

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
March 17, 1998**

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 9:10 a.m.

FISCAL YEAR 1999 BUDGET WORK SESSION

The Commissioners held a work session on the Fiscal Year 1998 Budget. Another session is scheduled for Thursday, March 19.

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, March 10, 1998, as corrected. Motion carried.

APPROVAL OF CHECK REGISTER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Jarboe, to accept the agenda with the following amendment: to add an executive session for Personnel (Department of Public Works). Motion carried.

CONSENT AGENDA

Correspondence to:

1. Oran Wilkerson pertaining to railroad right-of-way.
2. Rev. Rudy Brooks regarding washout of the riverbank of St. George's Island.
3. Mrs. Ruth Morris and Students, Second Grade Class at Greenview Knolls Elementary School, responding to questions concerning local government.
4. Various letters to individuals concerning solid waste in St. Mary's County.
 - a. Alma Murphy
 - b. Betty Barry, GFWC Woman's Club
5. The Micklewright family regarding traffic concerns on Woodlawn Drive.
6. James Delligatti, So. Md. Tri-County Community Action Committee, regarding Needs Assessment process.
7. Jean Ridgell regarding the Lexington Park Library.
8. A. Hussain Alhija, MD Dept. of the Environment, informing of intent not to conduct a public hearing relative to an application to apply sewage sludge on the John Fisher Farm site in Mechanicsville (re-issuance of permit).
9. Linda Janey, MD Office of Planning Clearinghouse, transmitting Review and Recommendation regarding historic nomination of Buena Vista.

Commissioner Brugman 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. Fiscal Year 1998 Supplemental Appropriation Ordinances
(follow up to 3/3/98 public hearings)

No. 98-14 - Department of Recreation and Parks
Bushwood Wharf (\$6,000)

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

No. 98-15 - Department of Recreation and Parks
Bushwood Wharf (\$25,000)

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

No. 98-16 - Department of Recreation and Parks
Boat Ramp Repairs (\$5,000)

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

No. 98-17 - Department of Recreation and Parks
Abandoned Boat and Debris Removal (\$30,000)

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

No. 98-18 - Sheriff's Office (\$2,720)

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

2. Rental Allowance Program Application
St. Mary's County Housing Authority
(State Funding - Maryland Department of Housing and Community Development - \$53,210)

Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Rental Allowance Program Application as presented. Motion carried.

3. Employee Wellness/Recognition Day
(Request by the Health Advisory Committee to sponsor a day-long Wellness Day in the month of June during a regular workday and allow employees two hours of administrative leave to attend)

The Commissioners gave their concurrence to authorize the Health Advisory Committee to sponsor the Wellness Day in June.

4. **1988 Article 66B Amendments**
(Letter to St. Mary's County Legislative Delegation)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign the letter as presented. Motion carried.

5. **Ribbon Cutting for Detention Center (tentative - May 12)**
Direction needed from Commissioners:
 - a. Language for Plaque/do Commissioners wish to name the building?

(Mr. Kachmar advised that the Sheriff has suggested naming the addition after the last jailor for the County, Willie Gatton.)

The Commissioners gave their concurrence to name the addition after Willie Gatton.

- b. Is May 12 date a good date?

The Commissioners agreed with the May 12 date.

- c. \$2,500 funding source? (usually included in construction cost, but there is no funding since this was an addition/renovation)

Mr. Kachmar will locate a source of funding and let the Commissioners know next week.

6. **First Colony Discussion/Decision Process**

Mr. Kachmar advised that he contacted a professional organization to find out whether someone was available to take the Commissioners through the discussion/decision process. There is no one immediately available and the cost would be approximately \$4,000. Commissioner Thompson indicated that if the Commissioners go through the process themselves, there should be an organized approach in considering all of the information. Discussion of First Colony will be scheduled in the next three or four weeks.

PENDING ITEM LIST

The County Administrator reviewed the current Pending Item List; comments/updates included:

Strategic Plan - Staff to develop an outline for the next step in the process.

Lexington Park Master Plan - The Commissioners directed that Director Grimm request the Planning Commission to prepare a Resolution forwarding the LP Plan to the Commissioners.

MCI (Emergency Radio System) - MCI will be coming before the Board at a later meeting.

Courthouse Project - Two separate contracts--one for construction of the facility; the other for design of temporary facilities.

Solid Waste - County Administrator to talk to Director, DPW to find out if there were solutions for handling large items (couches, etc.) when the landfill closes on July 1 to residential users.

Animal Shelter Proposal - County Administrator will be meeting with representatives of the Animal Welfare League to discuss the matter.

FDR Blvd. - County Administrator to find out how to get the official mapping done so that developers can be required to participate in the construction of FDR Boulevard funding.

Disposition of Property Adjacent to Clements Landfill - County Attorney Durkin advised that the property will have to be surveyed, it will have to go through DPZ for subdivision process, and a legal description and appraisal report will be needed. The property owner will be required to reimburse the county for expenses relative to the sale.

Sheriff's Department Overtime Calculations - Will be addressed during budget discussion.

Wicomico Shores, Phase III STD - County Administrator and County Attorney will be meeting with individuals interested in developing the property regarding cost sharing of the district.

AIRPORT COMMISSION

(DISSOLUTION OF COMMISSION/ESTABLISHMENT OF ADVISORY COUNCIL)

Present: Mark Moore, Chair, Airport Commission
Roland Behnke, Member, "
Douglas Durkin, County Attorney
James Haley, Airport Manager

Representatives of the Airport Commission appeared before the Commissioners to submit a recommendation for the dissolution of the Airport Commission and the establishment of an Advisory Council. The Airport Commission met on February 4 to address the issue of the Airport Commission's role, and the Commission agreed that it should not have authority over the airport; meetings should not be subject to the open meetings laws; and it should not be required to review airport leases.

Areas of discussion included Ordinance No. 96-13 wherein the Commission was re-established as an Advisory Committee; impact on Rules and Regulations if the Airport Commission was dissolved; changes needed to bylaws; members of the Commission do not have expertise for reviewing leases; boards appointed by the Commissioners must comply with Open Meetings Law; member's examples of Commission not receiving adequate direction; whether there was a need for the Airport Commission; establishment of a "Friends of the Airport" as a support group similar to the "Friends of the Museum."

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the Airport Commission members' recommendation to abolish the Airport Commission advisory group. Motion carried four to one with Commissioner Thompson voting against, stating that this was a drastic measure to a solution, and that she believed there is a role for the Airport Commission as an advisory board.

EXECUTIVE SESSION

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

Personnel (Mental Health Authority)

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
Douglas Durkin, County Attorney
Judith A. Spalding, Recorder

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

Time Held: 3:35 p.m. - 3:55 p.m.

Action Taken: The Commissioners continued discussion regarding a personnel matter and reviewed options.

COMPREHENSIVE LAND USE PLAN (PRELIMINARY DISCUSSION)

As a follow up to previous discussions the Commissioners commenced discussion regarding the draft Comprehensive Land Use Plan. By way of a Resolution and cover letter the

Planning Commission forwarded the draft plan with modifications made in response to the joint work sessions held with the Commissioners and comments from the public and advice from the law department.

Commissioner Jarboe

- * Findings from the Community Survey indicate that citizens want: managed growth and an ease of the traffic problems (that the transportation plan be included in the Comprehensive Plan); need for SmartGrowth in the area south of Lexington Park (which would not impact Route 235); expressed the need for access controls in the development districts.

Commissioner Brugman

- * That the Plan does not reflect his concerns; that there should be specific incentives; concerns regarding TDR's; that he was prepared to make a motion to send the Plan back to the Planning Commission and the Commissioners could begin the process of addressing areas of concern; and referred to the dissenting opinion from three Planning Commission members. He expressed concern that a majority of the Commissioners indicated at various meetings that they were not in favor of new regulations, but the Planning Commission and staff ignored those instructions.

Commissioner Eagan

- * Concerned that farmers need to be made aware of the Agricultural Overlay and suggested that a letter be sent to the farmers asking them to let the Commissioners know if they want the County to go forward with the overlays; that a majority of the Commissioners had suggested that the areas on Route 235 from Town Creek to Route 4 be marked Commercial, but it had not been done; concerned about taking values of property away if the Plan created a situation where a property owner could not get the rezoning he/she had asked for prior to the Plan process.

Commissioner Chesser

- * Referred to his participation in the previous Comprehensive Plan, noted there were three things he stood for (education, public safety and environment); referred to the vision in the Plan and that he supported that vision; stated it was a good plan, and that it should go forward.

Commissioner Thompson

- * That there were two options: (write down questions and concerns and allow the Planning Commission to address them before taking action on the Plan); or each

Commissioner could write down what he/she did not like about the Plan line by line and taking votes on each, after which it could go back to the Planning Commission with specifics; that specific items needed to be addressed.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, that the Commissioners send letters to all property owners that would be affected in the Agricultural Overlays, for them to see if it would affect them positively or negatively, and to let the Commissioners know if they are for it or against it, and that it be sent out this week with a return date of two weeks.

During discussion of the motion and whether the Commissioners send this letter without requiring another public hearing, County Attorney Durkin advised that he and Mr. Grimm discussed the matter. Since the Commissioners were asking for a "yes" "no" response, it would appear to be permissible without going through a public hearing process. He stated they also discussed the practicality and time involved in doing this mailing, and Mr. Grimm noted that it would affect approximately 10% of the property owners in the County and could be done. Mr. Grimm pointed out that the mailing would be subject to errors in the state's data base. In conclusion Mr. Grimm and Mr. Durkin indicated they would research whether the mailing can be done without an additional public hearing and report back in a week.

Commissioner Brugman moved, to amend the main motion to direct staff to research the issue and return to the Board next week for a decision, seconded by Commissioner Eagan. Motion carried.

Vote on the Main Motion was unanimously carried.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (Department of Public Works), as provided for in Article 24, Section 4-210(a)1. Motion carried.

(Commissioner Eagan left the meeting at 5 p.m.)

Personnel (Department of Public Works)

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

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

Time Held: 5:05 p.m. - 5:10 p.m.

Action Taken: The Commissioners reviewed a request for waiver of the Personnel Manual and agreed to take action in open session.

FOLLOW UP TO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Brugman, to authorize the waiver of the Personnel Manual to hire a new Supervisor of Engineering Services in the Department of Public Works, at a Grade 16, Step 5. Motion carried.

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

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

**Judith A. Spalding
Recording Secretary**