

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
March 3, 1998**

Present: Commissioner Barbara R. Thompson, President
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 due to illness.)

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, February 24, 1998, the minutes from Public Works of February 17 (public hearing on solid waste issues), the Planning and Zoning portion of the meeting of February 10, 1998 (First Colony PUD) and February 17, 1998 (Planning Commission Presentation of Comprehensive Plan) as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the agenda with the following amendments: to add executive sessions on personnel (Mental Health Authority and Sheriff's Department) and to add County Commissioner Time as 4:10 p.m. Motion carried.

CONSENT AGENDA

Correspondence to:

1. Robert and Dorothy Joyner acknowledging receipt of correspondence to Judge Briscoe and County Treasurer Norris.
2. Helen Daugherty, LMB Grant Project Coordinator, regarding the formation of the Local Management Board and its bylaws.
3. Emilia Bachrach regarding Toni Morrison's novel, *Song of Solomon*.
4. Jon Grimm, Department of Planning Zoning, extending appreciation and commendation for the actions taken by staff related to the Stauffer house fire.
5. Various letters to individuals concerning the proposed rezoning of First Colony.
 - a. Daisy Pegg
 - b. Robert Lewis, Friends of St. Mary's River
 - c. Kellie Gofus
 - d. Lawrence Pinto, Community Preservation Coalition

6. Various individuals regarding request for support of Sotterley Foundation's funding request for Fiscal Year 1999.
 - a. Edward Sprague
 - b. Sara Fisher
 - c. Janet Rowland
 - d. James Marsh
 - e. Tenese Wren
 - f. Sonia & James Franklin
 - g. Carole & Joe Wible, Sr.
 - h. Louise Snell
 - i. Mrs. Gaylord Day
7. A. H. Alhija, MD Department of the Environment, notifying of intent not to conduct public hearing on Sewage Sludge Utilization Permit Modification application for the William Cryer site located on Chingville Road.
8. Michael Sirk regarding support and encouragement of agriculture as a part of the community.
9. Erik Jansson, Potomac River Association, concerning various topics.
10. Various letters to individuals regarding school redistricting.
 - a. Dr. David & Deanna Gleisner
 - b. Daniel Lavery
 - c. Michael Hiles

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

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendment No. 98-29
Recreation and Parks**
(to provide funding for land acquisition in northern end of county - \$430,166)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign Budget Amendment No. 98-29 as presented. Motion carried.

2. **Department of Public Works Items**
 - a. Public Works Agreement Addendum for **Stratton Subdivision** extending completion date to 6/1/98; backed by a Letter of Credit in the amount of \$71,300 provided by the Northern Central Bank.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Addendum as presented. Motion carried.

- b. Claim Letter to First National Bank of St. Mary's in the amount of \$63,800 for **Redgate Estates**, Third Election District.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Claim Letter as presented. Motion carried 3-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of First National Bank of St. Mary's.

3. **Proposed Regulations to Manage Deer Population**
(Letter to Department of Natural Resources, Wildlife & Heritage Division in support of the proposed deer regulations for Region D, which includes St. Mary's County.)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign the letter as presented. Motion carried three to one with Commissioner Chesser voting against.

4. **Census 2000 Participation Registration Form**
(Form to be signed by Commissioner President Thompson)

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

5. **Department of Recreation and Parks**
 - a. **Proposed Picnic Pavilion Fee Increase**
(follow up to 2/24/98 discussion; additional information provided by Director Rollins to support the recommendation)

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the pavilion fee increase as requested. **Motion failed with a vote of two to two with Commissioners Chesser and Eagan voting against.** Commissioner Chesser voted against stating that he was concerned that increasing the fee would make use of the pavilion unaffordable to some individuals. Commissioner Eagan voted against the motion stating that some people believe that their tax dollars pay for this type of activity.

- b. **Alcohol Beverage License Renewal**
(Wicomico Shores Golf Course)
(to authorize Commissioner Thompson to sign annual renewal application)

Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the renewal application as presented. Motion carried three to one with Commissioner Jarboe voting against.

- c. **Information Release**
Myrtle Point Master Plan Development Meeting

The Commissioners gave their concurrence to issue the Information Release as presented.

6. **21st Century Community Learning Center**
(Letter to St. Mary's Public Schools supporting the St. Mary's Public Schools efforts in obtaining grant funding for the establishment of two 21st Century Community Learning Centers in two middle schools.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to sign and forward the letter to St. Mary's Public Schools as presented. Motion carried.

7. **Introduction of new Human Resources Director**

County Administrator Kachmar introduced Melvin A. "Mac" McClintock, the County's new Human Resources Director, to the Commissioners.

8. **Introduction of Video Technician**

Public Information Officer Judy Pedersen, introduced Joe Cross, the new video technician who will be assisting the County in televising the Commissioners' meetings and other county government programs.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- * Proclaiming March 2-6, 2998 as National Girl Scout Week
- * Proclaiming March as American Red Cross Month

ETHICS COMMISSION

PROPOSED AMENDMENTS TO ETHICS ORDINANCE (FINANCIAL DISCLOSURE SECTION)

Present: John Baggett, Chair, Ethics Commission
Arthur Casale, "
Charles Walsh, "
Pete Weiskopf, "
Steven Norman, Assistant County Attorney

The referenced individuals appeared before the Commissioners to present a proposal to amend the Financial Disclosure Section of the St. Mary's County Ethics Ordinance. The Ethics Commission requests consideration of the following changes:

- * To require all new appointees to file financial disclosure statements as part of the process of accepting their appointments; that the appointment not take effect until the statement was received.

Commissioner Eagan suggested that the letter of appointment include a two-week deadline for submission of the letter and the financial disclosure form.

- * To require ad hoc committee and task forces members to file a financial disclosure statement when accepting appointments. This would include those appointed by the Board of County Commissioners, and any other entity or official authorized to make appointments.
- * To expand the existing list of those who must file financial disclosure statements to include all boards, committees, and commissions; Mr. Baggett suggested that the Commissioners look at the list of boards not required to file because there may be boards members that could have a conflict of interest.
- * To take action to require the Alcohol Beverage Board members to come under the local Ethics Ordinance in response to correspondence from the State Ethics Commission.
- * To take action to require the Board of Education to come under the local Ethics Ordinance in response to the Board of Education's request.

Assistant County Attorney Norman pointed out that in addition to the Alcohol Beverage Board and Board of Education there were possibly other boards that should be added: the Historic Preservation Commission (which comes under Article 66B) and the BOCA Board of Appeals (which is similar to the Electrical Examiners Board and Plumbing Board). Other changes needed included the removal of the Plumbing Inspector (a position that no longer exists) and changing Procurement Officer to Director of Central Services.

Comments from the Commissioners included:

- * Commissioner Chesser expressed concern that requiring all volunteers to file financial disclosure statements could limit those who are willing to serve.

- * Commissioner Eagan stated there are some individuals that because of public relationships do not want to reveal who their partners are (e.g., silent partners).
- * Commissioner Thompson suggested that the current list of those required to file be reviewed and updated.

After discussion the Commissioners requested the Ethics Commission to return to the Board with recommendations for those required to file Financial Disclosure Statements as well as other amendments to the FDS section of the Ethics Ordinance for the Commissioners' consideration. The Commissioners will then make a decision regarding taking the revised Ethics Ordinance to public hearing.

Commissioner Chesser moved, seconded by Commissioner Eagan, to include the Alcohol Beverage Board members in the list of those individuals required to file Financial Disclosure Statements. Motion carried.

The Commissioners agreed to defer a decision regarding inclusion of the Board of Education under the County's Ethics Ordinance until a determination is made as to which employees would also be included.

**PUBLIC HEARINGS
FISCAL YEAR 1998 SUPPLEMENTAL APPROPRIATIONS**

Present: Steve Welkos, Director of Finance

The County Commissioners conducted public hearings on the following Supplemental Appropriation requests:

Department of Recreation and Parks

In the amount \$5,000 in State Grant funds for the purpose of providing county-wide maintenance repairs to various public boat ramps.

Department of Recreation and Parks

In the amount \$25,000 in State Grant funds for the purpose of providing ramp and bulkhead repairs at Bushwood Wharf.

Department of Recreation and Parks

In the amount \$6,000 in State Grant funds for the purpose of providing ramp and bulkhead repairs at Bushwood Wharf.

Department of Recreation and Parks

In the amount \$30,000 in State Grant funds removal of abandoned boats and debris from county waterways.

Office of the Sheriff

In the amount \$2,720 in Anticipated Interest Income from a direct payment of Federal Funds to St. Mary's County for the Local Law Enforcement Block Grant funded by the Bureau of Justice Assistance; these funds may be used to supplement approved activities of the grant program.

The record will remain open for ten days.

COLTON ENDOWMENT FUNDS PROPOSALS

Present: James Haley, Procurement Officer

Relative to the proposals for use of the Colton Endowment Funds for Senior Housing, Mr. Haley referred to his February 26 memorandum to the Board. He explained that with the Commissioners serving as the Source Evaluation Committee the Commissioners, the Open Meetings Law will not allow the Board to meet in executive session to discuss the merits of the proposals for the project. In order to be in compliance with the Open Meetings Law and the County's Procurement Policy, Mr. Haley indicated there were two options available to the Commissioners:

- * To continue evaluations against the solicitation and source selection plan individually and forward to them to him to prepare the source selection report.
- * To return all documentation received to date regarding the solicitation to his attention, after which he would designate a qualified evaluation committee of county staff to proceed with the evaluation process.

During discussion Mr. Chesser indicated he knew one of the bidders personally and felt that in fairness to the other proposers he would withdraw from the process. Commissioner Eagan pointed out that she was the one who suggested that the Commissioners be the evaluation committee because it was her understanding that the Commissioners were the ones who would be making the decision regarding the use of the funds; however, she agreed that the information should be returned to the Procurement Officer.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, that the proposals be remanded back to the Procurement Officer and that an Evaluation Team be set up to evaluate the proposals that have been received. Motion carried.

In addition the Commissioners agreed to not submit to Mr. Haley their evaluations or opinions on the RFP's.

SOLID WASTE ISSUES DISCUSSION

Present: George Erichsen, Director, Department of Public Works
Steve Welkos, Director of Finance

As a follow up to the February 17, 1998 public hearing, the Commissioners commenced discussion on the solid waste issues.

Areas of discussion included: responses prepared by DPW to comments offered at public hearing (responses should be provided to attendees of the hearing and the media); projected date of closing of landfill (July 1 if it is closed to commercial haulers) citizens' concerns regarding disposal of large items when landfill is closed; whether a portion of the currently licensed land can be used to dispose of trash (it would have to meet State requirements); operation of the convenience centers (seven days or five days a week); the fact that the County will be transferring trash to Calvert County (in conjunction with the bids received); video received from EPA regarding "Pay as You Throw;" costs of closing current landfill, opening a new landfill and closing it; the need and costs for storage trailers; costs for operating the convenience centers; surveys taken at transfer stations; rubble landfill issues (including fees and life of the landfill) and the possibility of charge \$10 a year for stickers for use of the convenience centers; and the need to inform the public regarding trash disposal, recycling, etc. (mailings, brochures, television spots).

Mr. Welkos reviewed the budgetary information regarding the landfills and the budget in general (current budget is approximately \$90M; requests for FY '99 in the amount of \$105M; projected revenues in the amount of \$97M, including appropriation of FY '98 surplus and based

on current tax rate of \$2.08; revenues from rubble landfill estimated at \$4M, with no other solid waste fees incorporated; solid waste costs estimated at \$2M; and the General Fund would have subsidize transfer station operations in the amount of approximately \$1.6M if no other fees are imposed. He pointed out that the Commissioners may want to consider hold the tax rate at the current rate of \$2.08 rather than using the Constant Tax Yield, which he stated would be a trade off for setting a solid waste fee. He further indicated that this should be looked at in the context of the entire budget.

Decisions/Consensus by the Commissioners were as follows:

Closure of Landfill to Commercial Haulers

Commissioner Jarboe moved, seconded by Commissioner Eagan, to direct DPW to close the landfill to commercial haulers, effective March 9, 1998 and maintain the existing landfill for convenience center and residential trash only. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct Mr. Erichsen to prepare a Resolution implementing the closing of the landfill to commercial haulers on March 9, 1998. Motion carried.

Operation of Convenience Centers

Commissioner Jarboe moved, seconded by Commissioner Eagan, to maintain the seven-day operation of convenience centers. Motion carried.

Storage Trailers

Cost of storage trailers should be included in the FY '99 budget.

Rubble Landfill

The Commissioners agreed to leave the rubble landfill fee as is rather than reducing it at this time.

Draft Proposal to Amend Solid Waste Plan To Take To Public Hearing

The Commissioners directed DPW to prepare a draft proposal to amend the Solid Waste Plan regarding closing of the landfill, maintaining the convenience centers and presenting three options of recovering costs (pay as you throw, flat fee or subsidized through the general fund) to be submitted to the Commissioners in two weeks after which a public hearing will be scheduled.

Public Information Campaign

Public Information Officer Judy Pedersen will work with Mr. Erichsen to develop information regarding closing of the landfill and other solid waste issues (recycling, disposal of white goods, rubble landfill, operation of convenience centers).

COUNTY COMMISSIONERS' TIME

School Redistricting

Commissioner Thompson referred to the recent controversy regarding school redistricting and pointed out to the audience and listeners that the Commissioners are not the decision makers on this issue, that it is the Board of Education.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Personnel (Department of Public Works; Mental Health Authority; Sheriff's Department), as provided for in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.

(Commissioner Eagan left the meeting due to illness.)

Personnel (Department of Public Works)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
George Erichsen, Director, DPW
Melvin "Mac" McClintock, Director of Human Resources
Evelyn Wood, Human Resources Office
Judith A. Spalding, Recorder

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

Time Held: 4:50 p.m. - 5:00 p.m.

Action Taken: The Commissioners reviewed a reclassification request from the DPW and agreed to take action in open session.

Personnel (Sheriff's Department)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Sheriff Richard Voorhaar
Melvin "Mac" McClintock, Director of Human Resources
Judith A. Spalding, Recorder

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

Time Held: 5:00 p.m. - 5:25 p.m.

Action Taken: The Commissioners continued discussion regarding a hiring issue and agreed to defer a decision until the Sheriff returns to the board with additional information.

Personnel (Mental Health Authority)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Melvin "Mac" McClintock, Director of Human Resources
Judith A. Spalding, Recorder

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

Time Held: 5:25 p.m. - 5:45 p.m.

Action Taken: The Commissioners continued discussion regarding a personnel matter and agreed to continue discussion at a later meeting.

FOLLOW UP TO EXECUTIVE SESSION

Personnel (Department of Public Works)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the reclassification of the Supervisor of Construction and Inspections to Grade 13, Step 5, effective this date, March 3, 1998. Motion carried.

PUBLIC FORUM

(Held at Margaret Brent Middle School)

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

Al Bingman - Expressed concerns regarding over regulations and difficulties encountered regarding land use and zoning issues (difficulty in determining actual zoning on a given parcel--that DPZ records and tax records do not always match; and the "indiscriminate" placement of zoning lines and proposed changes in land use without notification or consultation with property owners)

Ken Hastings - Stated he went to Annapolis to attend the bank trap legislation hearing, but it was postponed because other bills took up too much time; expressed concern regarding DNR regulations regarding staking property to keep others' bank traps out, that a commercial watermen's license was required.

James Owens - Expressed dissatisfaction with the development district line in the Eighth District and indicated he felt he was being discriminated against. He is only allowed one house per three acres for his farm (he would like to sell 44 acres of his land), but there were other developments in the areas with greater density and more homes allowed.

David Triantos - Referred to the Chattanooga planning idea, stating that it was a group of citizens who met to develop ideas for the plan and suggested that the same philosophy could be applied to the County's Comprehensive Plan. (Commissioner Thompson advised that the Lexington Park Master Plan and the Comprehensive Plan were organized in the same way, with citizen groups. Commissioner Jarboe emphasized the need for Smartgrowth to be done before the Lexington Park Master Plan was adopted.)

APPROVAL OF CONTRACT FOR DIRECTOR OF HUMAN RESOURCES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the contract for Melvin A. McClintock, the new Director of Human Resources. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

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

**Judith A. Spalding
Recording Secretary**