

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Room 14, Governmental Center
December 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

(Commissioner D. Christian Brugman was not present at the beginning of the meeting.)

CALL TO ORDER

The meeting was called to order at 10:05 a.m.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Personnel (County Attorney's Evaluation and (Consideration of Appointments to Board Committees, Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried three to one with Commissioner Jarboe voting against because the two sessions were combined in one motion.

Personnel (County Attorney's Evaluation)

Present: Commissioner Barbara R. Thompson
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe

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

Time Held: 10:10 a.m. - 11:00 a.m.

Action Taken: The Commissioners continued discussion of the County Attorney's Evaluation.

INTERVIEWS WITH CITIZEN SURVEY CONSULTANT

Three Commissioners (who had not yet met with the consultant) met individually with the consultant for the citizen survey from 11:20 a.m. to 12:30 p.m.)

Personnel (Consideration of Appointments to Boards, Committees, Commissions)

(Working Lunch Executive Session)

Present: Commissioner Barbara R. Thompson
Commissioner D. Christian Brugman (attended the 4:25 - 5:10 p.m. session)
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan (did not attend the 4:25 - 5:10 p.m. session)
Commissioner Lawrence D. Jarboe
Judith A. Spalding, Recorder

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

Time Held: 12:05 p.m. - 1:00 p.m.
(continued 4:25 - 5:15 p.m.)

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

(Commissioner Brugman did not participate in the 12:05 p.m. - 1 p.m. session because he was being interviewed by the citizen survey consultant.)

(Commissioner Chesser left session - 1:15 p.m.)

FOLLOW UP TO EXECUTIVE SESSIONS

Boards, Committees, Commissions

Commissioner Eagan moved, seconded by Commissioner Thompson, to direct staff to draft letters as discussed in Executive Session regarding the Nursing Center Board. Motion carried 2-0-2 with Commissioners Jarboe and Brugman abstaining.

(Commissioner Chesser returned to the meeting at 1:20 p.m.)

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, November 25, 1997 as corrected. 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 Chesser, to approve the Agenda as presented. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

1. Chair of Agriculture, Seafood & Forestry Commission regarding right-of-way access for local producers.
2. Mildred Lindner regarding Myrtle Point Park.
3. Rev. Dale Cropper regarding assistance rendered by the Department of Public Works.
4. Various individuals regarding First Colony.
Oran Wilkerson; Gene and Gerry Wood; resident, Potomac River Association; President, W. M. Davis, Inc.; Daisy Pegg; David Triantos; J. E'lise Thompson; Celia Rabinowitz; Linda Coughlin.
5. Various individuals regarding Smart Growth Initiatives: Thomas E. Turner, III; Betty and James Robrecht; David Flood; Charles Earp, Jr.; Brenda Yerby.
6. ~~President Clinton supporting the inclusion of the Potomac River in the American Heritage River Initiative.~~

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the Consent Agenda as presented with the exception of Letter 6 to President Clinton. Motion carried.

Commissioner Brugman stated that he would be getting additional information regarding the American River Initiative, and he requested that approval of the letter be deferred until he received the information and that it could be faxed next Tuesday. He stated that he would attend a meeting on this initiative this evening.

Later in the meeting during County Commissioner time, Commissioner Brugman advised that he had spoken with the Tourism Coordinator who stated that after her review of the heritage initiative plan, she had some concerns about the language in the document. She had indicated to Commissioner Brugman that Charles and St. Mary's County had been excluded from the process and that the Potomac River had not been included. Commissioner Brugman stated that Ms. Woodburn will put her concerns in writing, and he will take them to the public meeting this evening.

Commissioner Thompson pointed out that letters like this that are given to the Commissioners to sign should be adequately researched by staff prior to being presented for signature.

COUNTY ADMINISTRATOR'S ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Grant Application - Office of Community Services
Maryland State Arts Council Grant - \$10,000
(for the Summer of Safety Arts Camp Program)**

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

2. **Employment Contracts**

The County Administrator advised that he had contracts for two positions--the Director of Finance and the Director of Public Works.

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

Personnel (Employment Contracts)

Present: Commissioner Barbara R. Thompson
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: 1:42 p.m. - 1:55 p.m.

Action Taken: The Commissioners reviewed and discussed the two employment contracts and agreed to take action in open session later in the meeting.

Follow up to Executive Session - Employment Contracts

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Employment Contract renewal for Director of Finance Steven Welkos, to be retroactive to his anniversary date. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Brugman, to waive the Personnel Manual and offer a contract for the Director of Public Works to George Erichsen, currently the Supervisor of Engineering Services in DPW, at a Grade 19, Step 4, effective this date. Motion carried.

During discussion of the motion. Commissioner Eagan indicated that the reason for selecting Mr. Erichsen was that he was a proven entity and will be an asset in this position.

PROCLAMATIONS

The Commissioners issued the following Proclamations:

- * National Drunk & Drugged Driving Prevention Month
- * Tenth Anniversary of Channel 10

MANAGEMENT INFORMATION SYSTEMS

Present: John Kachmar Jr., County Administrator
Ann Anderson, MIS Director

Mr. Kachmar and Ms. Anderson appeared before the Board to present a status report on the County's Management Information Systems. During her presentation, Ms. Anderson gave the background of the establishment of the MIS department including the creation of a task force, the assessment of county government's equipment and software needs, and the amendment to the procurement manual for standardized software. Current projects include WAN cable project; Local Area Network update; computer training; MCI integration; Courthouse communications; telephone system and preparations for the Year 2000.

Ms. Anderson reviewed the RFP for county-wide software and hardware criteria for automation requirements areas including Accounting; Budget Documents; Building Permits Plans Review; Inspection processing; Licenses; Code Enforcement; Courts Management; Customer Information System; Financial Reporting; Fleet Management; Payroll; Department of Planning and Zoning; Purchasing; Assessments; Tax Billing and Collections; Facility Management; Personnel; Police Records Management; Corrections Information System; Recreation and Parks; etc.

In closing Ms. Anderson advised that December 19 is the final evaluation date for Procurement and invited the Commissioners to attend a demonstration by the software vendor.

PENDING LIST

The County Administrator presented and reviewed the current Pending List:

Citizen Survey - All five County Commissioners have now met with the consultant; the project should be completed by January.

Lexington Park Master Plan - Staff to get Planning Commission schedule from DPZ.

Emergency Radio Communications - Phase II (reporting) should be completed by end of year.

Board of Education Adm. Facilities - Commissioners awaiting information relative to property acquisition.

Landfill RFP - Staff to present recommendations from Alternatives.

Local Management Board MOU - Has been deferred until information is received from the State.

Nursing Center Audit - Commissioner Thompson requested that the Nursing Center Audit be added and inquired as to the status. County Administrator Kachmar indicated that the audit report should be completed by the end of the year. Commissioner Chesser indicated that he had requested the entire DHS 1997 audit, but has not received it. Mr. Kachmar stated that he had requested information that was not covered under the Confidentiality Act and that was what had been provided to him. Discussion ensued regarding release of audit information, legal issues, whether all or parts of information should be released; the Commissioners' rights to the information, release of information to *The Enterprise*, etc.

Commissioner Eagan moved, seconded by Commissioner Brugman, to release all documents that have come in including the 1993 audit and any other documents that have come in related to the Nursing Center (legal and management audits). Motion failed 2-2-1 with Commissioners Thompson and Chesser voting against, and Commissioner Jarboe abstaining. Commissioner Thompson voted against the motion because she felt it was premature to release the documents prior to the Commissioners having an opportunity to review them.

Later in the meeting Ken Rossignol of the *St. Mary's Today* newspaper, requested a copy of the draft audit report in that the other newspaper had a copy.

Commissioner Brugman moved, seconded by Commissioner Eagan that the Diversified Health Services draft audit report be released to *St. Mary's Today* in that it had been released to another paper. Motion failed 2-2-1 with Commissioners Thompson and Chesser voting against and Commissioner Jarboe abstaining.

**PROPERTY DISPOSITION
PORTION OF WATERVIEW DRIVE IN BRUBACHER SUBDIVISION**

Present: Steve Norman, Assistant County Attorney
Michael Davis, Attorney for Applicant

As a follow up to last week's discussion and the September 23, 1997 public hearing, Mr. Norman presented a Quitclaim Deed between the Board of County Commissioners of St. Mary's County and John M. Windolph conveying a portion of Waterside Drive consisting of approximately 1800 feet in the Brubacher Subdivision, Third Election District. He stated that the foundation of the applicant's new residence was within the public right-of-way and in consideration of \$300 (which has been determined by the Department of Assessments and Taxation as a reasonable amount), he has requested that the property be deeded over to him. If the Commissioners determine that there is no public use remaining, the property can be deeded to Mr. Windolph.

Commissioner Eagan moved, seconded by Commissioner Chesser, to turn over the portion of Waterview Drive in Brubacher Subdivision. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Quitclaim Deed as presented. Motion carried.

After the Quitclaim Deed was approved and signed, Mr. Davis presented a check in the amount of \$300 for the property.

In conclusion Mr. Davis advised that his client had been issued a Stop Work Order by the Department of Planning and Zoning because the foundation of the new house was on the County's right-of-way. The Commissioners directed the Assistant County Attorney to contact DPZ to let them know of the Board's decision to deed the property so that the Stop Work Order can be removed (if that is the only reason for the Stop Work Order).

COUNTY COMMISSIONERS' TIME

First Colony Rezoning Hearing

Commissioner Brugman referred to the First Colony public hearing held November 25 and that the binders on the project were given to the Commissioners less than a week prior to the hearing; however, they had been submitted to the Planning Office early in November. He requested that staff get an answer from DPZ as to why the books were not given to the Commissioners in a timely manner.

Mail Log Letter - Race Tracks

Commissioner Eagan referred to a letter on the Mail Log from Congressman Hoyer inquiring as to the status of the Commissioners' response to a constituent's letter. The constituent's letter was sent to the Commissioners back in the summer and Commissioner Eagan requested a complete chronology on this issue.

Banning of Bank Traps

Commissioner Jarboe referred to the issue of bank traps and requested that the Commissioners consider adopting a Resolution supporting the ban of bank traps in St. Mary's County because of the danger to wildlife and further that DNR has not been enforcing regulations regarding the traps. Commissioner Chesser indicated that he knew of one waterman, and there may be others, who have built bank traps that are acceptable

(tops were removed) and no wildlife can be captured in them. The Commissioners agreed to have the Resolution drafted and agreed to include the exception for acceptable traps.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss a matter of Litigation (Kramer vs. Board of County Commissioners), as provided for in Article 24, Section 4-210(a)8. Motion carried four to one with Commissioner Brugman voting against.

(Commissioner Frances P. Eagan left the meeting at 4:00 p.m.)

Litigation (Kramer vs. Board of County Commissioners)

Present: Commissioner Barbara R. Thompson
Commissioner D. Christian Brugman
Commissioner Paul W. Chessser
Commissioner Lawrence D. Jarboe
John Kachmar Jr., County Administrator
Douglas S. Durkin, County Attorney
Judith Spalding, Recorder

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

Time Held: 4:02 p.m. - 4:25 p.m.

Action Taken: The County Attorney briefed the Commissioners on the referenced legal issue and received direction from the Board.

(Commissioner Brugman left the meeting at 5:15 p.m.)

FOLLOW UP TO EXECUTIVE SESSIONS

Litigation (Kramer vs. Board of County Commissioners)

Commissioner Jarboe moved, seconded by Commissioner Chessser, to authorize the County Attorney to attend the Court Supervised Settlement Conference with Accountant Joseph Suchinsky and to direct staff to proceed as discussed in Executive Session regarding the referenced legal matter. Motion carried.

Personnel (Boards, Committees, Commissions)

Commissioner Jarboe moved, seconded by Commissioner Chessser, to direct staff to draft correspondence to those individuals who have not submitted their Financial Disclosure Statements as required by the St. Mary's Ethics Ordinance and as identified by the Ethics Commission in correspondence dated November 24, 1997. Motion carried.

PUBLIC FORUM

(Commissioner Brugman was not present because he was attending a meeting in LaPlata regarding the American Heritage River Plan; Commissioner Eagan was not present because was going out of town.)

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:

Larry Pinto (Community Preservation Coalition of St. Mary's County) - expressed concern regarding the Commissioners' decision to include baseball fields, softball fields, motorized boat ramp, and other high impact recreational facilities in the plan for Myrtle Point Park; that the citizens have made it clear that they want the park developed in a way that preserves and enhances Myrtle Point's natural and historical features. (Commissioner Jarboe indicated that there needed to be access for the public to the Patuxent River.); expressed displeasure with Commissioner Jarboe's reaction when people disagreed with him, and that there should be less divisiveness.

Leonard Greess - Referred to comments made by Commissioner Jarboe and indicated that the surveys and comments made at various meetings indicated that citizens wanted a more passive park, that the first active item was #9 on the list; referred to the Commissioners' Mission Statement that indicated the Board would be responsible and accountable, and that with some of the actions being taken, he did not believe that was happening; expressed concerns regarding the county's public hearing process (that opponents were not given as much time as the applicant for preparing for the hearing or for speaking at the hearing).

Ken Hastings - Stated that the Myrtle Point issue should have been a unifying force in the County but it has not been because of the "contentious way a couple of Commissioners have handled this." He stated he would like to see a boat ramp on the Patuxent River, but not at Myrtle Point.

Minnie Russell - Stated she did not believe there was a need for more boat ramps; requested the Commissioners to check out how many counties have gotten rid of boat ramps, that there are a number of counties which refuse to have them; referred to Chaptico Wharf and inquired why the property owner was selling it. (Commissioner Jarboe responded there were deed problems.); stated that the pier used for the Governor's boat was closed to the public; stated that the County should take care of the public piers it currently has, that ordinances were needed to regulate what goes on at the public piers; that there is a pier at Point Lookout Creek, but there is no access to the Bay.

Keith McGuire - Maryland Sport Fishing Association did not support boat ramp at Myrtle Point; stated that the Commissioners were not following public opinion.

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

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Minutes Approved by Board of
County Commissioners on 12/9/97

Judith A. Spalding
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Recording Secretary