

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JUNE 23, 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 Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of the Commissioners' meeting of Tuesday, June 16, 1998, as presented. Motion carried

APPROVAL OF CHECK REGISTER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the agenda as amended (to add three executive sessions on Personnel: Recreation and Parks; Temporary Supervisor; County Administrator's Evaluation). Motion carried.

CONSENT AGENDA

Correspondence to:

1. Phillip R. Cooper, Safety Committee Chair, expressing appreciation for the submittal of the committee's annual report.
2. Paul Armstrong, State Highway Administration, requesting lane markings and speed zone at section of State Route 5 in Charlotte Hall.
3. Esperanza Farm Civic Association petitioners concerning request to prevent application of slurry seal overlayment to the streets in subdivision.
4. Dr. Elaine Ryan, Charles County Community College, requesting the development of a more compassionate and flexible policy pertaining to refund of tuition for withdrawals.
5. Michael Hewitt, Board of Education Chair, concerning request for inclusion of the BOE in scope of county ethics panel.
6. Lacer, Sparling, Densford and Reynolds, P.A., concerning request for copies of minutes and items from consent agenda.
7. Harold Fitzgerald concerning taxing district for Wicomico Shores.
8. Robert Lewis relative to Planning Commission appointments--two versions ((a.) the letter revised from 6/1/6/98 and (b.) a revision requested by Commissioner Chesser.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve Letters 1 through 7 of the Consent Agenda as presented. Motion carried

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the first revision (a) of Letter #8. Motion carried three to two with Commissioners Thompson and Chesser voting against.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Budget Amendments

- a. No. 98-58
Tri-County Animal Shelter (EMA); Reserve -- \$10,200
(Additional funds to cover St. Mary's County share of expansion.)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-58 as presented. Motion carried.

- b. No. 98-59
Public Works; Interdepartment--\$7,275
(Realign salary and fringe benefit for year-end associated with Director's position.)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-59 as presented. Motion carried.

- c. No. 98-60
Public Works; Interdepartment--\$23,000
(Reallocate funds from Surface Treatment account to the Slurry Seal account to provide additional slurry seal for the completion of roads listed on Slurry Seal Contract SMC 98-207371)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-60 as presented. Motion carried

2. Grant Agreement

MD Department of Agriculture--07/01/98 through 05/31/99
Control and Eradication of Noxious Weeds

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

3. Public Works Documents

- a. Claim Letter addressed to the Calvert Bank & Trust Company in the amount of \$1,500 for Entrance Permit 95A-0359 located off Penn Nead Lane and issued to Lee C. Tanavage and James Tanavage.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Claim Letter as presented. Motion carried.

- b. Claim Letter address to the First National Bank of the St. Mary's in the amount of \$6,000 for Entrance Permit 92-2492 located off Long Leaf Lane, The Woods at Bayside, and issued to St. Clements Woods Partnership.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Claim Letter as presented. Motion carried.

preparation for temporary courthouse; award was made for design/build of temporary courthouse facilities; Library Space Needs consultant has been hired (a committee will be established to look at sites and alternatives); work at airport is underway (there will be a terminal construction award within a couple of weeks.

In conclusion the County Administrator suggested that the Commissioners consider appointments to the library construction committee.

COUNTY COMMISSIONERS

Wellness Day – Outstanding Employees

Commissioner Eagan requested that letters of congratulations be sent to those employees receiving "Outstanding Employee" awards during Wellness Day.

Comprehensive Plan/Zoning Ordinance Updates

Also Present: Jim Haley, Director, Office of Central Services

Commissioner Eagan indicated that a consultant is going to be hired for the update of the Zoning Ordinance and inquired whether consideration should be given to having the Comprehensive Plan update done at the same time. She stated that she was concerned that the Comprehensive Plan was not moving along expeditiously.

Mr. Haley indicated that a Scope of Services has been put together and an evaluation committee established for the Zoning Ordinance and that the Comprehensive Plan could be added.

Commissioner Thompson indicated that a Planning Commission member should be on the evaluation committee. She further questioned using a consultant for the Comprehensive Plan because of costs and because she believed it would be a step backwards.

Environmental Impact Statement on Navy's Increased Flight Activity

Commissioner Thompson advised that she attended the public hearing on the EIS regarding the Navy's proposed increased flight activity and pointed out that the County has not made an official statement.

Mr. Haley indicated that he and Mr. Stirling reviewed the EIS in conjunction with the Airport and the AICUZ, and Mr. Stirling is working with Director Grimm on Planning and Zoning issues.

COLTON ENDOWMENT FUNDS

Present: Jim Haley, Director, Office of Central Services

As a follow up to the June meeting, the Commissioners continued discussion regarding the use of the Colton Endowment Funds for a senior housing project. Mr. Haley reviewed the background and overview of the Colton project, RFP, submission of proposals, TEC review, and the Committee's recommendation that the Commissioners accept the proposal from the Housing Authority and submit this recommendation to the State.

Discussion ensued regarding whether the Commissioners had to accept the recommendation (they did not); the required time line for completion (18 – 22 months); the zoning issues; and the Commissioners' appreciation to the Evaluation Committee members for all their work and effort in this project.

After discussion Commissioner Jarboe moved, seconded by Commissioner Eagan, to recommend to the State that the Colton Endowment funds be granted to Cedar Lane. Motion carried.

4. Delegation of authorization for payment of bills and budget amendments during last week of June 1998 due to end of fiscal-year closeouts (no meeting June 30, 1998).

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson or Vice-President Jarboe, to sign the Check Register and Budget Amendments for the week of June 30. Motion carried.

6. Board, Committees and Commissions
a. Letters of Appointment
Letters of Appreciation

Commissioner Eagan moved, seconded by Commissioner Jarboe, and motion carried, to approve and sign the following letters of appointment and the letters of appreciation:

	<u>Terms To Expire</u>
Board for the Community College at St. Mary's	
Robert O. "Robin" Guyther	6/30/2003
Thomas A. Mattingly – <i>Reappointment</i>	6/30/2003
Richard V. Wilson	6/30/2001/2006
Commission on Aging	
Kathleen Fean - <i>Reappointment</i>	6/30/2001
Lottie Hasel – <i>Reappointment</i>	6/30/2001
Commission for Women	
Diane Leite	6/30/2002
Economic Development Commission	
Mark Dillow – <i>Reappointment</i>	6/30/2001
Donald L. O'Neal	6/30/2001
Harry E. Taylor, Jr.	6/30/2001
Human Relations Commission	
S. Arthur Casale – <i>Reappointment</i>	6/30/2002
David W. Densford – <i>Reappointment</i>	6/30/2002
Marcey House Board	
Morris L. Glenn	6/30/2001/2005
Metropolitan Commission	
Elizabeth H. Woodard – <i>Reappointment</i>	6/30/2001
Nursing Center Advisory Board	
Joseph D. Weiner	6/30/2001
Joseph A. Wilkinson – <i>Reappointment</i>	6/30/2000
Plumbing Board	
Charles F. Hammett, Sr. – <i>Reappointment</i>	6/30/2001
Private Industry Council	
Nancy Bupp	6/30/2002
Eugene Carter	6/30/2002
Charles Walton	6/30/2002
Safety Committee	
Melvin "Mac" McClintock	NO TERM

8. **Capital Projects Update**

Also Present: Jim Stirling, Director, Office of Capital Projects

County Administrator Kachmar and Mr. Stirling updated the Commissioners on various public works and capital projects (interviews with A/E firms for mapping of FDR and for Uniform Land Development Code in conjunction with DPZ; contract has been let for site

During discussion of the motion Commissioner Jarboe stated he supported Cedar Lane because of the annexation by Leonardtown, which will move the project along faster and because of "Smart Growth." Commissioner Eagan supported Cedar Lane because of the requests by the Colton family as well as Leonardtown's letter explaining how the zoning issues can be resolved. Commissioner Chesser indicated he was in favor of Cedar Lane, but that the route taken by the Commissioners caused delay in moving forward. Commissioner Thompson stated she believed the Housing Authority's project was a good one, but that she would support the motion to recommend Cedar Lane.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Eagan, to meet in executive session to discuss matters of personnel (Recreation and Parks and hiring of temporary department manager and the County Administrator's and County Attorney's evaluation if time permits), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (Possible Hiring of Tempoyary Department Supervisor)

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: 2:25 p.m. – 2:28 p.m.
Action Taken: The County Administrator informed the Commissioners of a illness of an employee and the need to hire a temporary supervisor.

Personnel (Recreation and Parks)

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

(Phil Rollins, Dir., R&P and Art Shepherd, R&P Division Chief attended from 5:05 p.m. to 6:05 p.m.)

Authority: Article 24, Section 4-210(a)1
Time Held: 2:28 p.m. – 2:38 p.m.
5:05 p.m. – 6:15 p.m.

Action Taken: The County Administrator advised the Commissioners of a personnel situation and the Commissioners met with the Director later in the day in a continuation of this executive session.

RAILROAD RIGHT-OF-WAY AGREEMENT NELLIE BUCKLER WOOD PROPOSED LITTLE SUGAR HILL SUBDIVISION (LOT 1)

Present: George Erichsen, Director, Department of Public Works
Bob Trautman, applicant

Mr. Erichsen appeared before the Commissioners to explain the applicants request for access across the railroad right-of-way for the referenced Lot 1 of the Little Sugar Hill

Subdivision, Fifth Election District. The lot is landlocked and Mr. Trautman is requesting to obtain access to Maryland Route 235 through a prior recorded right-of-way.

Discussion ensued regarding the possible future need of the right-of-way and the need for a statement to be included on the deed that the county may need the property in the future; that the lot buyer should be aware of this condition, the need for clear location map, relocation of the easement parallel with the right-of-way; and whether easements could be obtained from adjoining property owners rather than crossing the r/w.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to grant the easement as requested. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

In closing Mr. Erichsen indicated that there was an informal page of procedures for access across the right-of-way and that after today's discussion, he would add the following:

- That the owner/agent make the initial presentation, but DPW would be present for technical support
- That the language regarding the possible future need of the right-of-way be placed on the record plat as well as the deed
- That a proper vicinity map that can be seen by the Board, the audience, and the television cameras be available
- That the easement be in legal form and sufficiency and worked in with the driveways
- That the owner/purchaser be present to acknowledge understanding of the "future need" provision.
- That the owner/agent be responsible for responding to the Board with any other alternatives that have been pursued and explanation of why the alternatives would not be feasible.

Commissioner Eagan moved, seconded by Commissioner Jarboe to add the statement regarding "future need" to the record plat of this particular property (Lot 1, Little Sugar Subdivision). Motion carried.

INTRODUCTION OF ASSISTANT COUNTY ATTORNEY

County Attorney Durkin introduced Kim Shearin, his new Assistant County Attorney to the Board of County Commissioners.

REZONING PROGRESS DISCUSSION

Present: Jon Grimm, Director
Douglas Durkin, County Attorney

Mr. Grimm and Mr. Durkin appeared before the Commissioners to review the steps to be taken to implement the Commissioners' direction of April 14, 1998 to begin the rezoning process for the 74 plus zoning requests received during the comprehensive plan update process. Mr. Grimm reviewed how rezoning requests can be accomplished in Maryland (comprehensive zoning ordinance updates; piecemeal rezoning using change of neighborhood or mistake rule; or floating zones such as PUD's); gave a summary of the background and events regarding the rezoning requests process.

Mr. Grimm advised that the proposed process for meeting the procedural requirements was to place the requests into six groups with a separate public hearing for each group, and that the hearing process be completed for one group before proceeding with the next group. He pointed out that this process could be overtaken by events of the comprehensive plan remand, review and adoption.

County Attorney Durkin indicated that by memoranda dated June 3 and 18, in response to inquiries from Mr. Grimm, addressed the following:

Definition of neighborhood in case law
(definition of "neighborhood" varies from case to case because of peculiarities and differences in various properties)

- Piecemeal rezoning
(requires substantive justification for "change of neighborhood" or mistake in original zoning; notice must be given to all property owners within 200 feet of subject property (which would be approximately 950 notifications))
- Anticipated versus Unanticipated Changes
(reality counts theory does not)
- Date From Which to Measure Change
(from the date on which the zoning maps were last comprehensively amended (1990))

Discussion ensued regarding the time line for completion of the process for the five groups; that the County would be financially responsible for paying for notices, advertising, etc.; that the maps should have been part of the comprehensive plan; the possibility of proceeding with a comprehensive rezoning rather the grouping proposal; that the Planning Commission had not been supportive of every request; that the group process could be started, but stopped when the comprehensive plan was completed and then do the remaining groups comprehensively.

After some discussion Commissioner Chesser moved, seconded by Commissioner Brugman, to proceed under the comprehensive plan rather than piecemeal groups. Motion carried three to two with Commissioners Eagan and Jarboe voting against.

Commissioner Eagan stated that she had been in favor of the comprehensive rezoning from the beginning; however, because of the amount of time that has passed, at least group 1 would be proceeding in a month when they have already been waiting two years. Commissioner Jarboe voted against stating he agreed with Commissioner Eagan and referred to the Business Resource Center which is located in the area of group 1 and that it should move forward.

In response to inquiries regarding the timeline for completion of the Plan, Mr. Grimm noted that the plan should be completed sometime in September.

SHERIFF'S DEPARTMENT REMANUFACTURE OF AUTOMOBILES PROPOSAL

Present: Capt. Jamie Raley
Jim Haley, Director, Office of Central Services

Mr. Raley appeared before the Commissioners to request approval for the transfer of personnel line item funds (in the amount of \$56,525) in support of a contract for the remanufacture of two 1991, one 1990, one 1989, and one 1988 Chevrolet Caprice police vehicles currently in the Sheriff's Department inventory. He stated that the remanufacture of these vehicles will allow to retain them in service at a lower cost than purchasing a new vehicle.

During his presentation Capt. Raley referred to a proposal detailing the process for remanufacture and the replacement of component parts.

Discussion ensued regarding use of personnel funds; sole source contract (Mr. Haley indicated this would be allowable under "compelling urgency"); the urgency to proceed now because of end of fiscal year is approaching and insurance issues.

Commissioner Chesser moved to go forward with securing the remanufacturing of the Sheriff's Department's automobiles provided that the County's insurance coverage is to the same extent that is on other vehicles. Motion failed for lack of a second.

Commissioner Brugman moved, seconded by Commissioner Chesser, to go forward with the remanufacture of the Sheriff's Department's vehicles with the understanding that the insurance is able to satisfactorily meet the County's needs. Motion carried.

COMMUNICATIONS PROJECT NEGOTIATING TEAM UPDATE

Present: Jim Haley, Director, Office of Central Services

Mr. Haley and other members of the Negotiating Team appeared before the Board to provide a status report on the Team's activities. Mr. Haley reviewed the background for the establishment of the Team by the Board of County Commissioners and activities to date which included:

- Mr. Haley was selected as chief negotiator with the County Attorney providing legal representation throughout formal negotiations
- Request to MCI to provide detailed costs of all cost elements of recommended solution (MCI's cost breakdown was provided by MCI on June 16; however the team members determined more detail was required and met with MCI officials on June 17)
- Memo to Commissioners advising of requirement to comply with Policy Memorandum No. 93-1 – *Procedure for Preparing Cost Estimate for Services under Consideration to be Performed by Private Industry on a Contractual Basis*. (Mr. Haley recommended that the Commissioners designate the negotiating team members as the standing committee to perform the make or buy decision)
- Cost models received from MCI using Director of Finance's numbers and methodology
- Team's first meeting at which a visit to Northampton County, Pennsylvania was scheduled (The Team visited Northampton County on June 10 and 11)
- Individual trip reports are being consolidated into one report, and that Mr. Haley's initial review of the reports indicate that MCI will be determined as a responsible contractor.

In conclusion Mr. Haley advised that the Team requests the Commissioners to authorize an additional 30 days in order to continue proceeding with negotiations.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to allow the Committee an additional 30 days from June 26 to continue negotiations. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to appoint the negotiating team as the Standing Committee in compliance with Policy No. 93-1. Motion carried.

County Administrator Kachmar got clarification from the Commissioners that if the Team had recommendations for any changes, that these recommendations would have to be presented to the Commissioners for acceptance.

In closing Commissioner Chesser indicated he wanted a commitment that there has been no decision regarding the MCI proposal.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Chesser to meet in executive session to discuss a matter of personnel (reclassifications), as provided for in Article 24, Section 4-210(a)1. Motion carried.

(Authority was previously given for Executive Sessions regarding evaluations for the County Administrator and County Attorney.)

Personnel (County Administrator/County Attorney Evaluation)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe

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

Time Held: 5:25 p.m. – 5:45 p.m.

Action Taken: The Commissioners discussed the referenced evaluations and will continue discussion at a later meeting.

Personnel (Reclassification)

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
Milton "Mac" McClintock, Director Department of Human Resources
Judith A. Spalding, Recorder

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

Time Held: 6:15 p.m. – 6:43 p.m.

Action Taken: The Commissioners reviewed reclassification requests and agreed to take action in open session.

FOLLOW UP TO EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session relative to personnel reclassifications. Motion carried.

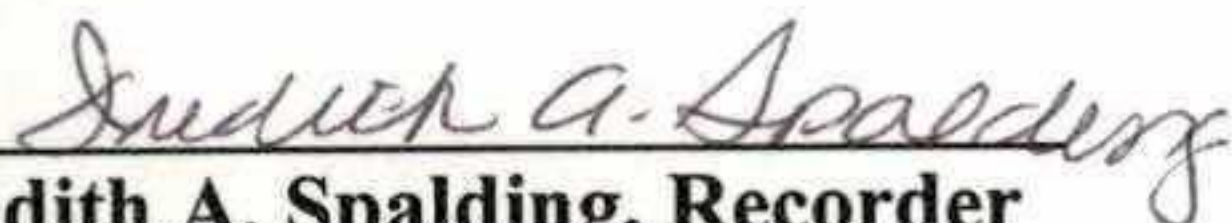
Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session relative to the hiring of a temporary supervisor. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session relative to classifications of new positions. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:05 p.m.

Minutes approved by the
Board of County Commissioners on 6/30/98.


Judith A. Spalding, Recorder