

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
SEPTEMBER 2, 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 11:55 a.m.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Personnel (Reorganization). Motion carried

Personnel (Reorganization)

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: 12:05 p.m. - 12:55 p.m.

Action Taken: The County Administrator reviewed proposals relative to reorganization in County Government. The Commissioners agreed to continue discussion at a later date.

**MEMORIAL CEREMONY
(GEORGE NEAL)**

The Commissioners participated in a memorial ceremony in the foyer of the Governmental Center with family, friends and coworkers of George Neal, an employee of the Office on Aging who passed away in May 1997.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, August 26, 1997 as corrected. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Agenda as amended (delete Volunteer Fire Departments - Audit of Books). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To Daisy Pegg regarding the increasing traffic issues facing the community and advising her of the County's and State's efforts to correct the situation through interim measures and permanent solutions.
- b. To Oran Wilkerson regarding response to his 4/20/97 letter and explaining the County's procedures for responses.
- c. To Erik Jansson, Potomac River Association responding to his concerns regarding the potential loss of a public landing call Millstone Landing and providing historical background and explaining action of the Board of County Commissioners.
- d. To St. Mary's College and St. Mary's City expressing support of the efforts for the formation of a strategic alliance of an affiliation of the two entities.
- e. To Norval Pagenhardt responding to his concerns regarding difficulties encountered relating to next door neighbor's dogs.
- f. To St. Mary's Women's Center advising that the Commissioners will not go forward at this time with the re-establishment of Domestic Violence Task Force.

COUNTY ADMINISTRATOR'S ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Boards, Committees, Commissions**
 - a. **Board for Community College
Revised By Laws**

Letter to Chair, Board for the Community College, approving revised bylaws (providing for a designee of the Superintendent of Schools)

Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letter approving the by laws as presented. Motion carried.

- b. **Letter of Appointment
Zoning Board of Appeals**

Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward the letter appointing James H. Thompson to the Zoning Board of Appeals as a regular member. Motion carried 4-0-1 with Commissioner Thompson abstaining.

- c. **Letter of Appreciation**

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

4. **Ordinance/Resolution**
 - a. **Ordinance No. 97-34
Tax Credit for Agricultural Lands
(follow up to August 26 discussion) (to be effective 7/1/98)**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign Ordinance No. 97-34 as presented. Motion carried four to one with Commissioner Chesser voting against.

- b. **Resolution No. W/S 97-02
Comprehensive Water and Sewerage Plan Amendment
(CWSP #97-0703 - Kingston Subdivision)**

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Resolution W/S No. 97-02 as presented. Motion carried.

5. **Grant Documents**

- a. **Board of Education**

Request to include in FY '98 budget:

Summer Youth Employment	\$20,136
Summer Baby Talk	12,190
Adult Basic Education/GED	28,956

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the letter to the President of the Board of Education approving inclusion of the referenced grants in the Fiscal Year 1998 Budget. Motion carried.

- b. **Grant Agreement for FY '97 Emergency Shelter Grants Program**

Three Oaks Homeless Shelter - Dept. of Social Services (homeless prevention)	\$9,750 \$4,000
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Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant Agreement as presented. Motion carried.

- c. **Department of Economic and Community Development
Letter of Intent - Maryland Housing Rehabilitation Program (MHRP)**

(Certifying that St. Mary's County will utilize its FY '98 MHRP \$29,975 allocation)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign the Letter of Intent, as presented. Motion carried.

- d. **Office on Aging
Grant Application to Maryland State Department of Education**

Child and Adult Care Food Program - Total \$39,000 - State Funding (no county funds)

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

6. **Information Releases**

- a. **Recognition of Detention Center's 100% Compliance with Minimum Standards for Adult Detention Centers**

The Commissioners authorized the distribution of the referenced Information Release as presented. Motion carried.

- b. **Announcement of Low-Interest Mortgage Loans from Maryland Department of Housing and Community Development.**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the distribution of the Information Release as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Legality of Moratorium

Commissioner Eagan referred to comments made at the last Comprehensive Plan work session regarding the possibility of a moratorium and requested staff to ask the County Attorney whether it can be legally done. She stated that it was her understanding that Calvert County had tried a moratorium, and it was overturned. Commissioner Jarboe suggested that the County Attorney research the legality for St. Mary's County and the State of Maryland because there may be different rules for adequate public facilities.

Fire Suppression Requirements

Commissioner Chesser advised that he has received telephone calls from members of the fire department inquiring why builders of new major subdivisions are not required to put in ponds for fire suppression or to install fire hydrants.

Maryland's Promise - Alliance for Youth

Commissioner Thompson referred to a letter from the Governor's office on *Maryland's Promise - Alliance for Youth*, and stated that the letter was forwarded to the Office of Community Services. She requested the County Administrator to designate a contact person to the State.

PROCLAMATION IRON OVERLOAD WEEK

The Commissioners presented a Proclamation in recognition of *Iron Overload Week*.

DETENTION CENTER

Present: Douglas Devenyns, Director of Corrections

Mr. Devenyns appeared before the Commissioners to advise that the Detention Center received an Award from the State for 100% compliance with Minimum Standards for Adult Detention Centers.

The Commissioners presented Mr. Devenyns with a Commendation recognizing his years of service and a Commendation to Mr. Devenyns and staff recognizing them for their efforts in attaining the 100% compliance.

SHERIFF'S DEPARTMENT QUARTERLY REPORT

Present: Sheriff Richard Voorhaar

Sheriff Voorhaar appeared before the Board to present the Sheriff's Department's Quarterly Report. Highlighted items included:

- * Weapons upgrade exchange, providing better accuracy, and training almost completed;
- * Letters of appreciation to his department from citizens;
- * Detention Center addition on schedule with completion date February 1998;
- * Memorandum of Understanding recently signed among the Southern Maryland County's Sheriffs' Departments and Maryland State Police;
- * Life saved by the "Are You Okay" Program.

In closing Sheriff Voorhaar expressed appreciation to the Commissioners for their continued support of his department.

DEPARTMENT OF LAW

Present: Douglas S. Durkin, County Attorney

Letters of Credit/Performance Bonds
Delegation of Authority

Mr. Durkin appeared before the Board to request approval to delegate to the Department of Public Works the responsibility for the preparation, review and finalization of all Letters of Credit and Performance Bonds which had been previously reviewed by the County Attorney. He further suggested that Public Works prepare, review and finalize all demand letters of credit and performance bonds as well as for grant agreements.

Attorney Durkin stated that in September of 1995 he was directed by the Commissioners to review grant documents, letters of credit, demand letters. He pointed out that the letters of credit and demand letters are routine with slight variations and that these documents could be handled by the Department of Public Works. To change the delegation of review of the letters of credit and performance bonds would require an amendment to the Road Ordinance which would require a public hearing.

Mr. Durkin stated that during a staff meeting in October 1996 it had been indicated to him that department heads would not come to him for all grant agreements, but only those that require his signature and those that have questions of law. He further pointed out that he would continue to review FAA grant agreements.

In addition Mr. Durkin pointed out that he had previously suggested that the County adopt a policy that outlines the requirements for performance bonds, and that he has prepared a draft which was circulated to various departments and agencies. Because of concerns expressed by the Metropolitan Commission regarding credit ratings and because of other pressing issues, he has not yet moved forward with the draft policy.

Areas of discussion included question of whether the County Attorney should not be removed from reviewing grant documents, whether public works would be able to perform these functions, and how the County Attorney got involved originally in reviewing the documents in question.

After discussion Commissioner Brugman moved, seconded by Commissioner Jarboe, to direct staff to schedule a public hearing on amendments to the Road Ordinance to remove the County Attorney's review of Letters of Credit, Performance Bonds, Demand Letters and Grant Agreements. Motion carried.

REPEAL OF COUNTY'S SEWER USE ORDINANCE
ADOPTION OF METROPOLITAN COMMISSION'S SEWER USE REGULATIONS
(DISCUSSION/DECISION)

Present: Larry Petty, Director, MetComm
Joseph Mitchell, Attorney for MetComm

As a follow up to the August 19 public hearing on the repeal of the County's Sewer Use Ordinance, which was adopted in 1977, Mr. Petty explained the purpose of the repeal was to get the Commissioners out of the "sewer business." He stated that the Metropolitan Commission will be meeting on September 4 on the adoption of Sewer Use Regulations, and he would notify the Commissioners so that the Ordinance repealing the County's current Sewer Use Ordinance can be signed.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to repeal the St. Mary's County Sewer Use Ordinance in conjunction with the adoption by the Metropolitan Commission of its Sewer Use Regulations. Motion carried.

The Ordinance will be presented to the Board at next week's meeting for signature.

PENDING ITEMS LIST

The County Administrator reviewed the current Pending List with direction/discussion as follows:

CABO/BOCA Codes - Public meeting scheduled for 9/10/97 to discuss amendments to the Building Code in preparation for local adoption.

Lexington Park Master Plan - County Administrator to contact Director of Planning and Zoning to inquire about changes requested by the Commissioners to the Lexington Park Master Plan and that he bring the changes before the Board.

Board of Education Administrative Facilities - County Administrator advised that this would be one of the projects to be finalized by the Capital Facilities Planner.

Colton Point Endowment Task Force (Use of endowment dollars) - Staff is working on completing the RFP, and the Commissioners will be making the recommendation as to where the money will go.

Courthouse Project - Demolition of old jail scheduled for September; groundbreaking tentatively set for week of September 19 - 26. Commissioners requested County Administrator to get confirmation of the progress.

Landfill RFP - Two firms have been qualified and will be making presentations on their proposals after which a recommendation will be submitted to the Commissioners.

Animal Welfare League Proposal for Shelter - Commissioners requested status report as to whether Planning Commission has considered the recommendation for amending the Ordinance.

PUBLIC FORUM

(Held at the Higher Education Center in Wildewood)

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

Dick Myers - Requested clarification with regard to SMAWL's request to the Commissioners for county-owned land at the industrial park for an animal shelter. He stated that the Commissioners had questions as to the legality of the request.

Edward Dowgiallo (and Sue Stedman) - (1) Expressed concern regarding a clear cutting of trees operation in Tall Timbers with no selective cutting; there are concerns regarding endangered woodland bird, wildlife, wetlands, critical area, and the possibility of trees blowing over on houses because of the narrow buffer. (Commissioner Chesser advised that he checked with DPZ and that the individual doing the cutting (Richard Meatyard) has all the proper permits in place to do the cutting of 51 acres, and that there were to be buffers between the houses on the creek and also on the road.) It was the association's understanding that Mr. Meatyard has a buyer for the wood. (2) Mr. Dowgiallo advised that Richard Kline (an Environmental Consultant) had indicated to him that St. Mary's County only provides for 14 days notification for large developments and that in other jurisdictions it was nine months. He inquired whether this could be changed. (3) Mr. Dowgiallo also requested that the zoning for the area be looked into.

Leonard Greess - (1) Referenced the ability of the public to get copies of information from County Government and suggested that the Commissioners contact the media in Loudon County Virginia regarding a law suit that lead to a taxpayers' alliance; (2) referred to examples of the Commissioners' "mistreatment of those who have opposing viewpoints:" The interpretation of the phrase "Where there's a will there's a way" that had been used by the PRA regarding the Parcel of Record issue and that the Commissioners

had put a "sinister spin" on the phrase; however, the same phrase had been used by a Commissioner in relation to correcting the Route 235 traffic problem; referred to a Commissioner's use of the term "liberal" as a epithet; pointed out that the Commissioners are bypassing the Planning Commission role in the Myrtle Point process; (3) and stated he believed the Commissioners have been inactive relative to the Parcel of Record issue.

Harold Suskind - (1) Expressed safety concerns over public's use of road through fairgrounds instead of using Fairgrounds Road, which now has a light, and stated that the access through the fairgrounds should be eliminated; (2) suggested that an environmental lab be built at Myrtle Point which would provide an educational opportunity to children; (3) requested status of landfill and stated that the County is not using good foresight; that the County will be held hostage, if it is privatized, in that the company can charge an unreasonable fee.

Michelle Marble - Expressed opposition to the proposed change of the Lexington Park development district line from Hermanville Road to Park Hall Road stating that residents of the area prefer the rural atmosphere (she did not mind if it was one home per three acres, but did not support changing it to five homes per acre).

Minnie Russell - Expressed concern in the event of a nuclear emergency from Calvert Cliffs as to the ability of people getting north if the southern area became congested because of new development projects.

Vaughn McCall - (1) (In response to concerns expressed by the individuals from Tall Timbers) referred to a statement in the draft Comprehensive Plan regarding the preservation and enhancement of the quality of life, protection of the rural atmosphere, etc. (2) expressed concern regarding the increasing traffic on Route 235 because of the Navy expansion and that funds had not been provided for road improvements and law enforcement; stated that McCarther Boulevard (sic--FDR Blvd?) should have been built to relieve the traffic on Route 235; (3) stated that the public had told the Commissioners what they wanted at Myrtle Point and expressed opposition to hiring a consultant to do that.

Esther Smith - Expressed opposition to the proposed change of the Lexington Park development district line from Hermanville Road to Park Hall Road; that the County needed to better plan for the future and look at the whole county; referred to the traffic problems and suggested HOV lanes and "Park and Ride."

Ken Hastings - Thanked Commissioner Eagan for getting the information relative to the County Commissioners' Mail Log process and inquired as to what changed that allowed the information to be released.

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

ADJOURNMENT

The meeting adjourned at 9:25 p.m.

Minutes Approved by Board of
County Commissioners on 9/9/98

Judith A. Spalding
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Recording Secretary

