

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
APRIL 7, 1998

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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 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of the Commissioners' meeting of Tuesday, March 31, 1998 (including the Planning and Zoning portion regarding text/mapping and zoning amendments) as presented. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Eagan 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 Eagan, to approve the agenda as amended (to delete Fair Housing Month Proclamation and the Museum Tour Boat discussion and to add an executive session on the Capital Facilities Director position).

Commissioner Brugman moved, seconded by Commissioner Chesser, to amend the motion to put the executive session at 2 p.m. and the FDR Boulevard discussion at 2:05 p.m. Motion carried.

Vote on the amended main motion to approve the amendments to the agenda carried unanimously.

Later in the meeting Commissioner Brugman moved, seconded by Commissioner Eagan, to amend the agenda to include County Commissioners' time. Motion carried.

CONSENT AGENDA

Correspondence to:

1. Nilesh K. Asnar, A&E Motel regarding flooding on the motel property.
2. Donna Lee Young regarding county's plans for animal control and sheltering of animals.
3. Eric Jansson, PRA regarding housing values in the tri-county area and how it relates to further development, impact fee, etc.
4. Ruth Berdine responding to request for assistance in searching historical information.
5. Various letters to a number of individuals and organizations regarding funding for the Board of Education Budget.
 - a. Oakville Elementary School Improvement Team
 - b. Holly Yeatts, Student, Leonardtown High School
 - c. Amanda Dulaney, Student, Leonardtown High School
 - d. Cheryl Blazer
 - e. Betsy Parlett
 - f. Christine Jaffurs, United Cerebral Palsy of Southern Maryland
 - g. Janet Kellman and Mary Hafner, Ridge Elementary School Improvement Team
 - h. Susan Lynch, PTA President, Ridge Elementary School

- i. Marcia A. Bald
 - j. Lawrence Schadeegg, St. Mary's County Technology Council
 - k. Donald Ervin, President, St. Mary's County Contractor Public School Bus Driver's Association
6. Maryland Department of Environment regarding Sewage Sludge Utilization Permit Applications for
 - a. Gideon Stoltzfus site; Amos Stoltzfus site; Samuel Stoltzfus site; John Hertzler site; and Stephen Fisher site.
 - b. Ben Stoltzfus and Elam Fisher site
 7. Nancy Paige Smith regarding the Draft Comprehensive Land Use Plan.
 8. Bob Boxwell, President, Friends of the Chesapeake, regarding Myrtle Point Park.
 9. National Flag Day Committee regarding the County's Flag Day celebration.

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

Commissioner Chesser moved, seconded by Commissioner Thompson to pull Letter No. 7 to Nancy Paige Smith in that he would like the second paragraph rewritten or deleted. Motion failed two to three with Commissioners Brugman, Eagan and Jarboe voting against.

Vote on the main motion carried unanimously.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendments**
 - a. No. 98-37 – Office on Aging
(increase in personnel service costs through 6/30/98 - \$326)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-37 as presented. Motion carried.

- b. No. 98-38 – County Administrator
(for professional services – county health insurance study - \$59,500)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-38 as presented. Motion carried.

- c. No. 98-36 – Recreation and Parks
(for completion of Piney Point sitework and parking lot - \$25,000)
(Follow up to 3/31/98 discussion)

Also present: Phil Rollins, Director, R&P

Mr. Rollins explained the budget amendment advising that the funds for the Bushwood Wharf project will be reinstated and the project is scheduled to go forward. Relative to the ownership issue, Mr. Rollins advised that he has met with the two property owners in question regarding the issue of ownership and that he will be coming back before the Board in executive session at a later meeting to discuss this issue.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-36 as presented. Motion carried.

2. **Boards, Committees, Commissions**
Appointment Letters

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve appointments to Boards, Committees, Commissions as indicated below. Motion carried.

<u>Commission for Women</u>	<u>Terms to Expire</u>
Julie A. Meirose	6/30/2001
<u>Community Health Advisory Committee</u>	
Rona Harding	12/31/2001
<u>Recreation and Parks Board</u>	
Robert E. Harper	12/31/98/2002

3. **Grant Agreement – Office on Aging**
Notification of Grant Award (Older Americans Act)
Federal: \$162,110; County: \$18,648

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Notification of Grant Award as presented. Motion carried.

4. **Waterway Improvement Fund Grant Applications**
* Bushwood Wharf - \$25,000
* Chaptico Wharf - \$25,000
* Forest Landing - \$35,000

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Waterway Improvement Fund Grant Applications as presented. Motion carried.

5. **Length of Service Awards Program (LOSAP)**
Fire Departments, Rescue Squads and Advanced Life Support Volunteers
(Commissioners to sign Annual Listings)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the LOSAP Annual Listings as presented. Motion carried.

6. **Public Works Agreement for Mayfaire Apartment Community**
(Eighth Election District; backed by a surety bond in the amount of \$57,000 provided by Fidelity & Deposit) Insurance Company

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

7. **Correspondence to Walden/Sierra**
(Authorizing early release of lease of space at the Health Department)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign the correspondence to Walden/Sierra as presented. Motion carried.

8. **Marcey House Golf Tournament**

Also Present: Larry Harvey, Director, Marcey House

Mr. Harvey appeared before the Board to announce the Annual Marcey House Golf Tournament which will be held Friday, May 22 at Wicomico Shores Golf Course and

will be sponsored by Western Shore Cable TV and in part by Bell Atlantic and Baltimore Gas and Electric. He extended an invitation to the Commissioners to participate in the tournament, to speak or to sponsor a course hole.

9. Information Releases

- a. Scrap Tire Amnesty Day – April 25, 1998
- b. County Government Week—beginning April 19, 1998

Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize the release and reading of the referenced Information Releases as presented. Motion carried.

**PROCLAMATION
PUBLIC HEALTH WEEK**

The Commissioners presented a proclamation designating the week of April 6 – 12, 1998 as Public Health Week in St. Mary's County.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss a matter of Personnel (Public Facilities Director position), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Executive Session – Personnel

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

Authority: Article 24, Section 4-210(a)1
Time Held: 2:05 p.m. – 2:12 p.m.

Action Taken: The County Administrator presented a recommendation for the referenced position and received direction from the Commissioners.

FDR BOULEVARD DISCUSSION

Present: George Erichsen, Director, DPW
Douglas Durkin, County Attorney

As a follow up to the presentation by State Highway Administration on March 10 regarding the Feasibility Study for FDR Boulevard, the referenced individuals appeared before the Board. Mr. Erichsen provided a chronology stating that DPW responded to the State's March 10 presentation on March 16, and also finalized a Procurement Request for survey and engineering services for official mapping of FDR.

Areas of discussion included DPW's letter to SHA requesting justifications for use of curb/gutter and raised medians, detailed cost estimate breakdowns, mapping criteria in accordance with Article 66B, clarification of distance, etc.; cost considerations (various methods of funding including State participation); county's projected costs versus state's estimates; Article 66B mapping issues; the three alternate routes, and specifically the route traversing the closed landfill and construction requirements; the need for comments from the Planning Commission; and correspondence from the Chair of the Regional Infrastructure Advisory Committee.

In conclusion the Commissioners directed staff to prepare correspondence to the Infrastructure Advisory Committee and the State Highway Administration relative to the referenced issues for the Commissioners' signatures.

**FIRST COLONY PUD PROJECT
(DISCUSSION/DECISION)**

All Commissioners were present, as were County Administrator John Kachmar and Steve Norman, Assistant County Attorney. DPZ staff present were Jon Grimm, Director; and Peggy Childs, Recording Secretary.

ZPUD #96-1607 – FIRST COLONY PUD

Also Present:: Mr. Szlendak and members of the First Colony Development Team

(Requesting Concept Development Site Plan approval for a PUD-X (mixed-use Residential/Commercial) on 228.89 acres located at the MD 235/4 intersection; Tax Map 34, Blocks 22 & 23, Parcels 444, 455, 456, 490 and 516.

Owner: Casimir Szlendak

Having conducted hearings on this project from November 25, 1997 thru February 10, 1998, the Commissioners convened for a final discussion and decision, beginning with the Planning Commission's 10/27/97 Resolution, which recommends approval subject to 18 conditions. Concern regarding adequacy of schools to support the development has been an important issue in this application, and Commissioner Eagan asked, if the Adequate Facilities provision of the Zoning Ordinance were to change during construction of the project, would the development have to comply with the new standards? Commissioner Thompson agreed with Mr. Grimm that the new provisions could be applied at site plan stage, particularly if that is noted in the Board's approval. Commissioner Eagan also established that, should the developer withdraw his PUD application, he could still realize 3 units per acre with TDRs, or 750-780 residential units on this property, through the standard subdivision process.

Discussion ensued as to the possibility of a library in the First Colony Development. It was pointed out that that cannot be imposed as a condition unless it is a requirement for the development itself; however, the county could enter into negotiations with the developer for a leasing arrangement through the County Attorney or DPZ. Commissioner Jarboe warned that a contract such as that would have to go through the competitive process, giving other areas and developers a chance to participate if they chose.

Commissioner Brugman noted that the Department of Recreation & Parks has asked that serious consideration to the provision of soccer and ball fields, because the number of children anticipated in the residential development will impose a strain on our parks. He noted that a good argument has been made for providing ball fields close to home, and said he would not support a large athletic complex such as the Regional Park, but he would support something reasonable that would benefit the community.

Prior to making a decision, each Commissioner stated his or her position on the proposed development. Four of the Commissioners were in favor of the development, stating they have done a lot of "soul-searching," in weighing the pros and cons of this development and the benefit to the county. Commissioners Brugman, Chessner, Eagan, and Thompson cited the following as reasons for their support:

- (1) Growth is coming and is already here, and how we handle it is the key. A PUD is one of the most controlled scenarios for managed growth.
- (2) Denial of this development will not prevent larger stores from coming to the county, and by locating them in one area we can control strip development.

- (3) The development will provide job opportunities for young people and citizens outside of the high-tech arena.
- (4) The developer will construct nearly 1/5 of FDR Boulevard.
- (5) The development will significantly increase the county's tax base and help fund the needed infrastructure.
- (6) The development meets County requirements.
- (7) The development is located in the Lexington Park Development District.
- (8) The development will be required to comply with Adequate Public Facilities provisions in place at site plan approval, which will address some concerns about schools and roads.
- (9) The development will provide an alternate route around 235/4 and facilitate traffic during the 235 improvements construction.
- (10) The development will provide a regional stormwater management facility which will also handle runoff from the 235 improvements.
- (11) The Planning Commission recommends approval.

Commissioner Jarboe felt differently, and quoted the Old Testament, Ecclesiastes: "To every thing there is a season ..." He said a year ago a SHA official told the Commissioners that 235 has failed, and one month ago Bob Sanders, of SHA, told the Commissioners that things were getting worse every day. He said he contends, for the sake of public safety, this is not the time for this development. He asked that it be tabled until the 235 improvements from Routes 2/4 to the NAS North Gate are completed, and said he would vote accordingly.

Commissioner Eagan moved to direct staff to draft an Ordinance approving the PUD and incorporating the conditions of the Planning Commission Resolution, as well as the following additional conditions and comments:

- (1) **Change condition 4 to read, "That the Revised Buildout Schedule, dated 2/10/98, Table 3.d.1 (page 38) for the development shall be as set forth on Exhibit A, attached hereto;"**
- (2) **Change condition 5 to read, "That the Revised Construction Schedule for Recreation Facilities, dated 8/27/98, Table 3.d.2 (page 39) shall be as set forth on Exhibit B, attached hereto;"**
- (3) **Add to condition 7.D: "No access shall be provided to residents of Settler's Lane through the right-of-way;"**
- (4) **Add condition stating: "Should the Adequate Public Facilities provisions of the Zoning Ordinance change during construction of the First Colony Development, First Colony shall comply with the new adequate public facility provisions."**
- (5) **As a benefit to the community and to the public at large, the developer is asked to give serious consideration to providing soccer and ball fields as part of the common open space / recreational amenities.**

The motion was seconded by Commissioner Brugman and passed by a vote of 4-1. Commissioner Jarboe voted against.

NURSING CENTER ISSUES

Present: John J. Kachmar Jr., County Administrator

(Commissioner Jarboe did not participate in the discussion because of possible conflict of interest.)

As a follow up to the presentation by the consultants relative to the nursing center, Mr. Kachmar reviewed various issues with the Commissioners.

- The correct Employee Identification Number is now being used (The County's EIN).
- The human resources position has been advertised and when hired will report to the County's Human Resources Director.
- The new Nursing Center Director will begin later in April.

Mr. Kachmar presented handouts with recommendations from M. H. West & Co., excerpts from the M.H. West Study and a short list of other issues that he would be reviewing with the Board.

- 1, 2, and 5 That Items 1 (establishment of personnel plan), 2 (restructuring of human resources function), and 5 (Revise/Update policies and procedures, forms, job descriptions) be addressed by the Human Resources Director
6. Centralization of human resources and employee related documents into a single manual.
7. Expansion of in-service training programs (teamwork, effective communications, etc.) Mr. Kachmar recommended that this be done.
8. Job/Class compensation study (Commissioner Brugman suggested that it be done concurrently with the County when the County does another study.)
9. Performance Appraisal system
10. Establishment of mechanism for promoting communications with employees. (Mr. Kachmar advised that an Employees Communications has been established and they are meeting monthly.)
11. Conduct employee satisfaction surveys (Mr. Kachmar recommended that it be done every four or five years instead of annually) (Commissioner Brugman suggested an *Employee/Family Suggestion Box*)
12. Evaluation of staff needs, including staff turnover rates and plan of correction (Mr. Kachmar indicated that the Commissioners' action to change the wage scale made the nursing center more competitive.)
13. Creation of an employee recruitment and retention program (there is currently nothing in place).
14. Establishment of a management information system for current information on nursing center employees. (Commissioner Eagan suggested combining No. 11 into No. 8.

In addition Mr. Kachmar advised the Commissioners that employees had made contributions about five years ago for an employees' lounge (a total of \$17,000) and the legal consultant questioned the legality of the contributions, which were made through payroll deductions and never used. There has been discussion relative to returning the contributions to the employees, but not all still work at the center. The money could be returned to those that can be identified but the remaining balance should be used to benefit the employees. The Commissioners suggested that the employees develop ideas for use of the remaining funds.

In conclusion County Administrator Kachmar indicated that he would put in writing the issues that can be addressed by the Commissioners for presentation and action on April 21.

COUNTY COMMISSIONERS' TIME

Soccer/Little League – Use of Fields

Commissioner Brugman advised that there has apparently been some conflict in the use of fields between the soccer league and the Little League. He stated that the soccer league and Little League were both given permits to use the same field at the same time,

and the parents are upset with the situation. He advised that the two leagues are willing to work together, but the parents and youth are "fighting" for the same playing space. (There is fear that even though the soccer teams are practicing in the outfields, that the children practicing soccer may get hit with baseballs). Commissioner Brugman pointed out the need for adequate fields and the importance of getting this issue resolved.

During discussion of the need for fields Commissioner Chesser questioned the status of the Willows Road property that the County is working on to lease from the Navy for use as playing fields. County Attorney Durkin entered the meeting and advised that he had given a voice mail to the Commissioners on the status.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan to meet in executive session to discuss a matter of litigation (Board of County Commissioners versus St. Mary's Disposal, Inc. Settlement discussion) as provided for in Article 24, Section 4-210(a) 8. Motion carried.

Executive Session - Litigation

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Douglas Durkin, County Attorney
Jon Grimm, Director, DPZ
Laura Clark, Planner, DPZ
Judith A. Spalding, Recorder

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

Time Held: 5:30 p.m. – 6:05 p.m.

Action Taken: County staff briefed the Commissioners on the referenced legal matter and received direction from the Board.

FOLLOW UP TO EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize the Planning Director and the County Attorney to participate in the settlement conference on April 14 as ordered by the Court in the case of Board of County Commissioners vs. St. Mary's Disposal and hereby delegate authority to them to waive the fine and to agree to an abatement order, by consent, that is consistent with but does not exceed the zoning granted by the Board of Appeals and the Planning Commission. Motion carried.

PUBLIC FORUM

The Commissioners conducted the monthly public forum and accepted questions and comments from the audience and via telephone. Comments from the audience were as follows: (Copies of the call-in sheets are available in the County Commissioners' Office.)

Al Bingman – Suggested that the Commissioners reduce or eliminate certain rules and regulations in order to encourage business development and to reduce "bureaucratic" burden on property owners; e.g., by eliminating county's sign regulations and relying on state's requirements; referred to his comments of last month regarding zoning boundaries splitting parcels and raised questions as to its legality. (Commissioner Jarboe at the beginning of the public forum stated that a Board of Appeals member suggested that the Commissioners look into the possibility of the property owner being allowed a choice of zoning if the parcel is split.)

Phil Rollins, (Director, R&P), - (In response to a telephone caller regarding conflicts in scheduling soccer and baseball practice fields) explained the double use of practice fields for soccer and baseball and stated that the overlap occurs three to four weeks during the season. He pointed out the need for more practice areas as well as a need for more playing fields. He also indicated that R&P is working to have better coordination for scheduling of the fields. Additional fields will be built at Hollywood School and at Willows Road. Mr. Rollins suggested sodding of the field at Hollywood in order to have the field ready by next Spring. (The Commissioners suggested that Mr. Rollins look at Greenwell State Park, Elms Property and other areas of the County. In addition the Commissioners announced that if anyone had property with a grassy area that they would be willing to allow R&P use for practice fields to contact R&P.)

James Burgan (Chair, R&P Board, and Soccer League President) – Spoke in support sodding the fields at Hollywood Elementary School; suggested that four ball fields planned at Myrtle Point be moved to Dorsey Park, and that soccer fields be moved to Myrtle Point. He stated that both the Little League and soccer league support this idea.

John Roth (President, St. Mary's American Little League) – Referred to the fields at Dorsey Park and the problem with overlapping of schedules for Little League and soccer and that there is also a problem at Hollywood and Greenview Knolls; stated there was a need for additional fields. Mr. Roth further requested the Commissioners to "fast track" Myrtle Point.

David Triantos – Referred to Senator Dyson's light rail bill and suggested a possible solution to traffic situation could be an overhead monorail system. (Commissioner Thompson stated that the Tri-County Council is doing a strategic plan for Southern Maryland and that the issue of mass transit has been discussed.)

Vaughn McCall – (1) distributed copy of 3/30/98 *Aviation Week & Space Technology* supplement regarding NAVAIR's economic impact on Southern Maryland; raised a number of questions regarding the goals of the draft Comprehensive Plan; e.g., "what is too much control of farmers and other's right to develop"; whether protests of developer's request from past meetings will be ignored; whether all aspects of proposed development south of Hermanville Road have been investigated; and presented results of an informal survey of people he works with as to whether they live in Southern Maryland; whether they would consider moving here and whether they would buy a new or older home. Of the 11 out of 23 questioned nine indicated they would never move to Southern Maryland.

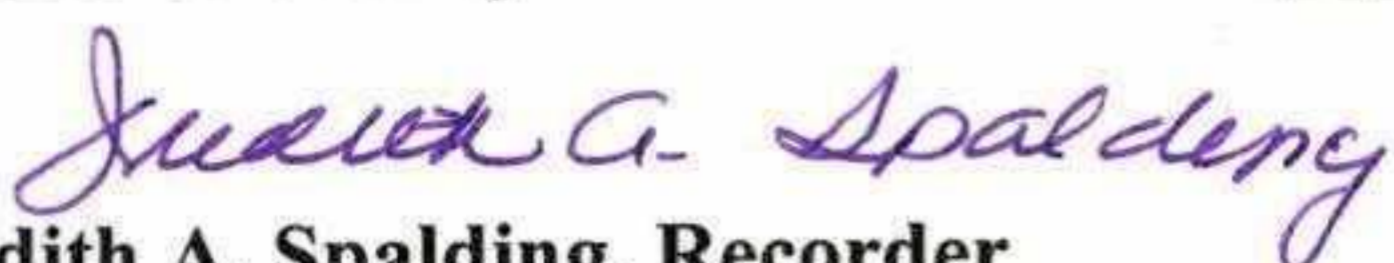
Emily Jackson (County Council of PTA's) Requested the Commissioners to fully fund the request of the Board of Education for Fiscal Year 1999.

Ken Hastings – Requested clarification of the motion made earlier regarding the Board of County Commissioners versus St. Mary's Disposal, Inc.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Minutes approved by the
Board of County Commissioners on 4/14/98


Judith A. Spalding, Recorder