions/Training Sessions

Commissioner Jarboe moved, seconded by Commissioner Eagan, to instruct the County Attorney and Public Works to draft either new form ordinances or a taxing district implementation ordinance to address issues raised relevant to the aforementioned taxing districts for consideration by the Board; further that the County Attorney schedule legal training sessions relevant to taxing districts for county staff and officials. Motion carried.

CANCELLATION OF AUGUST PUBLIC FORUM

Prior to the start of the Public Forum, Commissioner Thompson announced that the August public forum has been cancelled in that the Commissioners will be attending the National Night Out.

PUBLIC FORUM

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

Ken Hastings - Referred to his attempts to continue to get information relative to the County Commissioners' mail log (process and policies for deciding what goes on the mail log) and the Commissioners' response letter; reiterated his request for a memorandum from the County Attorney regarding the mail log decisions; referred to Commissioners' comments regarding the mail log and the need for staff training and inquired whether training has taken place; referred to the County Attorney's statement of attorney/client privilege in not releasing certain documents and pointed out that the Commissioners were the client and therefore could release the information. He stated he believed that more information was being restricted than should be. (The Commissioners requested staff to research the memo from the County Attorney regarding the placement or non-placement of letters on the mail log.)

Merv Hampton (President, Democratic Club) - Indicated that the Club has an interest in replacing the current five County Commissioners and questioned the decision to give a raise to the County Administrator (because of his license plate situation).

Terry Miller (Chairman of Republican Central Committee) - Spoke in support of the County Administrator and the Board of County Commissioners.

Dan Miller - Reiterated his problems with the builder of his home and the soil erosion problems; that the builder has violated SCS plans and he continues to build (Mr. Miller displayed a sample of the landscape timber the builder wants to use, which he believes is of poor quality for use in erosion control; expressed dissatisfaction with the response he received from the County Attorney to his letter requesting clarification of the Director of Planning and Zoning's letter to him. In the letter to Mr. Miller the County Attorney indicated it was inappropriate for him to clarify Mr. Grimm's letter.

Minnie Russell - Referred to a Commissioner's comments in a local paper regarding the need for more water access in the County and spoke to the abuses of current water access properties (and specifically to the public landing adjacent to her property).

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

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Minutes Approved by Board of
County Commissioners on 7/8/97
Judith A. Spalding
Judith A. Spalding
Recording Secretary