

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JULY 8, 1997**

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

(Commissioner Paul W. Chesser was not present due to illness.)

CALL TO ORDER

The meeting was called to order at 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, July 1, 1997 as corrected. Motion carried.

APPROVAL OF BILLS

There were no bills for payment because of end-of-the-fiscal year closeout.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Thompson, to approve the agenda as amended (to add an executive session for personnel - drug testing). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To Chair, Agricultural Preservation Advisory Board, expressing appreciation for presentation of 1996 Annual Report.
- b. To various individuals (six letters) responding to letters regarding the proposed expansion of the Lexington Park Development District line.
- c. To Lawrence J. Pinto clarifying the planned amenities at Myrtle Point (small parking area, picnic tables, portable toilets, trash cans and road and signage work)

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
Letters of Appointment**

Commissioner Brugman moved, seconded by Commissioner Jarboe, and motion carried, to approve and sign the letters of appointment for the following individuals:

<u>Economic Development Commission</u>	<u>Terms to Expire</u>
John A. "Jack" Candela	6/30/2000
Joseph St. Clair	6/30/98/2001
<u>Plumbing Board</u>	
John W. Castle (reappt.)	6/30/2000
<u>Systems Reform Initiative Local Management Board</u>	
Ebenezer Israel	No Term
Daniel Schaidt	No Term

2. **Department of Public Works Documents**

- a. Correspondence addressed to Maryland Bank & Trust Company calling Letter of Credit in the amount of \$39,000 for Public Works Agreement for Hunting Quarter Subdivision, Section 2, Phase 2.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the correspondence, to be forwarded if necessary. Motion carried.

- b. Public Works Agreement Addendum for Picketts Harbor Subdivision extending completion date to 9/1/97; backed by Letter of Credit in the amount of \$16,000 provided by Maryland Bank & Trust Company.

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

- c. Public Works Agreement Addendum for Breton Bay PUD Subdivision extending completion date to 9/1/97; backed by Letter of Credit in the amount of \$73,000 provided by Signet Bank.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Addendum as presented. Motion carried.

- d. Public Works Agreement for Greenview West PUD, Section 1, Phase 2; backed by Letter of Credit in the amount of \$363,300 provided by First National Bank of St. Mary's.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Public Works Agreement, as presented. Motion carried 3-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of the First National Bank of St. Mary's.

3. **Grant Documents**

- a. **Walden Counseling Center**

Notification of Grant Award from Crime Control and Prevention - St. Mary's County Assessment/Diversion Project - \$141,067 - federal funds; matching funds - \$47,013 (state and county, which have been budgeted).

County Administrator Kachmar referred to the numerous items in the grant conditions and assurances and suggested that the Commissioners authorize Commissioner Thompson to sign the NGA pending review and concurrence by the County Attorney.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the NGA, pending review by the County Attorney. Motion carried.

b. **Sheriff's Department**

Grant Agreement from Governor's Office of Crime Control and Prevention - Interagency Public Safety Technology Improvement Program - \$40,647 - federal funding; \$13,549 - county funds (budgeted).

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

4. **Personnel**

Office on Aging - Substitute Registered Nurse Positions

* Request approval to advertise - Grade 11, Step 1 - 4 Range.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the advertisement of the Substitute Registered Nurse position at Grade 11 (Step 1 - 4 Range). Motion carried three to one with Commissioner Eagan voting against.

* Request approval to increase pay of Substitute RN's to Step 3.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the increased pay for Substitute Registered Nurses to Step 3. Motion carried three to one with Commissioner Eagan voting against.

5. **Draft Ordinance**

Tax Credits for Agricultural Land

As requested by the County Commissioners at last week's meeting, the County Administrator presented a draft Ordinance for Tax Credits for Agricultural Land and requested direction from the Board whether to proceed to take the document to public hearing.

Discussion ensued relative to a mechanism to notify the county treasurer whether a property owner wanted to continue the credit at the conclusion on the five-year program; the need for an evaluation of the program at the end of five years, and termination and renewal process.

After discussion Commissioner Brugman moved, seconded by Commissioner Eagan, to amend the Ordinance to include language indicating that the program will be reviewed for its economic, land use and fiscal impacts in July 2001; to amend (B)(2) to include language that the County be notified one year in advance of intention to terminate *or renew* the program; to take the Ordinance as amended to public hearing (to be coordinated by staff). Motion carried.

6. **Ordinance No. Z97-04
Stewart's Grant PUD**

Also Present: Herb Redmond, Surveyor

As a follow up to the May 13, 1997 public hearing and subsequent discussion, the County Administrator presented the referenced Ordinance designating Stewart's Grant as PUD-R and PUD-CP and with conditions as set forth in the Ordinance.

During discussion Mr. Redmond displayed a plat of the project and pointed out the areas of expanded buffers.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Ordinance No. Z97-04, as presented. Motion carried.

In closing Commissioner Brugman commended Mr. Redmond and the applicant for their cooperation by agreeing to expand the buffer area.

7. **County Commissioners' Meeting - Live Television Debut**

Also Present: Michael Laigle, General Manager, Western Shore Cable

Mr. Laigle advised that with the cooperation of Western Shore Cable Company and the County this was the first live broadcast of the County Commissioners' weekly meeting. He pointed out that it will be rebroadcasted at other times of the week.

8. **State Funding - FDR Boulevard**

For the Board's information County Administrator Kachmar advised that he received a telephone call indicating that the Commissioners should proceed with cautious optimism regarding the state providing a matching grant of \$200,000 for the planning of FDR Boulevard.

COUNTY COMMISSIONERS' TIME

Chaptico Wharf

Commissioner Brugman advised that Chaptico Wharf has been completed and can now be used by citizens again. He thanked Commissioner Jarboe for his donation of the lumber toward the project. Commissioner Jarboe recognized Recreation and Parks staff for providing the labor.

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (Drug Testing), as provided in Article 24, Section 4-210(a)1. Motion carried three to one with Commissioner Brugman voting against stating that he believed that executive sessions have recently become personality disputes, and he would not vote in favor of executive sessions.

Personnel (Drug Testing Report)

Present: Commissioner Barbara R. Thompson, President
 Commissioner D. Christian Brugman
 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)1
 Time Held: 1:55 p.m. - 2:10 p.m.
 (continued 5:20 p.m. - 5:40 p.m.)

Action Taken: The County Administrator and County Attorney provided the Commissioners with a report on drug testing and received direction from the Board.

**ANNUAL REPORT
 DEVELOPMENT REVIEW FORUM**

Present:	F. Elliott "Sonny" Burch, Jr., Chair	Wayne Davis, Member
	Jon Grimm, Director, DPZ, Member	Joe Gough, "
	Larry Petty, Director, MetComm, "	Bill Mehaffey, "
	James Beavan, "	Herb Redmond, "

Also Present: Keith Lackie, Deputy Director, DPZ
 Al Gough, SMECO

The referenced members of the Development Review Forum appeared before the Commissioners to present the Forum's 1996 Annual Report. The report included Accomplishments of 1996 (Commissioners' adoption of Resolution requiring payment of economic impact fee prior to issuance of building permit; implementation of "on-demand" and "drop-off" processes; update of customer assistance guides; and implementation of centralized review fee collection). Plans for 1997 include: to pursue co-location of the Department of Planning and Zoning and Environmental Health; and to work with MIS department in developing computer link among county agencies.

Areas of discussion included educating the public on building permit requirements (through customer assistance guides and television spots); including MetComm's, the Health Department's, and other appropriate agencies' permit processes in customer assistance guides; monitoring of "turn-around" times; fast tracking (whether criteria should be updated or to eliminate); and sewer/septic requirements and costs.

In conclusion Mr. Burch and Mr. Grimm indicated to the Commissioners to provide them with input for areas to be addressed by the Forum.

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

**DEPARTMENT OF RECREATION AND PARKS
 WATERWAY IMPROVEMENT GRANT APPLICATION**

Present: Phil Rollins, Director
 William Ball, Park Maintenance Supervisor

As a follow up to last week's discussion relative to the possibility of a Waterway Improvement Grant Application for Myrtle Point (fishing pier and boat ramp), Mr. Rollins appeared before the Board to discuss the grant application process and funding issues.

During his presentation Mr. Rollins made the following points:

- * There were three possible sources of funding for a pier (Waterway Improvement Fund; Wallop-Breaux program (specifically for benefitting the boating public); and local Program Open Space funds);
- * There is a July 15, 1997 deadline for submission of the application in order to be considered for Fiscal Year 1999 funding;
- * Recreation and Parks had submitted four applications for four public landing improvement projects that are already in progress and have been included in the County's Capital Budget. He explained the competition for funding and expressed concern that a request for funding for Myrtle Point may jeopardize the funding for the projects that have already been submitted.
- * The County receives an average of \$45,000 per year of Waterway Improvement funds;
- * Waterway Improvement Grant funds are held in a specific account until adequate funding has been received to do the project;
- * That there was a possibility that the State could take back funds that have not been used.

Areas of discussion included: applying for FY '99 planning funds for the boat ramp and fishing pier with the understanding the funds would be held until the public process and master plan have been completed; the need for water access on the Potomac; priority of projects and the State's interest in seeing the Myrtle Point project go forward.

After discussion Commissioner Jarboe moved, seconded by Commissioner Eagan, to direct the Recreation and Parks Director to add an addendum to the Waterway Improvement Grant Application to include Fiscal Year 1999 planning money for boat access and fishing pier at Myrtle Point and that it not be listed as a priority project. Motion carried.

In conclusion Mr. Rollins pointed out that because of a funding shortfall for the four projects submitted, he had planned to submit an addendum to the Waterway Improvement Grant Application and he would include the Myrtle Point project in that addendum. He indicated he would be requesting the State to try to find other funding from prior year appropriations or current year appropriations or to explore other avenues of funding.

SPECIAL TAXING DISTRICTS/BROWN'S WAY SPECIAL TAXING DISTRICT

Present: Douglas Durkin, County Attorney
George Erichsen, Deputy Director, DPW

As a follow up to previous discussions and to the June 24, 1997 public hearing on Brown's Way, Mr. Durkin appeared before the Commissioners to address various issues relative to taxing districts and to present options for the Commissioners' consideration. Attorney Durkin explained the history of the authority for the County to establish special taxing districts and reviewed a number of issues that need to be addressed:

- * That there was a policy statement in 1977 that did not specifically define "property owners," and that the Commissioners should adopt a general ordinance establishing rules and regulation to be used for future benefit assessment districts (special taxing districts); (Mr. Durkin indicated he would draft the general ordinance for the Commissioners' review, after which a public hearing must be scheduled.)

- * That the Commissioners needed to determine how special taxing districts would be established (by number of property owners or by lot);
- * That the Commissioners needed to determine whether to establish the Brown's Way Taxing District under the current system or wait until the adoption of the general special taxing district ordinance (Mr. Durkin referred to the draft Ordinance for the establishment of the Brown's Way Taxing District which included language options relative to the method of determining what constitutes a special taxing district (by property or by property owners));
- * That adoption of an ordinance establishing a special taxing district be conditioned upon the receipt of a fully executed and recorded deed to the roadbed of the improvement district.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to move forward with an Ordinance for Brown's Way under the current procedures and requiring that fully executed recorded deeds accompany the Ordinance (or it will not be adopted). Motion carried.

Attorney Durkin advised that he would redraft the Ordinance establishing the Brown's Way Special Taxing District which will include a paragraph making the Ordinance conditional upon execution of the deeds. In addition Mr. Durkin will draft the general taxing ordinance for future special taxing districts, and the Commissioners will need to determine which optional language to use regarding composition of the taxing district (property owners or lots).

OFFICE ON AGING BASE TRANSPORTATION PROGRAM

Present: Gene Carter, Director

Mr. Carter appeared before the Commissioners to present information relative to base transportation utilizing the County's Transit System for the establishment of a shuttle service. The service would provide transportation between the contractors' offices and work locations aboard the naval base. He advised that 11 firms have indicated an interest in this service and he believed there were other contractors which will participate in the program as well. Included in Mr. Carter's presentation was a chart listing the 11 firms, number of employees, number of daily trips and number of weekly trips. He stated that each firm will be charged a basic subscription of \$50 per week and a one-way trip fare of \$2.50 per passenger, and he pointed out that the charge structure should be re-evaluated each quarter to assure that the program costs are fully met.

Mr. Carter described the routes that will be used and advised that service can begin two weeks from approval to proceed by the Board of County Commissioners.

After discussion the Commissioners gave their concurrence for Mr. Carter to proceed with implementation of the program and getting formal commitments from the contractors.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Personnel (Interviews with Planning Commission applicants) as provided in Article 24, Section 4-210(a)1. Motion carried three to one with Commissioner Brugman voting against.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss potential litigation (Kramer vs. Board of County Commissioners), as provided for in Article 24, Section 4-210(a)8. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (Employment Contract), as provided in Article 24, Section 4-210(a)1. Motion failed with a vote of two to two with Commissioners Brugman and Jarboe voting against.

Commissioner Eagan moved to meet in Executive Session to discuss a matter of Personnel (County Attorney's Office - Reclassification Appeal), as provided in Article 24, Section 4-210(a)1. Motion failed because of lack of a second.

**OFFICE ON AGING
BUS DRIVER POSITIONS**

Present: Gene Carter, Director

(Although scheduled for an executive session, the County Administrator and the Director of the Office on Aging agreed to discuss the matter in open session.)

As a follow up to last week's executive session Mr. Carter advised that additional drivers will be needed to implement the new contractor shuttle service, as well as for the expansion of the present service if the new grant funds are received. Drivers are currently classified at Grade 1, Step 1 and he is requesting an upgrade to a Grade 5 or a Grade 4 with a salary range from Step 1 through Step 3 in order to offer a competitive salary.

Discussion ensued regarding other bus drivers' salaries (board of education and parochial schools and the fact that some are employees of independent contractors); that the drivers would be at a higher salary than the supervisor; and whether benefits would be provided.

Mr. Kachmar advised that he was recommending changing the entry level pay for the Office on Aging bus drivers to be at labor market rate, setting the salary at Grade 4, and not dealing with the benefit issue at this time.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to change the starting salary for the Office on Aging bus drivers to Grade 4 (Step 1 through Step 3 range). Motion carried.

During discussion of the motion Commissioner Thompson requested staff to address the issue of the drivers' grade being higher than the supervisor as soon as possible.

Personnel (Interviews for Planning Commission Membership)

Present: Commissioner Barbara R. Thompson, President
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe

(Commissioner Brugman did not participate in this session.)

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

Time Held: 4:45 p.m. - 5:15 p.m.

Action Taken: The Commissioners conducted interviews for Planning Commission membership.

Potential Litigation (Kramer vs. Board of County Commissioners)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Sheriff Richard Voorhaar
Douglas Durkin, County Attorney
Judith A. Spalding, Recorder

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

Time Held: 5:40 p.m. - 6:15 p.m.

Action Taken: The Commissioners discussed the referenced issue and agreed to take action in open session.

FOLLOW UP TO EXECUTIVE SESSION

Kramer vs. Board of County Commissioners

Commissioner Eagan moved, seconded by Commissioner Brugman to reject all settlement offers in the Kramer versus Board of County Commissioners' law suit because Sheriff Pettit, Captain Copado and Personnel Officer George Foster acted lawfully when they created a payroll plan that fully compensates the K-9 Officers for all work performed and because this compensation plan is in accordance with the Fair Labor Standards Act. Motion unanimously carried.

EMPLOYMENT CONTRACTS

County Administrator Kachmar indicated that the Commissioners had previously approved the employment contracts for the Director, Office on Aging, Director, Office of Community Services, and the Public Information Officer and that Commissioner Thompson needed to sign them accordingly.

Discussion ensued regarding the Public Information Officer's status (exempt versus non-exempt), and Mr. Kachmar stated that the new contract referenced her as being an "exempt" employee. Other areas of discussion included the Fair Labor Standards Act criteria for designations of exempt versus non-exempt and payment of overtime and accumulation of compensatory time.

After discussion the Commissioners gave their concurrence for Commissioner Thompson to sign the three contracts and to initial the deletion of the word "exempt" on the Public Information Officer's contract.

ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Minutes Approved by Board of
County Commissioners on 7/15/97
Judith A. Spalding
Judith A. Spalding
Recording Secretary

