

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
MAY 5, 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 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, April 28, 1998 as corrected. 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 Jarboe, to approve the agenda as amended (to add: Proclamation for Historic Preservation Week, an executive session for boards and committees, a discussion regarding direction given to the Director of Planning and Zoning regarding zoning requests; and to delete the MCI presentation which has been rescheduled). Motion carried.

CONSENT AGENDA

Correspondence to:

1. Robert and Dorothy Joyner relative to ongoing grievances pertaining to land purchased at tax sale.
2. MD Office of Planning regarding Clearinghouse Application MD9080409-0356 – DJOC/EDA Section 11.307, Sudden & Severe Dislocation (Pfiesteria).
3. J. Carroll Holzer relative to First Colony rezoning.
4. Sharon East regarding the speed limits on North Sandgates Road and Maple Drive.
5. Harold Tyree, Longview Beach Club Association, regarding special taxing district.
6. Ms. Woodburn and Dr. Fenwick relative to rezoning request and concerns with Draft Comprehensive Land Use Plan.
7. David Triantos regarding Sotterley Foundation, First Colony, solid waste, and the Quality Community Survey conducted in Leonardtown.
8. Joan Bearden, Mechanicsville Elementary School PTA, regarding FY99 funding for the Board of Education.

9. Various letters to individuals regarding the development of Myrtle Point Park.
 - a. Mary Waller Carson
 - b. Sharon Jordan

10. Various letters to individuals regarding solid waste issues.
 - a. Patricia Norris
 - b. Peter Conrad

11. Various letters to individuals regarding First Colony.
 - a. Peter Conrad
 - b. Oran Wilkerson
 - c. Fred and Ailene Smith
 - d. Thomas Grasson, Chesapeake Bay Foundation.

Commissioner Brugman requested that in the future more detailed information be provided to response letters regarding First Colony, that the letters include the Commissioners reasons for voting for the project.

Commissioner Chesser requested that Letter No. 9a be pulled to be rewritten in order to clarify the issue regarding the "bushhogging" event at Myrtle Point.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda with the exception of Letter 9a. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Department of Public Works Items
 - a. Public Works Agreement Addendum for Richneck Subdivision, Section 2; backed by a Letter of Credit in the amount of \$55,600 provided by The First National Bank of St. Mary's.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Addendum as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of the First National Bank of St. Mary's.

- b. Public Works Agreement for Porto Bello Estates Subdivision; backed by a Letter of Credit in the amount of \$202,200 provided by Nations Bank.

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

- c. Public Works Agreement for Meadow Lake Subdivision; backed by a Letter of Credit in the amount of \$585,200 provided by Maryland Bank & Trust Company.

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

2. Grant Documents
 - a. Fiscal Year 1999 Waterway Improvement Funds Grant Applications
 - * Portable Toilet Service - \$4,500
 - * Disposal Service - \$4,500
 - * Countywide Maintenance - \$5,000

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant Applications as presented. Motion carried.

- b. Grant Renewal Application
 - Maryland HotSpots Communities Grant (Federal: \$88,682; State: \$30,000)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.

- c. CDBG Formal Grant Close Out Documents
(Community Centers – Patuxent Woods & Holland Forrest Landing)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant Close Out documents as presented. Motion carried.

3. Information Releases
a. Recycling Bins at County Parks, Boat Ramps, and Landings

The Commissioners agreed to distribute the Information Release as presented.

- b. Restitution by Former Deputy in Accordance with Plea Agreement

The Commissioners agreed to distribute the Information Release as presented.

PROCLAMATIONS

The Commissioners issued the following Proclamations:

- * Life Insurance Week
- * Historic Preservation Week

COUNTY COMMISSIONERS' TIME

Fairgrounds Road

Commissioner Brugman advised that there was an accident this weekend on Fairgrounds Road and that the property owner at the location of the accident has requested that the speed limit be lowered. Commissioner Brugman requested staff to contact DPW to look into the speed limit and also to contact the Sheriff's Office to request a cruiser be sent to the area regularly.

Tri-County Council

Commissioner Eagan advised that the Tri-County Council is requesting input regarding the procedures for hiring a new executive director.

Ridge Volunteer Fire Department Parade

Commissioner Chesser advised that he attended the first volunteer fire department parade in 21 years in Ridge and commended the volunteers for their efforts. Commissioners Jarboe and Eagan also attended.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss a matter of personnel (Boards, Committees, Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Personnel (Boards, Committees, Commissions)

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
Delores Lacey, Appointments Secretary

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

Time Held: 2:00 p.m. – 2:10 p.m.

Action Taken: The Commissioners reviewed the current status sheet and gave direction to staff.

PBX SERVICES BRIEFING

Present: Major F. Riddick, Jr., Chief of Staff, Governor's Office
Chris Hudak, GTE
Tom Moran, GTE
Preston L. Dillard, State Department of Budget and Management
Ann Anderson, MIS Manager

The referenced individuals appeared before the Commissioners to provide information relative to the State's contract with GTE to provide communication services. Mr. Riddick explained that the State is looking to implement the system throughout the State and a number of state offices in the county (including District Court) will be converting to the new GET PBX System. He advised that County Government, which currently has a Centrex System, could "piggyback" onto the system. During the presentation of the advantages of the PBX System, Mr. Riddick described the following: S (savings); A (accessibility); F (flexibility); E (efficiency).

Mr. Hudak of GTE reviewed the components of the State contract (new PBX telephone systems; E911 services and equipment; peripheral equipment; video conferencing systems; local area/wide area network equipment; cable and wiring (voice and data); and miscellaneous systems and equipment to meet specific customer applications. 60 sites throughout Maryland have been installed and 75 are under contract. Areas of cost savings include reduction in telecommunication facilities; reduction in number of PBX systems; reduction in number of voice processing systems; shared maintenance personnel costs; and shared call accounting costs.

In conclusion Mr. Hudak cited the overall benefits to the County and State: shared and reduced costs; implementation of technology that allows integration to a long-term plan for ATM multi-media switching; shared platform that can support voice, data and video communications; and a partnership between the County and State which will help bring government services closer to the citizens.

After the presentation Commissioner Thompson requested information from staff as to the cost and operational differences between the County's current system and the PBX system (how much the County is currently spending, and whether the service should be put out for competitive bid by the County). County Administrator Kachmar indicated that the State had gone through the competitive process in selecting GTE and that the County had the option of participating with the State.

**PUBLIC HEARING
FISCAL YEAR 1998 SUPPLEMENTAL APPROPRIATION**

Present: Steve Welkos, Director of Finance
Martin Fairclough, Director, DECD

The Commissioners conducted a public hearing on the following Supplemental Appropriation:

Department of Economic and Community Development

To consider a supplemental appropriation of \$25,000 in State grant funds for the purpose of developing a regional exhibit in conjunction with the Patuxent Partnership on behalf of the Southern Maryland region.

Commissioner Eagan inquired as to the process for contracting out the work that will be done, and Mr. Fairclough replied that it will be done through the County's procurement process.

Hearing no further comments, the public hearing was closed; the record will remain open for ten days for written comment.

**DEPARTMENT OF PLANNING AND ZONING
TEXT/ZONING CHANGES TO ZONING ORDINANCE**

Present: Jon Grimm, Director, Planning and Zoning

At the request of Commissioner Eagan, Director of Planning and Zoning, appeared before the Board to give a status report on the Ordinance that staff was directed to draft regarding

certain revisions to the Ordinance including prohibition of private detention centers and juvenile facilities; allowing banner signs; and the review of "change in neighborhood" argument for rezoning of properties presently under review.

Mr. Grimm advised that he has drafted provisions and will be meeting with the County Attorney to review them and to talk about the process to submit the various properties to the Planning Commission for a public hearing. He stated that at the April 14 meeting he had identified the concern that there were certain responsibilities with respect to the definition of "neighborhood" and to the findings that the Commission can review and make recommendations about, and the Board must find in favor of in order to grant a rezoning. If agreement is reached between him and the County Attorney, there were two options: (1) to break out the text and submit that for public hearing by the Planning Commission (May 26 [*actual date would be June 8*]) and then by the County Commissioners; (approximately six weeks later) and do the mapping changes separately; or (2) to do them both together.

With regard to the mapping changes Mr. Grimm stated that this would entail a complex and detailed analysis and that he did not have the information regarding the definition of neighborhood for each of the 75 properties in question. He proposed that the property owners be notified of the requirement of the case law and request them to submit evidence showing that the property meets certain test to allow the Commissioners to make the findings required. Director Grimm pointed out that the review would take several weeks and with the required legal notice, the public hearing could be scheduled for the Planning Commission in July followed by the County Commissioners' public hearing in a month to six weeks after that.

PENDING ITEMS

The County Administrator reviewed the current pending list with updates as follows:

BOCA CABO Codes – BOCA Board of Appeals has been unable to get a quorum for its meetings. (Commissioners made a nomination in executive session during today's meeting.)

Colton Endowment Funds – Staff to contact Office of Central Services to get time frame and deadline for submission of recommendation for use of funds.

Courthouse Renovations – Staff conducting interviews for Construction Manager position.

Road Ordinance Amendments – Staff looking into getting consultant for update of Road Ordinance along with Zoning Ordinance; it will be returned to the Commissioners for decision (regarding consultant).

Sheriff's Overtime – County Administrator will be meeting with Sheriff and deputies and will return with a recommendation.

Disposition of Property Adjacent to Clements Landfill – To be an item of discussion at next week's meeting.

Wicomico Shores Special Taxing District – Staff looking into critical area legislation and its impact on the County; to be an item of discussion for next week's meeting.

Airport Commission – The majority of the Commissioners agreed to proceed with the abolishment of the Airport Commission and directed that a public hearing be scheduled.

NURSING CENTER ADMINISTRATOR'S CONTRACT

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner President Thompson to sign the Addendum to the Nursing Center Administrator's contract. Motion carried.

PUBLIC FORUM

(Held at the Chancellors Run Activity Center)

The Commissioners conducted the monthly public forum and accepted questions and comments from the audience as follows.

Those speaking in support of fully funding the public school's Fiscal Year 1999 budget: Omega Taylor, Dr. Elaine Ohler, Scott Beaulieu, Ronald Edward (also spoke in opposition to redistricting proposal), Joe Young, Joy Buddenbohn, Emily Thomas Harned, Robert Warren, John Dixon, Laurie Werrell, Kathy Aller, Melanie Roukis, Sharon Thorstensen, Brad Hall, Mary Hafner, Karen Mattingly, Kelly Hall, Steven K. Matthews-Bull, Wayne Parsons, Linda Battenfield., Ed Weaver, Jessica Watkins, Marilyn Crosby, Pat Friend.

Other comments included:

Leonard Greess – Raised a number of questions regarding the developer of First Colony and whether the Commissioners were aware of the developer's other projects. (Because of time restrictions the Commissioners requested Mr. Greess to submit his questions in writing.)

Wayne Suite – Stated that citizens are being deprived of rights to the water and also indicated that the citizens should "take the parks back."

Ronald Edwards – Expressed opposition to redistricting.

Clare Whitbeck – Recommended that the Commissioners look at raising impact fee for schools and stated that the capital budget is driven by increase in population.

Frank Fox – Expressed reservations about the way Myrtle Point Park is being planned stating that he was adamant that there be a fair process and that a compromise be worked out.

Robert Warren – Referred to the Summitt Hill project.

Robert Lewis – Referred to the draft Comprehensive Plan that had been remanded back to the Planning Commission from the Commissioners; emphasized the importance of growth management; raised a number of questions regarding the published Myrtle Point map (which he submitted in writing for a written response from the Commissioners).

Don DeGraves – Referred to the amount of acreage at Myrtle Point, the amount of acreage to accommodate ball fields, and indicated that there was room for active and passive activities.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

**Minutes approved by the
Board of County Commissioners on 5/12/98**

Judith A. Spalding

Judith A. Spalding, Recorder