

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
February 24, 1998**

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 Brugman moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, February 17, 1998 as corrected. Motion carried.

APPROVAL OF CHECK REGISTER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the agenda with the following amendments: that Executive Session for property acquisition be held in open session based on the recommendation of the County Administrator. Motion carried.

CONSENT AGENDA

Correspondence to:

1. Stuart Lynch regarding traffic concerns at the entrance to Oakville Elementary School.
2. Robert Harnden concerning the county's options for solid waste.
3. Nilesh Asnar, A & E Motel, regarding difficulties experienced at the motel.
4. Jack Lynch, President of the So. Maryland Navy Alliance, regarding potential problems with the zoning ordinance relative to the expansion of Bell Atlantic facilities in the Lexington Park area.
5. Harry Swaney, St. Mary's Ryken High School, pertaining to the imposition of the energy tax on non-profit groups.
6. Linda Janey, Maryland Office of Planning, concerning review Clearinghouse Application for Lord Calvert Mobile Home Park (addition of mobile home pads).
7. A. Alhija, MD Dept. of the Environment, concerning Sewage Sludge Utilization Modification Application for Joseph Knott site on Flat Iron Road, Great Mills.
8. Lisa Poulin and Rich Young regarding the First Colony development and proposed rezoning.
9. David Brewster regarding soil erosion at Myrtle Point Park.
10. Robert Woody, Chair of the Social Services Board, regarding the Local Management Board and Commissioners' agenda time change.

11. Various individuals regarding Sotterley Foundation's funding request for Fiscal Year 1999.
 - a. Kathleen O'Day
 - b. Jane & Robert Aldridge
 - c. Gretchen & Randy Richie
 - d. Barbara & William Knoeller
 - e. Linda Leenhouts
 - f. Arthur Casale
 - g. Mrs. Dale Myrbeck
 - h. Marilyn Triantos
 - i. Bruce Perrygo
 - j. Mr. & Mrs. David E. Hinton
12. To Citizens (for placement in Annual Report)

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

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Department of Public Works Items

a. Chestnut Hills

- (1) Road Deed for **Deer Wood Park Drive** and **Deer Run Court (Section 3)**
- (2) Road Deed for **Deer Wood park Drive** and **Ridge Court (Section 4)**
- (3) Traffic Resolution No. 98-01 establishing Stop Streets in Sections 3 and 4
- (4) Traffic Resolution No. 98-02 posting 25 mph speed limits in Sections 3 and 4

Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the Deeds and Traffic Resolutions for Chestnut Hills as presented. Motion carried.

b. Temporary Easement Agreement - Half Pone Point

(Because of recent storms Half Pone Point Road is in need of emergency road repair and the easement will provide a temporary bypass during the design and construction of a revetment wall.)

Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the Easement Agreement as presented. Motion carried.

2. Computer Aided Design and Mapping Technology Fair

(Letter to Leadership Education and Community Development Center agreeing to co-sponsor the Fair planned for November 12, 1998.)

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the letter to the Leadership Education and Community Development Center. Motion carried.

3. Department of Recreation and Parks Proposed Fee Schedules

Also Present: Phil Rollins, Director

- a. **Proposed Fee Schedule for 1998 Golf Season at Wicomico Shores**
(Changes are scheduled to be implemented April 1)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the Fee Scheduled for the 1998 Golf Season at Wicomico Shores as requested. Motion carried with Commissioner Brugman voting against stating that one of his concerns had that if the golf course had gone private, that fees would be raised and now the County is raising them.

b. **Proposed Pavilion Rental Fees**
(Changes are scheduled to be implemented in Spring)

Mr. Rollins explained that the staff had determined there was a need to increase the fees because they had not been raised in five years and because of increased costs of managing and maintaining the park pavilions.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the pavilion rental fee increases as recommended by the Recreation and Parks Board Fee Scheduled for the 1998 Golf Season at Wicomico Shores as requested. **Motion failed with a vote of two to two** with Commissioners Thompson and Brugman voting against. Commissioner Thompson voted against stating she would like additional information regarding the reasoning for the Recreation and Parks Board's action to recommend the increase in fees including a breakdown of costs. Commissioner Brugman voted against the motion stating that he believed increased fees would discourage families and other groups from using the pavilions.

Mr. Rollins will forward the information requested by Commissioner Thompson to the County Commissioners.

4. **Property adjacent to Clements Landfill**
(decision needed regarding disposal of the six-acre parcel of property adjacent to the Clements Landfill)

County Administrator Kachmar referred to correspondence from the Department of Law indicating that the public hearing held November 25, 1997 was sufficient to meet the requirements of a public hearing for the disposition of property as described in Article 25, Section 11A.

During discussion Commissioner Thompson pointed out that there were two issues: (1) Whether the Commissioners were interested in disposing of the property; and (2) whether to put the property out to bids or honor the agreement of a previous board of county commissioners to offer the property to Ms. Somerville.

After discussion Commissioner Chesser moved, seconded by Commissioner Brugman that the Commissioners divest the County of the six-acre parcel of property. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Brugman that the property be put out for bids. Motion carried.

5. **Board of Education Categorical Transfer - FY 1998**
(Letter to Board of Education approving following transfer: Student Personnel Services - increase \$16,000; Instructional Salaries - decrease \$16,000)

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

6. **Transportation Services**
Section 5311 and SSTAP Grant Assurances

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

**7. Information Release
Government Access on Channel 12**

(Announcing that effective March 1, 1997 St. Mary's County Government in cooperation with Western Shore Cable Television will begin broadcasting on Channel 12, the local cable channel delegated for government access programming.

The Commissioners agreed to issue the Information Release as presented.

**PROCLAMATION
AMERICAN HEART MONTH**

The Commissioners presented a Proclamation endorsing *Read Across America* program.

PROPOSED AMENDMENT TO ARTICLE 66B

Present: Douglas Durkin, County Attorney

As a follow up to previous discussion Mr. Durkin appeared before the Board to provide highlights of the proposed amendments to Article 66B. The six key provisions of the bill are: (1) Definitions - Section 1.00; (2) Comprehensive Plan Content - Section 3.05; (3) Comprehensive Plan Adoption Procedures - Section 3.07; (4) Zoning Ordinance Adoption and Rezoning Procedures - Sections 4.04 and 4.05; (5) Circuit Court Appeals - Section 4.08; and (6) Adoption procedures for Subdivision Regulations. During his review County Attorney Durkin gave a position of "desirable," "objectionable," or "neutral" for each of the proposed changes he reviewed.

Upon completion of the Attorney's review Commissioner Thompson emphasized the importance of communicating with the County's Legislative Delegation the Commissioners' position, and concerns and reservations relative to the proposed bill. The Commissioners indicated agreement with County Attorney Durkin's recommendations ("desirable" and "objectionable") with the exception of those areas that the County Attorney believed inappropriate for him to take a position. In addition the Commissioners requested the County Attorney to draft a letter to the delegation for the Commissioners' review giving the positions and further to give the pros and cons of those areas of which he did not take a position. The Commissioners will need to take a position on those areas.

REQUEST TO WRITE OFF UNCOLLECTIBLE TAXES

Present: Jan Norris, County Treasurer

Ms. Norris appeared before the Commissioners to request that Commissioner Thompson be authorized to sign the form authorizing the write off of uncollectible taxes for Account No. 01-01970-8. She stated that the original property had been sold off in pieces and one parcel remained on the books; however, there was actually no remaining acreage, therefore, the property did not exist.

Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the form writing office Account No. 01-01970-8 as requested. Motion carried.

COUNTY COMMISSIONERS TIME

Ethics Commission Ruling/Nursing Center Issues

Commissioner Brugman advised that Mr. Baggett of the Ethics Commission informed him that the Ethics Commission reviewed his request for an advisory opinion whether he could participate in Nursing Center issues because his grandmother was a resident of the Center. The Commission voted on February 23 that he had no conflict of interest and that he could

participate in discussions because he was not the guardian or supervisor of his grandmother's finances. A formal written opinion by the Ethics Commission will be submitted.

Maryland Association of Counties Legislative Committee

Commissioner Brugman advised that because of his college class schedule, he does not have time to attend the MACo Legislative Committee meetings.

After discussion Commissioner Brugman moved, seconded by Commissioner Jarboe, to nominate Commissioner Thompson to serve as the St. Mary's County's representative on the MACo Legislative Committee and Commissioner Chesser to serve as alternate. Motion carried.

Sheriff's Department Overtime Issues

Commissioner Brugman advised that he attended a function this weekend and was approached by an individual who expressed concern regarding the policies for calculating overtime in the Sheriff's Department. He suggested that the Sheriff be requested to send a memorandum or come before the Board to explain the procedure for overtime calculations. County Administrator Kachmar indicated he would be meeting with the sheriff and would discuss it with him.

Animal Control/Issuance of Traps

Commissioner Jarboe referred to the issue of animal traps and requested concurrence from the Commissioners to request the Emergency Management Agency to draft a policy that whoever requests a trap must sign off that he/she has received it and agrees to check it every 24 hours. The Commissioners gave concurrence.

PROPERTY ACQUISITION

OLD STATE HIGHWAY BUILDING IN LEONARDTOWN

Present: Phil Rollins, Director, Recreation and Parks
J. Harry Norris, III, Mayor of Leonardtown
Robin Guyther, Administrator, Town of Leonardtown

The referenced individuals appeared before the Commissioners to discuss a proposal regarding acquisition of the Old State Highway Administration property at the intersection of Routes 5 and 243 in Leonardtown. The Town of Leonardtown has proposed a collaborative effort with the County in acquiring the property and developing as a small community park with picnic tables, parking and canoe/kayak launching area in McIntosh Run to Breton Bay. Mr. Rollins stated that the Town has requested the County to use Program Open Space funding to acquire the property.

During the discussion Mr. Rollins reminded the Commissioners that Recreation and Parks had previously approached the board regarding purchase of a one-half acre parcel for a park maintenance facility, but it was determined unfeasible because it was in the flood plain. The Town is now seeking to acquire it for recreational purposes.

Areas of discussion included environmental issues, the flood plain area and what can be placed on the property, existing buildings, SHA's appraised value of the property, time frame for getting POS funds, what could happen to the property if not acquired by the Town (trucking business or storage), and the Town's desire to improve the area.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, that the Commissioners initiate a cooperative effort with the Town of Leonardtown for the acquisition of the old SHA property in Leonardtown. Motion carried.

During discussion of the motion Commissioner Thompson requested Mr. Rollins to report on the impact this will have on Program Open Space funds.

EXECUTIVE SESSION

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

CONCLUSION OF MEETING

Commissioner Brugman moved, seconded by Commissioner Jarboe that the meeting be adjourned following the executive session.

Personnel (Mental Health Authority)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Connie Row, Row Associates (consultant for MHA) (attended from 3:50 p.m. - 4:10 p.m.)
Judith A. Spalding, Recorder

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

Time Held: 3:45 p.m. - 4:30 p.m.

Action Taken: The Commissioners discussed a personnel matter regarding the MHA and agreed to certain actions.

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

**Minutes Approved by Board of
County Commissioners on _____**

**Judith A. Spalding
Recording Secretary**