

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Room 14, Governmental Center
OCTOBER 7, 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 Chesser, to approve the minutes of Tuesday, September 30, 1997 as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Schedule of Bills as presented. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Agenda as amended (delete executive session on property acquisition - St. Mary's County Airport; to add discussion on Courthouse project as requested by Commissioner Thompson). Motion carried.

CONSENT AGENDA

Correspondence

1. To William A. Burch, Jr. concerning the intersection of Charlotte Hall Road (old Route 5) and Oaks Road.
2. To Eloise Lewis concerning traffic on Mechanicsville Road.
3. To Theodore W. Hakim regarding the trip to the Orioles game sponsored by the Office on Aging.
4. To Karen H. Abrams regarding request for waiver of penalty and interest on impact fees for property owned by Mr. Pyles and Mr. Horstick.
5. To Peter R. Worch, Spokesperson for the Mulberry Point Homeowners Club, regarding road condition in the neighborhood.
6. To Jack F. Witten for the Friends of Myrtle Point regarding legal notification of administrative discrepancy.
7. To William A. Bartlett regarding the use and placement of bank traps and pound nets in St. Mary's County.
8. To John and Lorie Gatton granting request for waiver of building permit fee for reconstruction of their house which was damaged by fire.

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

COUNTY ADMINISTRATOR'S ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendment No. 98-7 - Emergency Services**
(Fire/Rescue Squad's Peachtree Account for Software Training \$6,800)

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Budget Amendment as presented. Motion carried.

2. **Resolution No. 97-40**

Abatement of Building Permit Fees (Amending Resolution No. 96-05 which allowed administrative delegation of action to implement the policy, but inadvertently omitted language that allowed replacement of buildings damaged or destroyed by accident or disaster to receive permit fee abatement.)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 97-40 amending Resolution No. 96-05 as presented. Motion carried.

3. **Correspondence - 1997 Annual Transportation Tour**

(To Secretary of Transportation Winstead as a follow up to 9/16/97 Annual Tour.)

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the letter to DOT as presented. Motion carried.

4. **Cooperative Extension Service**

(Fiscal Year 1998 Approved Budget County Appropriation in the amount of \$103,783)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Cooperative Extension Approved Budget form as presented. Motion carried.

5. **Project Playground and Parking for Leonard Hall Recreation Center**

Also Present: Bill Ball, Recreation and Parks

(Director of Recreation and Parks requesting to proceed with engineering and design work to enable construction next Spring.)

Areas of discussion included if there was a need for additional parking; problem with people currently parking on the grass; if there would be activity at the playground during weekdays; whether employees from Carter Building would use the parking spaces; possibility of a sign "Playground Parking Only;" the need to focus on current park projects that have been approved; and the need to see a layout of the proposal before a decision is made.

After discussion the Commissioners agreed that the Director of Recreation and Parks not proceed with the engineering and design at this time, and that an overall plan be submitted to the Board.

6. **Use of Higher Education Center for MIS Training**

For the Commissioners' information the County Administrator advised that the County is entering into an agreement with the Higher Education Center for a six month period for use of classrooms for computer training. There is no cost to the County.

7. **MCI Systemhouse - Progress Update**

Also Present: Jim Dundas, MCI
Michael Leaf
Ted Rainer

As a follow up to previous discussions, the referenced individuals appeared before the Commissioners to provide an update on the emergency communications system for St. Mary's County. The project will be done in phases: assessment and planning; cost modeling process; and development of solutions. MCI will conduct inventory of what is currently in place; telephone needs; staff and facility needs.

MCI representatives will prepare a report for submission to the Commissioners, and will return next month for the next update.

8. **Letter to Planning Commission
Lexington Park Development District**

Commissioner Eagan stated that in light of the Planning Commission members research and her research she requested that a letter be drafted to the Planning Commission withdrawing the request to look at extending the Lexington Park Development District during the Comprehensive Plan rewrite.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to draft such a letter to the Planning Commission. Motion carried four to one with Commissioner Jarboe voting against.

Later in the meeting after the drafted letter was presented, Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letter to the Planning Commission as presented. Motion carried.

(Commissioner Jarboe was not present during the vote.)

**ST. MARY'S COUNTY HEALTH OFFICER
BOARD OF COUNTY COMMISSIONERS MEETING AS THE BOARD OF HEALTH**

Present: Dr. Ebenezer Israel, County Health Officer
Health Department Staff

Commissioner Chesser moved, seconded by Commissioner Jarboe, that the Board of County Commissioners recess as the Board of County Commissioners and sit as the Board of Health. Motion carried.

Dr. Israel advised that the Board of County Commissioners is required to sit as the Board of Health twice a year and wanted to take that opportunity to update the Board in general on activities and programs of the St. Mary's County Health Department. He advised that the main function of the Health Department was to protect and promote the health of St. Mary's County.

Areas addressed by Dr. Israel included: that Health Department provides services that cannot be provided by private providers and including development of rules and regulations; that the Health Department is prevention oriented; its emphasis is to have an open, efficient, innovative and responsive customer focused department; office automation; expediting of permit process; screening clinics; working toward being able to provide birth certificates locally; emphasis on public education; disaster planning and training for school nurses; managed care organizations; pfesteria issues (has not been found in waters of St. Mary's County); communicable disease program; community health advisory committee's project to address reducing stroke mortality; site plan turn around goals; and plans for the coming year (including more public nutrition education; dental health; assessment capabilities, air quality measurement; more advocacy for insurance denials; more aggressive outreach for health outcome; etc.)

Commissioner Jarboe moved, seconded by Commissioner Chesser, that the Board of County Commissioners adjourn as the Board of Health and reconvene as the Board of County Commissioners. Motion carried.

**ANNUAL REPORT
AGRICULTURAL/SEAFOOD COMMISSION**

Present: John Mattingly, Chair
Richard Pelz
Lawrence Hayden
Rudy Baliko
Donald Tennyson
Barry Roach
Dan Donnelly
Donna Sasscer, Agricultural/Seafood Specialist

The referenced individuals appeared before the Commissioners to present the 1996 Annual Report of the Agricultural Seafood Commission. The Report included: request to the Commissioners for "Farm Equipment" signs along certain county and state roads where farm equipment is frequently used because of increased traffic (staff will draft letter for next week); concerns about the Zoning Ordinance and its impact on farming (Mr. Pelz was requested to submit a specific proposal to Commissioners and Planning Commission for consideration during review of the Zoning Ordinance update; request to add "Forestry" to the Commission's title (60% of the land area in the County is forested land); agricultural program at the Tech Center called Natural Resources Management (will begin January 1998); recommendation that the Commissioners establish a moratorium on the approval of all new subdivisions until the Comprehensive Plan is adopted; expansion of uses allowed on properties within the agricultural zone; the need to consider soil capabilities in the agricultural overlay zones; looking at principles of economics in the agricultural industry.

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

MARYLAND ROUTE 235 UPDATE

Present: Kenneth McDonald, Senior Engineer, SHA
David Patterson, consultant (landscape architect)
Bob Sanders, SHA
Linda Mott, SHA
Neil Parrotte, SHA

The referenced individuals appeared before the Commissioners to provide an update on the Maryland Route 235 widening project. Mr. McDonald advised that SHA is working quickly to get the design completed and to adequately address not only vehicular access, but pedestrian access, compatibility with surrounding area, landscaping and aesthetics. Mr. McDonald and Mr. Patterson presented an overview plan of the project that depicted three separate and distinct projects with separate construction fund schedules. The three projects are: Route 4 to Route 237; Route 237 to Pegg Road; Pegg Road to Route 246. Goals of the project include creating green boulevard; creating pedestrian friendly environment; creating a project sensitive to the surrounding business environment; mitigating impact of overhead utilities; reducing impact of paving; enhancing visual image of Lexington Park; providing attention to environmental mitigation and forestation.

**ENVIRONMENTAL PROTECTION AGENCY
UPDATE ON SOUTHERN MARYLAND WOOD TREATMENT PLANT**

Present: Stephanie Dehnhard, Project Manager, EPA
Rob Rizzier, Army Corps of Engineers

The referenced individuals appeared before the Commissioners to present an update regarding the clean up of the Southern Maryland Wood Treatment Plant site in Hollywood. Ms. Dehnhard displayed overhead plans depicting the site and pointed out the locations of the staging area; five pits, clean soil pad, the thermal desorption system, and decontamination pad. Included in the report was the Remedial Action Schedule (water treatment system - construction and prove out to begin in October and be completed February/March 1998; Site preparation - to

be completed by early December; Thermal Desorption Units Onsite and Proof of Performance Testing - January through March 1998; soil treatment production period 1998 - 1999; and final grading and demobilization - 1999).

**PUBLIC HEARING - SOIL CONSERVATION SERVICE
EROSION AND SEDIMENT CONTROL PLAN REVIEW FEES.**

Present: Al Stewart, Soil Conservation Service
Bruce Young, "

The Commissioners conducted a public hearing to consider an Ordinance adopting revised fees for review of erosion and sediment control plans by the St. Mary's County Soil Conservation District. The public hearing notice was published in the *Enterprise* on September 24 and October 1, 1997.

Mr. Young reviewed the draft Ordinance which included various fee options and stated that Option #3A (Review of Standard Plans \$20; Review of Other Plans - \$150 (\$110/acre for first ten acres and \$50 per acre for each additional acre over ten)).

During his presentation Mr. Young reviewed the plan review associated costs (total sedimentation review costs - \$55,975) and current district fee collection for FY 1997 - \$33,575. The increase in fees would provide funding for a technical person that is needed in order to keep up with the "one-month turn around time."

Hearing no comments from the audience the public hearing was closed; the record will remain open for ten days for written comment.

A tape of the proceedings is on file in the Commissioners' Office.

RESOLUTION NO. 97-41

BRETON BEACH ROAD ABANDONMENT/CAMP MARIA ROAD EXTENSION

As a follow up to the September 23 public hearing, the Commissioners commenced discussion on the request for the abandonment of Breton Beach Road and the extension of Camp Maria Road.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign Resolution No. 97-41 approving the realignment of Breton Beach Road for a length of approximately 1144 feet, and extending Camp Maria Road for a length of approximately 300 feet, First Election District, in conjunction with the County's Capital Improvement Program. Motion carried.

PENDING ITEMS LIST

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

Lexington Park Master Plan - Mr. Grimm is scheduled to come before the Board on October 21 to review the changes.

Board of Education Administrative Facilities - Interview for Capital Facilities Planner are scheduled for next week and the County Administrator will submit recommendation to the Board.

So. Md. Wood Treatment Plant - Level of clean up to be determined; MetCom has expressed interest in a portion of the site.

Colton Point Endowment Task Force (Use of endowment dollars) - RFP is scheduled to be issued on 10/14.

Landfill RFP - Recommendation to be submitted to Commissioners next Tuesday (10/14/97)

COURTHOUSE GROUND BREAKING CEREMONY

Commissioner Thompson questioned whether the Commissioners would consider not going forward with the ground breaking scheduled for October 28 at this time in that the contract for the construction of the courthouse addition has not yet been awarded, and also the Judges have indicated they would not attend. She further questioned the costs that have been expended for a temporary jail, plumbing and heating, and the possible costs of having to move the judges to another location. She suggested that the ground breaking be rescheduled after the award so that all could participate. Commissioner Eagan responded that the old jail needed to be demolished at this time so that soil borings could be done, and further that Mr. Erichsen submitted two memoranda addressing the judges concerns (September 30 setting forth a chronology of events and summary of meeting with the architect; and October 7 giving a status report and options). Commissioner Thompson requested a motion to go forward with the groundbreaking. Commissioner Eagan stated that it was the opinion of the majority of the Board to go forward with the scheduled ground breaking.

COUNTY COMMISSIONERS' TIME

Commissioner Chesser reiterated his previous request of September 16 to be provided information relative to the Nursing Center administrative audit report. County Administrator Kachmar indicated that the County Attorney has left voice mails giving an update on the audits. and that he would provide information to Mr. Chesser that had been given to the Director of the Nursing Center.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Litigation/Personnel (Core Service Agency), as provided for in Article 24, Section 4-210(a)8/1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Litigation (Office Cleaners vs. Board of County Commissioners), as provided for in Article 24, Section 4-210(a)8. Motion carried.

Potential Litigation/Personnel (Core Service Agency)

Present: Commissioner Barbara R. Thompson
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John Kachmar Jr., County Administrator
Douglas S. Durkin, County Attorney
Marie Daugherty, Chair, Mental Health Authority
Judith Spalding, Recorder

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

Time Held: 5:40 p.m. - 6:45 p.m.

Action Taken: The Commissioners continued discussion regarding the Mental Health Authority and agreed to take action in open session to direct staff to proceed as discussed.

Litigation (Office Cleaners vs. Board of County Commissioners)

Present: Commissioner Barbara R. Thompson
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John Kachmar Jr., County Administrator
Douglas S. Durkin, County Attorney
Judith Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 6:45 p.m. - 6:55 p.m.

Action Taken: The County Attorney reviewed the referenced legal matter and received direction from the Commissioners.

(Commissioner Jarboe left session at 7 p.m.)

**PUBLIC HEARING
ROAD NAME CHANGE**

Present: Jeff Jackman, Planner, DPZ

The Commissioners conducted a public hearing to consider changing "T. Kohut Lane" to "Red Cedar Lane," located off of Bauer Road, First Election District.

The hearing was opened for comments from the audience.

Stephen Bernard stated that he moved from Washington, D. C. and is living in the house owned by T. Kohut; however, he expressed support for changing the name to "Red Cedar Lane."

The hearing was closed; the record will remain open for ten days for written comment.

A tape of the hearing is on file in the Commissioners' Office.

FOLLOW UP TO EXECUTIVE SESSIONS

**Potential Litigation/Personnel
Core Service Agency**

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize the County Attorney to represent the County Commissioners at the settlement discussion regarding Office Cleaners vs. Board of County Commissioners. Motion carried.

**Litigation
Office Cleaners vs. Board of County Commissioners**

Commissioner Eagan moved, seconded by Commissioner Brugman, to direct staff to proceed as discussed in Executive Session regarding the Core Service Agency. Motion carried three to one with Commissioner Thompson voting against.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum and accepted comments from the audience. (In addition since the forum was being broadcast live on Channel 10, the Commissioners also accepted questions via the telephone.) Comments from the audience included:

David Triantos - Advised that he has been putting video programs on Channel 10 and has been video taping Planning Commission meetings; however, there is such a backlog of videos because the Commissioners' meetings are usurping time by showing a second showing of the Commissioners' meetings, leaving very little time for public access showings. (Via a memorandum of understanding with Western Shore Cable Company, the County will within the next few months have its own access channel. Mr. Triantos was directed to contact the cable company regarding this issue.)

Wayne Suite - Expressed appreciation to the Commissioners for their assistance in helping to preserve Indian Creek in the Summit Hills issue.

(Commissioner Jarboe entered meeting at 7:38 p.m.)

Daphne McGuire - Relative to situations like Summit Hill, questioned the process whereby the County denied applicant's request, and then the applicant went to the State for approval. (Commissioner Thompson explained that the applicant was requesting permission from the State to cross the wetlands prior to the coming to the County. but the burden is back on the County because of improvements to Mt. Wolf Road, a county road).

Allen Sivak - (1) Inquired as to the time remaining on the county's landfill. (County Administrator Kachmar advised that the life of the landfill is a November/December time frame.) (2) Requested that the herbicide disposal day be moved to early spring or in the fall because the farmers are busy at the time it is scheduled. (The Commissioners suggested that he contact the Agricultural Seafood Specialist and the Recycling Coordinator.)

During the remainder of the Public Forum the Commissioners received questions and comments from citizens via the telephone. A tape of the proceedings is on file in the Commissioners' Office.

ADJOURNMENT

The meeting adjourned at 9:05 p.m.

**Minutes Approved by Board of
County Commissioners on 10/14/98**
Judith A. Spalding
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Recording Secretary