

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

Present: Commissioner President Barbara R. Thompson
Commissioner D. Christian Brugman
Commissioner Lawrence D. Jarboe, Vice President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Judith A. Spalding, Recorder

(Commissioner Thompson was not present at the beginning of the meeting because she attended the funeral for Comptroller Louis Goldstein.)

NATIONAL RECREATION AND PARKS MONTH

The Commissioners visited the Chancellor's Run Regional Park for a tour of the park facilities and to observe recreation programs. The Commissioners presented a Proclamation designating July as "*National Recreation and Parks Month.*"

CALL TO ORDER

The meeting was called to order at 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the minutes of the Commissioners' meeting of Tuesday, June 23, 1998, as corrected. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Eagan moved, seconded by Commissioner Brugman, to authorize Commissioner Vice-President Jarboe to sign the Check Register. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Brugman to remove the performance evaluation of the County Attorney. Motion failed one to three with Commissioners Brugman, Chesser and Jarboe voting against.

Commissioner Brugman moved, seconded by Commissioner Eagan, to amend the agenda to include discussion of zoning issues. Motion carried.

CONSENT AGENDA

Correspondence to:

1. Frank Fox relative to Myrtle Point Park.
2. Oran Wilkerson concerning the First Colony rezoning request.
3. Edward Curley relative to the bond on Amber Drive.
4. Phil Dorsey concerning Abell's Wharf Public Landing.
5. Sue Ward, Maryland Office on Aging, recommending that the Colton Endowment funds be applied to the expansion and renovation plans at Cedar Lane Apartments.
6. John Hanson Colton concerning the Board's recommendation related to the Colton Endowment funds.
7. Various individuals concerning Wicomico Shores Special Taxing District.
 - a. Patricia Pilkington
 - b. Richard Mowry

8. Linda Janey, Maryland Office of Planning, concerning Clearinghouse applications.
 - a. MD980520-0481 – NAWC, Patuxent River NAS
 - b. MD980507-0448 – MD Dept. of Natural Resources
9. Dee Kramer, Health Advisory Committee Co-chair, expressing appreciation for work done on the Fun In Wellness Day.
10. Various Health Advisory Committee participants congratulating them on the success of the Fun In Wellness Day.
11. Various county employees congratulating them on their selection as outstanding employees of St. Mary's County Government.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the Consent Agenda as submitted. Motion carried. (Commissioner Jarboe indicated that he would vote to approve the Consent Agenda but that he would not sign Letter #2 to Mr. Wilkerson regarding Myrtle Point.)

BUS TRANSPORTATION FOR FIRE FIGHTERS GOING TO FLORIDA

Commissioner Jarboe advised that he had been requested to secure a bus to get the fire fighters, who are going to Florida to help with the serious fire situation, to the airport. The Director of Central Services was able to get a bus and it will leave the governmental center at 4:30 p.m. Commissioner Jarboe stated that he contacted Mr. Suchinsky in Accounting and was informed that there was no problem with insurance in doing this.

Commissioner Eagan moved, seconded by Commissioner Chesser to provide transportation to and from the airport for the fire fighters. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Budget Amendment No. 99-1 (Economic & Community Development)
(To provide temporary assistance in the Tourism Division - \$9,000)

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Vice-President Jarboe to sign Budget Amendment No. 99-1 as presented. Motion carried.

2. Grant Documents
 - a. Critical Area Grant Contract for FY '99

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

- b. Emergency Food Assistance Program
(Four copies of the new agreement (in an amount not to exceed \$8,000))

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

- c. Letter to Office of Juvenile Justice and Delinquency Prevention
(in support of Big Brothers/Big Sisters grant funds application)

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

- d. St. Mary's County Housing Authority
 - (1) Maryland Community Block Grant Agreement
Family Support Center Design

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

- (2) Letter of Intent for the 1998 Application for Funds for the Rental Voucher and Rental Certificate Programs for Persons with Disabilities

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign the Letter of Intent as presented. Motion carried.

- 3. Department of Public Works Items
 - a. Road Ordinance Policy Statement 98-01 changing standard driveway entrance permit bond amounts

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the Road Ordinance Policy as presented. Motion carried.

- b. Updated Railroad Right-of-Way Easement Agreement Guidelines and Provisions Handout

Also Present: George Erichsen, Director, DPW

For the Commissioners' information, Mr. Erichsen distributed the revised Railroad Right-of-Way Easement Guidelines, which he stated had been reviewed by SMECO and minor changes made.

- c. Zane Court in Bruce Knolls Subdivision, 5th Election District
 - (1) Road Deed
 - (2) Road Resolutions setting speed limit and stop streets

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Jarboe to sign the Road Deeds and Resolutions as presented. Motion carried.

- d. Public Works Agreement Addendum for Greenview West PUD, Section 1; backed by Letter of Credit in the amount of \$29,000 provided by First National Bank of St. Mary's

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

- e. Claim Letter to Washington Savings Bank for Grading Permit #94-16, Southgate Center, 8th Election District;

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

- 4. Employment Contract for Kimberly M. Shearin, Assistant County Attorney

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

5. Metropolitan Commission
(In accordance with Section 113-1C of the Local Laws, requesting approval of the following three new positions: two plant operators and one maintenance mechanic)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the positions as requested. Motion carried.

6. Board of Education
Fiscal Year 1999 Budget – Restriction Program Fund
(Letter of Approval)

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

7. Boards, Committees, Commissions

Commissioner Eagan moved, seconded by Commissioner Brugman, and motion carried to make the following appointments:

<u>Historic Preservation Commission</u>	<u>Terms to Expire</u>
David Weiskopf	6/30/2001
<u>Human Relations Commission</u>	
Margaret Spangler	6/30/2002
<u>Library Board of Trustees</u>	
Janice Briscoe	6/30/2001/2005

8. Library Building Committee Members Selection

As a follow up to the June 23 discussion, the County Administrator inquired whether the Commissioners were prepared to make appointments to the referenced committee.

The Commissioners agreed to defer these appointments until next week when the full board is present.

9. County Use of Charlotte Hall Veterans Home Building

County Administrator Kachmar advised that he has been in contact with the local manager of the Charlotte Hall Veterans Home regarding the use of a portion of the three-story dormitory building for a senior center and adult day care. The Veterans Department is pursuing state building funds to convert the building and would like to lease a portion on a short-term basis.

In conclusion the Commissioners gave their concurrence for staff to pursue this and for the County Administrator to prepare a letter of support to the State.

COUNTY COMMISSIONERS' TIME

Commissioner Eagan's Withdrawal from Commissioners' Race (Clarification)

Commissioner Eagan stated that she wanted to correct an error published in last week's paper regarding her withdrawal from the Commissioners' race from her district. She stated that it has been reported that she would be moving to Florida; however, she emphasized that Maryland is her home, and that at this time she has no intentions of moving from Maryland. She clarified that her press release stated that at some future point that may be something she and her husband may consider; that she may make the decision to move to Florida, but that she currently plans to remain in Maryland, and that she withdrew from the elections because she would be traveling back and forth to Florida and she wanted to be able to leave her options open.

Status of Comprehensive Plan

Commissioner Eagan stated that Director of Planning and Zoning Grimm had indicated to the Board on June 23 that the Comprehensive Plan was moving along and that it would be completed within the next few months. However, a couple of Planning Commission members had indicated to her that this is not so. She requested Mr. Grimm along with Planning Commission members to come before the Board on July 21 and clarify this issue.

In addition Commissioner Eagan requested that Mr. Grimm provide the Board with an explanation as to why the Commissioners' direction to allow signs for charitable organizations has not yet been implemented. She stated that if Mr. Grimm cannot make a decision, it will have to be made by the Commissioners.

**ALPD #98-0968
APPLICATION OF JAMES SPENCE**

Present: James Spence, Applicant

(Application for the establishment of an Agricultural Land Preservation and Sale of Development Rights Easement for James Spence Jr., for a total of 48.43 acres in the Seventh Election District, Tax Map 38, Block 4, Parcel 6 and 271.)

As a follow up to the June 16, 1998 public hearing, Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the application for ALPD #98-0968. Motion carried.

(Commissioner Thompson entered the meeting – 2:10 p.m.)

WILLOWS ROAD PARK LEASE AGREEMENT

Present: Phil Rollins, Director, R&P

Mr. Rollins appeared before the Board to present the proposed lease for the 46-acre Willow Road property, which has been signed by the Navy on July 1, 1998. During his presentation Mr. Rollins reviewed the terms of the 25-year renewable lease and pointed out that the property will have to be rezoned from PD-IP to RL. This rezoning will be considered under the comprehensive zoning process. He stated that the playing fields on this property would be ready by Fall of 2000.

After discussion, Commissioner Chesser moved, seconded by Commissioner Brugman to approve and sign the lease between the Board of County Commissioners of St. Mary's County and the United States of America for the 46-acre parcel on Willows Road. Motion carried.

SKIPJACK PROPERTY SUBDIVISION PLAN

Present: Linda Opdyke, Legal Assistant, County Attorney's Office

Ms. Opdyke appeared before the Board to present the Skipjack/Tulagi Place subdivision plats, the property being used for the location of the new Lexington Park Post Office. Ms. Opdyke explained that the County will retain the eastern portion of the property and the post office will use the western portion for the postal facility. Once the Commissioners sign the plan it will be submitted to the Department of Planning and Zoning so that all appropriate parties can execute it. Once it is executed, all documents will be submitted to the Post Office's attorney for review in preparation for settlement (which will be in about 4 to 6 weeks).

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign the Skipjack/Tulagi Place Subdivision Plat as presented. Motion carried.

REZONING ISSUES

Commissioner Brugman stated that on June 23 he had voted to not use the piecemeal method of rezoning by groups on the basis of comments by Mr. Grimm that the Comprehensive Plan update was moving forward and would be resubmitted to the Commissioners in September. Commissioner Brugman indicated that some of the Planning Commission members had advised him that there was a lot of work to be done on the plan and they did not believe it would be completed in the September time frame. In addition it had come to his attention that SHA is negotiating with property owners along the Route 235 corridor in the Town Creek area to acquire property for the widening of Route 235. These properties are not currently zoned commercial and the value of them is not as high as it would be if they were zoned commercial.

Therefore, Commissioner Brugman moved, seconded by Commissioner Eagan, to request the Planning Commission to do the piecemeal zoning for the Route 235 corridor group so that it can be considered for commercial zoning, and that it be removed from the comprehensive plan process because of the uniqueness of this group. Motion carried three to two with Commissioners Thompson and Chesser voting against. Commissioner Thompson voted against the motion stating that this action singles out those properties for special treatment; Commissioner Chesser voted against stating he felt that the process should be equitable for all properties.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to amend the motion to do piecemeal zonings for all the groups so that it would be equitable. Motion failed two to three with Commissioners Thompson, Brugman and Chesser voting against.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss matters of Personnel (County Administrator and County Attorney's evaluation), as provided for in Article 24, Section 4-210(a)1. Motion carried.

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

Executive Session – Litigation (Graham vs. St. Mary's County)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Lawrence D. Jarboe
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
Judith A. Spalding, Recorder

(Also Present: Sheriff Voorhaar, Capt. Raley; Jim Haley, Dir., Office of Central Services; Kim Shearin, Asst. Co. Atty.; Marcia Egan, Legal Assistant)

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

Time Held: 3:05 p.m. – 4:05 and continued 4:50 – 5:10 p.m.

Action Taken: The County Attorney advised the Commissioners of the referenced legal matter and received direction from the Board.

Executive Session - Personnel (Evaluations)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Lawrence D. Jarboe
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator (attended from 5:15 p.m. – 5:50 p.m.)

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

Time Held: 5:10 p.m. – 6:20 - p.m.

Action Taken: Commissioners reviewed the performance evaluation with the County Administrator and discussed the performance evaluation of the County Attorney.

FOLLOW UP TO EXECUTIVE SESSION (LITIGATION)

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct the County Attorney and Risk Manager to move forward as discussed in executive session relative to the Graham vs. St. Mary's County litigation. Motion carried.

**PUBLIC HEARING
DISSOLUTION OF AIRPORT COMMISSION**

The Commissioners conducted a public hearing to receive comment on a proposed Ordinance for the Dissolution of the Airport Commission and Delegation of Responsibilities to the Airport Manager.

County Administrator Kachmar read the notice of public hearing which was published in *The Enterprise* newspaper on June 17 and 24, 1998.

Commissioner Thompson gave the background stating that the Commissioners made the Airport Commission an advisory board once an Airport Manager was appointed. Subsequently members of the Airport Commission came before the Board to request that there no longer be a Commission but instead an ad hoc advisory group not appointed by the Commissioners and that they not come under the open meetings act. After discussion with the members, the Commissioners at their meeting of March 17, 1998 made a motion to schedule a public hearing to abandon the Airport Commission which action required a public hearing.

The hearing was opened for comments from the audience:

Patrick Weaver (shareholder of various airport operations) – Referred to a number of problems relative to the Airport Commission including the resignation of a number of members, removal of authority, removal of members because of conflict of interest issues, and quorum problems; stated that the cause of the problems are lack of appropriate authority and lack of clear direction which has rendered the Commission useless.

Lewis Schmidt (Airport Commission member) – Stated that without direction or authority the Commission would be “spinning wheels” and it would not be worth it; referred to the needs at the airport (asphalting of runway, computerized locator of airport).

Mark Moore (former Chair of AC) – Inquired of the Airport Manager regarding improvement of business at the airport, discussion with MAA regarding authority of the Commission; stated that without authority and direction the Commission should be dissolved; pointed out that the information provided to members indicates that the Airport Commission has authority (the Commissioners requested that the membership application sheet be updated.)

Tom VanHeest (former Airport Commission member) – Stated that if the airport is so complicated and complex, that it did not make sense to have only one person responsible rather than a group of five or more; however, a group of any size does not make sense if it does not function.

George Haliscak (former Airport Commission member) – Stated he had an airplane at the Airport and that there should be a manager at the facility at all times (full time airport manager interviews have been held); stated that with the growth at the Airport, a Commission would be ideal; however, it would need to have responsibility and authority; that turnover of the members has been because of removal of responsibility and authority.

Don Wright (Airport Commission member) – Supported the proposal to disestablish the airport commission; served on subcommittee to review the situation, and the committee recommended dissolution, but also recommended an ad hoc committee to help the airport manager (to report to Mr. Haley instead of BOCC and to provide a vision of what the airport could be). (Commissioner Jarboe referred to his previous suggestion of a “Friends of the Airport” group; efforts need to be done to develop a commuter service.)

Issues addressed through telephone calls included the MCI proposal and status of negotiating team; regulation of MetComm; Myrtle Point (boat ramps and fishing pier); paving of roads (selection process); identification of speakers as candidates or working for candidates; status of consolidation of DPZ with health department.

Issues to be addressed included: a possible revision of the bylaws; possibility of an ad hoc committee and whether it would be subject to the open meetings law.

The public hearing was closed; the record will remain open for ten days for written comments.

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.)

Claire Whitbeck - Expressed appreciation to the Commissioners for signing the Willows Road lease, but concerned that the rezoning issue will be done during the comprehensive plan update because she also does not see much progress with the plan; that the Commissioners should move slowly with the plans for Myrtle Point because of archaeological sites and that a flora and fauna inventory should be done.

Joseph D. Seeley (resident of Golden Beach) – Questioned the reason for DPZ granting a variance on property with a slope in excess of 25% (Kathy Circle).

Wayne Suite (candidate for County Commissioner President) – Referred to problems with DPZ and R&P; that Myrtle Point should be cleared of briars and that boat ramps should be constructed.

Ann Gregory (Charlotte Hall) – Expressed concerns with the way the Director of Planning and Zoning has been handling the Seymour Junkyard site plan (that the expansion under the new site plan is more than 50%, and DPZ is processing it under the old site plan and ignoring the Board of Appeals’ instructions; that she has not been allowed to get a copy of the site plan because it is copyrighted (the County Attorney’s office was requested to research this issue); Mr. Seymour has been using the six additional acres illegally, and he should have been required to remove everything until the site plan was approved.

The Commissioners requested that Mr. Grimm, Board of Appeals’ members, the County Attorney, and Ms. Gregory come before the Board next week to discuss this matter.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to direct a review of the process on this particular issue. Motion carried four to one with Commissioner Chesser voting against.

Norman Norris (Leonardtown) – Expressed concerns regarding the expansion of the Health Department Building stating that traffic on Peabody Street is already overburdened because of the nursing center and health department at that location; noted that signs giving location of these facilities are not allowed. (Mr. Stirling, Director of Capital Projects stated that the co-location of the health department and planning office is in the early stages and currently does not include an upgrade to Peabody Street. He stated that his department would be looking at various options.)

Leonard Greess – Questioned the tasks for the Communications Negotiating Team and whether the team was negotiating with MCI or looking at other options. Commissioner Eagan stated that it was her understanding that the team is negotiating with MCI, which was the only firm to respond to the RFQ, and the team will come back to the Board with its findings. (The Commissioners will at that time make a decision whether to move forward with an award for all, a portion or any of this project.) Mr. Greess suggested that a contract of this size should be a subject of a public hearing.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Minutes approved by the
Board of County Commissioners on 7/14/98

Judith A. Spalding

Judith A. Spalding, Recorder