

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
December 16, 1997**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Judith A. Spalding, Recorder

(Commissioner Frances P. Eagan was not present.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, December 9, 1997 and the Planning and Zoning portion (First Colony public hearing) of November 25, 1997, as presented. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Check Register. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Chesser, to accept the agenda as presented. Motion carried.

CONSENT AGENDA

Correspondence:

1. Maryland Office of Planning transmitting Clearinghouse Response Form concerning Application for HUD Multifamily Market Rate Housing by HUD Baltimore/Henry T. Waring.
2. To C & C Plumbing & Septic, Inc. concerning plumbing inspections contract award.
3. To various individuals/groups concerning proposed development of First Colony: (a) Friends of St. Mary's River; (b) Merideth Taylor and Fred and Margaret Thompson; (c) Susan Reich.
4. To Senator Roy Dyson endorsing Senate Bill 488 concerning vehicle law and registration and animal-friendly commemorative plates.
5. To Tracy DeLozier extending apologies for the delay in response to correspondence concerning racetracks in St. Mary's County.
6. To Chair of Tri-County Council 1998 Nominating Committee advising of the Commissioners' selection of representatives.

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

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Introduction of New Director of Corrections
(and distribution of Information Release)**

Also Present: Sheriff Richard Voorhaar

Sheriff Voorhaar introduced Benny O. Hodges, the new Director of Corrections at the St. Mary's County Detention Center, to the Board of County Commissioners. Mr. Hodges is scheduled to begin work with the County on Friday, December 19.

The Commissioners gave their concurrence for the distribution of the Information Release.

3. **Department of Public Works Documents**

a. **Springwood Estates Subdivision, Eighth Election District**

- (1) **Road Deed for *Springwood Court***
- (2) **Road Resolution No. 97-41 (posting *Springwood Court* at 25 mph.)**
- (3) **Road Resolution No. 97-42 (designating *Springwood Court* as a Stop Street)**

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the referenced Road Deed and Road Resolutions as presented. Motion carried.

b. **Breton Bay PUD, Third Election District**

- (1) **Road Deed for *Fairway Drive, Oakmont Court and Riviera Court***
- (2) **Road Resolution No. 97-43 (designating *Fairway Drive, Oakmont Court and Riviera Court* as Stop Streets)**
- (3) **Road Resolution No. 97-44 (posting *Fairway Drive, Oakmont Court, and Riviera Court* at 25 mph)**

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the referenced Road Deed and Road Resolutions as presented. Motion carried.

c. **Public Works Agreement Addendum for Persimmon Hills Subdivision**

(extending completion date to 1/1/99; backed by a Bond in the amount of \$380,100 with International Fidelity Insurance Company)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the referenced Public Works Agreement Addendum as presented. Motion carried.

d. **Public Works Agreement Addendum for Wilderness Cluster Subdivision,
Section 3**

(extending completion date to 10/08/98; backed by a Letter of Credit in the amount of \$37,000 with Key Bank & Trust Company)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the referenced Public Works Agreement Addendum as presented. Motion carried.

3. **St. Mary's Interagency Children's Committee**

(Letter to Chair approving revised bylaws which combine the St. Mary's Interagency Children's Committee and the Council for Children and Youth and renaming the group as the St. Mary's Interagency Children's Council.)

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the revised bylaws for the St. Mary's Interagency Children's Committee and to sign and forward the letter as presented. Motion carried.

4. **Correspondence to Raymond Meredith**
(Giving 30-day notice to remove the trailer and vacate the property on Thompson's Corner Road)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the referenced correspondence as presented. Motion carried.

5. **Resolution No. 97-49**
Support of Ban of Wire Bank Traps

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign referenced Resolution No. 97-49 supporting the ban of wire bank traps, as presented. Motion carried.

The Commissioners requested staff to forward a copy of the signed Resolution to the Legislators.

6. **Ordinance No. Z97-09**
Zoning Amendment Ordinance - Animal Shelters

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

7. **St. Mary's Public Schools**
Administrative Facilities

The County Administrator advised that as a follow up to previous discussions, the proposed replacement building for the Public Schools administrative offices the County was looking at is no longer available because someone else bought it.

COUNTY COMMISSIONERS' TIME

Nursing Center Audit Reports

Commissioner Chesser referred to the motion passed last week regarding the release of all taxpayer funded audits including the Nursing Center Audit reports. He pointed out that St. Mary's County Government is a governmental corporation and decisions made by a prior board are binding upon future boards. The confidentiality of the 1993 documents was signed by the Board of County Commissioners, which represented the corporation for St. Mary's County. He stated he believed that the funds used to fund the 1993 audit was forward funded by the County to the Nursing Center, per agreement by the County Commissioners, and that the audit was paid for by the Nursing Center and not by the taxpayers' funds; therefore, the 1993 audit would not come under the motion of last week. Commissioner Chesser noted that he was researching this to determine if this was factual.

COMMENDATIONS - SCHOOL PERFORMANCE AWARD RECOGNITION

The Commissioners presented Commendations recognizing the following schools receiving School Performance Awards: Carver Elementary, Dynard Elementary; Lexington Park Elementary; Spring Ridge Middle.

**ST. MARY'S INTERAGENCY FOR CHILDREN COMMITTEE
(MERGER WITH COUNCIL ON CHILDREN AND YOUTH PROPOSAL)**

Present: Becky Stevens, Community Services Coordinator
Mary Novotny, Council for Children and Youth
Linda Himmelheber, SMICC

The referenced individuals appeared before the Commissioners to discuss the merger of the St. Mary's Interagency for Children Committee and Council on Children and Youth. Ms. Novotny pointed out that there were many similarities between SMICC and the Council for Children and Youth, and the merger would make the programs more efficient. Ms. Stevens advised that SMICC has blended other committees into its function, including Rural Assistance Council, Infants and Toddlers Program, and Council on Adolescent and Teenage Pregnancy and Parenting. She stated a review of the bylaws and legislation indicated that SMICC and the Council for Children and Youth were basically the same. During the presentation Ms. Stevens spoke to the advantages of the merger (including use of grant funds, the sharing of other resources, and the ability to look at the needs of the youth in St. Mary's County).

In closing the SMICC/Council representatives thanked the Commissioners for approving the bylaws earlier in the meeting merging the two organizations earlier in the meeting.

**ALLIANCE FOR THE MENTALLY ILL OF ST. MARY'S INC.
(MENTAL HEALTH AUTHORITY REORGANIZATION PROPOSAL)**

Present: Francis Fenwick, President, Alliance
Mary Clements, "
Kay Reed, "
George Roberson "

Also Present: Marilyn Carifi, Director, Mental Health Authority

Mr. Fenwick, on behalf of the Alliance for the Mentally Ill, appeared before the Commissioners to present a proposal relative to the reorganization of the Mental Health Authority. He stated that this meeting was prompted by comments and concerns regarding the Mental Health Authority and actions taken by MHA in the last year. Mr. Fenwick distributed a packet of information to the Commissioners with exhibits including COMAR references regarding Community Mental Health Programs; Maryland Annotated Code references regarding responsibilities of health officers; powers and duties of a core service agency, and recommendations. Mr. Fenwick stated that there was ample information for the appropriate structure of the MHA in COMAR and the Maryland Annotated Code.

During his presentation Mr. Fenwick enumerated the recommendations which included:

- * Health Officer should be overall supervisor.
- * Termination of core service board and re-establishment as a Mental Health Advisory Committee (with one third being mental health consumers, past consumers, family members and members of advocacy organizations; it should also include health professionals, employees and staff members of general health, mental health, education, social services, and other service providers, Officers, directors, members of the Board of Directors, managers and high level supervisors should not be considered for regular membership.
- * CSA Program Director should be an independent contractor.
- * CSA should not be a service provider.
- * CSA should remain independent of the Health Department.
- * Commissioners, Health Officer, Chair of the Advisory Committee and Program Director should all be required signatures on all state documents.
- * Commissioners should approve a defined MHA/CSA chain of command, titles and responsibilities of each position.

- * Commissioners should assemble qualified individuals to assist in the development of a Program Model, a long-term program service plan, a quality control plan, and an annual report.
- * Re-establish the role of the Advisory Committee.

In concluding his presentation Mr. Fenwick pointed out his frustrations under the current structure, and that a program is needed that would be appropriate and beneficial to the consumers and their families.

During discussion Commissioner Brugman suggested that the Alliance meet with the Mental Health Authority and try and work out their differences stating that the Commissioners should not be mediators until all alternatives have been discussed.

In conclusion the Commissioners directed staff to draft correspondence to Board of Directors and Executive Director of the Mental Health Authority and request they meet with the Alliance and cooperate with them by adequately addressing the concerns of the Alliance.

QUALITY COMMUNITY SURVEYS

Present: Robin Guyther, Town Manager
Beth Robinson, Mass Transit Administration

The referenced individuals appeared before the Commissioners to announce the Governor's selection of Leonardtown as one of 12 communities chosen to participate in a Quality Community Survey. The program is part of Governor Glendening's Smart Growth initiative, which directs new growth toward existing population centers. The Survey program, which is totally funded by the State, is a planning tool which provides business owners and residents an opportunity to give input on the future of their community. Mr. Guyther advised that there will be a one-half day session with a facilitator on February 14 and with slides to be ranked by the participants. He reported that a Steering Committee has been established with representatives from the County's Planning and Zoning department, Economic Development, and business owners and property owners in town.

Ms. Robinson advised the Commissioners that MTA through the Governor's Smart Growth project has been charged with this survey task.

During discussion the Commissioners discussed the possibility of the Lexington Park area being considered as a possible survey site in conjunction with the "live where you work" philosophy.

KRAMER VS. BOARD OF COUNTY COMMISSIONERS

County Administrator Kachmar advised that the County Attorney is currently in a settlement conference in Baltimore on the referenced case and has requested settlement authority in addition to what had been agreed to in a previous executive session.

After review of the documentation with the specific settlement request, Commissioner Brugman moved, seconded by Commissioner Jarboe, to authorize the County Attorney to further negotiate settlement in the amount as requested. Motion carried.

DEPARTMENT OF PLANNING AND ZONING PUBLIC HEARING ST. MARY'S COUNTY ELECTRICAL CODE – ADOPTION OF NEC 1996

All Commissioners were present except Commissioner Eagan; County Administrator John Kachmar and Assistant County Attorney Steve Norman were also in attendance. DPZ staff present were Keith Lackie, Deputy Director; Harry Knight, Code Coordinator; Peggy Childs, Recording Secretary.

(Adopting 1996 National Electrical Code along with amended local provisions of the St. Mary's County Electrical Code; providing regulations governing installation/maintenance of wiring and apparatus in St. Mary's County; providing that the 1993 National Electric Code be rescinded; and providing for the Board of Electrical Examiners of St. Mary's County as the "authority having jurisdiction" for administering and interpreting the St. Mary's County Electrical Code".

#S-1 Legal Ad published in The Enterprise on 11/28/97 and 2/5/97

Mr. Knight presented the Ordinance for adoption of the 1996 Electrical Code, as recommended by the Board of Electrical Examiners and reviewed by Assistant County Attorney Steve Norman. Under this code, a permit is not required to perform electrical work but it must be performed by a licensed electrician "registered for inspection," and inspected by an approved inspection agency as authorized by the County Commissioners. As is currently the practice, homeowners may take an open book exam and receive temporary approval from the Board of Electrical Examiners to perform their own electrical work for the project applied for. The work must then be inspected as stated above.

Following extensive review, the Board of Electrical Examiners has recommended three exceptions from the NEC 1996 inspection requirement. These exemptions have always been practiced by policy; with the adoption of this Ordinance, they will become part of the Code. They are:

- a. Optical Fiber Cable and Raceways, as required by Article 770 (of NEC 96)
- b. Radio and Television equipment as required by Article 810
- c. Community Antenna TV/Radio Distribution Systems as required by Article 820

Commissioner Chesser termed the restrictions requiring a homeowners exam for simple homeowner wiring "ludicrous." Mr. Knight replied that the Code is recognized nationally and internationally, and even a simple electrical mistake can burn a house or cause electrocution. He said manufacturers recognized the homeowners desire to provide outdoor electric and there are a great many outside products being made today, which simply plug in; this Code simply requires that there is a GFI (ground fault interrupter) outlet to plug them into.

Commissioner Thompson inquired about language rescinding the 1993 Code, which was unintentionally omitted from the Ordinance. The language will be added and the corrected Ordinance returned for final approval.

Commissioner Thompson opened the hearing to public comment. Hearing none, she closed the public hearing, leaving the record open for 10 days for written comment.

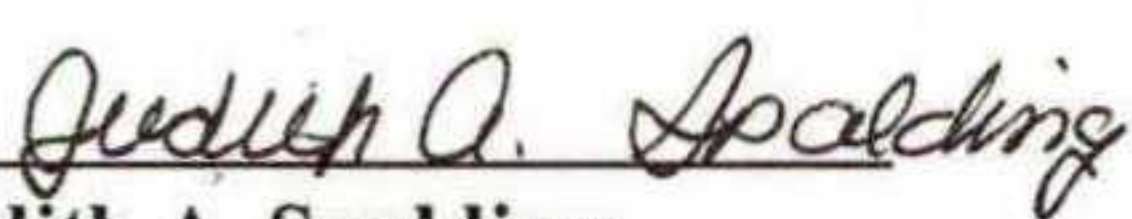
HOLLYWOOD BUSINESS DISTRICT SIGNS

Commissioner Thompson advised that she spoke with Mike Leonard regarding the request for "Hollywood Business District" signs on Route 235. This signage would indicate businesses located along Mervell Dean Road; however, SHA has indicated it could put up a "Hollywood" sign, but not the business district sign. She further pointed out that the Planning Commission is seeking to limit access along Route 235. She, therefore, requested concurrence from the Commissioners that she draft a letter to SHA requesting reconsideration of its regulations regarding this situation. The Commissioners gave their concurrence.

ADJOURNMENT

The meeting adjourned at 4:45 p.m.

**Minutes Approved by Board of
County Commissioners on 12/23/97**


Judith A. Spalding
Recording Secretary