

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
OCTOBER 15, 1996**

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

COMMUNITY SERVICE DAY

The Commissioners participated in the Community Service Day by reading to pre-school children at the Leonardtown Library.

CALL TO ORDER

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

EXECUTIVE SESSION

Commissioner Brugman moved, seconded by Commissioner Chesser, to meet in Executive Session on a matter of Personnel (Social Services Board Interview), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Judith A. Spalding, Recorder (attended session from 12:20 to 12:30 p.m.)

Authority: Article 24, Section 4-210(a)1
Time Held: 12:05 p.m. - 12:30 p.m.

Action Taken: The Commissioners interviewed an individual for serving on the Social Services Board; made nominations and gave direction to staff.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, October 8, 1996. Commissioner Brugman moved, seconded by Commissioner Eagan to add a clarification to his vote against the Myrtle Point motion by stating his reasons "that it was against his personal standards for open, honest government." Motion carried on the amendment. Motion carried on the amended main motion.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Jarboe, to amend the agenda by adding an Executive Session on Personnel (Manual Clarification). Motion carried.

Discussion ensued relative to Sheriff Voorhaar's request for an executive session on Personnel (CID sergeant position). County Administrator Kachmar advised that he had sent a memorandum to the Sheriff as a follow up to last week's discussion on the issue, and the Commissioners agreed to allow the Sheriff to react to the memorandum and to defer an executive session until a future meeting, if necessary.

CONSENT AGENDA

The Consent Agenda included the following documents:

1. **Correspondence**
E-Mail response to Margaret Lang regarding Myrtle Point
2. **Deeds/Road Resolutions**
 - a. Deed accepting Ricky Drive (Pyles Estates, Sixth Election District) into the County's Highway Maintenance System
 - b. Road Resolution No. R96-26 designating Ricky Drive at its intersection with Md. Route 235 as a Stop Street.
 - c. Road Resolution No. R96-27 posting Ricky Drive at 25 miles per hour.
 - d. Road Resolution No. R96-28 posting North Patuxent Beach Road at 25 miles per hour from its intersection with Md Rte. 4 for its entire length.
 - e. Road Resolution No. R96-29 posting Old Route 5 as a "No Parking Zone" from its intersection with Md. Rte. 5 for approximately 200 feet on the northern side of the roadway (in the back of DJ One Stop Shop)

Commissioner Jarboe 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. **Budget Amendment No. 97-12**
Office of the County Administrator

Justification: (To provide funding for staff development (MIS training (Internet training for up to 40 staff (\$2,320)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-12 as presented. Motion carried.

2. **Bylaw Amendments**

- a. Mental Health Authority (changes month of annual meeting to September)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the by law amendment for the Mental Health Authority as presented. Motion carried.

- b. Development Review Forum (to add SMECO representative)

Commissioner Chesser moved, seconded by Commissioner Jarboe (for discussion purposes) to approve the by-law amendments as presented. Motion failed two to three with Commissioners Brugman, Eagan, and Jarboe voting against, because the Commissioners had previously indicated to the Forum that

they were not in favor of increasing the membership. However, the Commissioners did indicate that a SMECO representative could participate in the meetings in a non-voting capacity.

3. **Public Works Items**

a. **Correspondence Calling Letters of Credit**

- (1) To Washington Savings Bank calling LOC in the amount of \$17,000 - Heard's Estate, Section 4 (Public Works Agreement)
- (2) To Crestar Bank calling LOC in the amount of \$\$261,700 - Chestnut Hills, Section 3 (Public Works Agreement)

Commissioner Eagan moved, seconded by Commissioner Jarboe to approve and authorize Commissioner Thompson to sign correspondence calling Letters of Credit for (1) and (2). Motion carried.

- (3) To First National Bank of St. Mary's calling LOC in the amount of \$33,000 - Evans Drywall
- (4) To First National Bank of St. Mary's calling LOC in the amount of \$44,000 - Wildewood Retirement Village
- (5) To First National Bank of St. Mary's calling LOC in the amount of \$44,000 - Summerwood Section 2
- (6) To First National Bank of St. Mary's calling LOC in the amount of \$46,600 - Sycamore Hollow, Phase 2.

Commissioner Chesser moved, seconded by Commissioner Brugman to approve and authorize Commissioner Thompson to sign the correspondence calling Letters of Credit for (3), (4), (5), and (6). Motion carried 4-0-1, with Commissioner Eagan abstaining as she is on the Board of Directors for the First National Bank of St. Mary's.

b. **Addenda To Public Works Agreements**

- (1) Lexington Park Corporate Center (extending deadline for completion to April 1, 1997 (backed by LOC with Maryland Bank and Trust in the amount of \$43,700)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Addendum to the Public Works Agreement for Lexington Park Corporate Center as presented. Motion carried.

- (2) Brooks Cluster (extending deadline for completion to October 1, 1997 (backed by LOC with First National Bank of St. Mary's in the amount of \$184,500)

Commissioner Jarboe moved, seconded by Commissioner Chesser to approve the Addendum to the Public Works Agreement for Brooks Cluster, as presented. Motion carried 4-0-1, with Commissioner Eagan abstaining as she is on the Board of Directors for the First National Bank of St. Mary's.

4. **Noxious Weed Grant Agreement**

Between Maryland Department of Agriculture and St. Mary's County for the eradication of certain noxious weeds (Johnsongrass, shattercane, thistles, multiflora rose) for the period July 1, 1996 through May 31, 1997.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Grant Agreement as presented.

5. **Housing Authority - Memorandum of Understanding**

The County Administrator presented the referenced Memorandum of Understanding between Housing Authority and St. Mary's County Government setting forth the relationship between the Housing Authority and County Government. He advised that the MOU is a first step of a formal contract agreement for the county to provide staff to run the programs, and pointed out that the Housing Authority would like to meet with the Commissioners to get their views on what they believe the Housing Authority should be doing with its funding and regarding its policies.

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

6. **1997 Legislative Package**

Subsequent to the September 24 public hearing the County Administrator requested direction from the Commissioners regarding whether the Board would be taking positions on the items on October 29 (after the 10/28 breakfast meeting with legislators) on all legislative items, only county-submitted items, or no positions.

It was the consensus of the Commissioners to not take specific positions, but at the suggestion of the County Administrator, would indicate on the Legislative List those items each Commissioner would like to see go forward to the Maryland General Assembly. In addition the County Administrator advised that he would review the list at next week's staff meeting to get input from department heads regarding the items in the legislative package.

The Commissioners further agreed to include the four items being considered by Maryland Association of Counties.

PROCLAMATION

NATIONAL BREAST CANCER AWARENESS MONTH/MAMMOGRAPHY DAY

The Commissioners presented the referenced Proclamation designating October as *National Breast Cancer Awareness Month* and October 18 as *Mammography Day*.

SHERIFF'S DEPARTMENT

(DEPARTMENTAL BRIEFING)

Present: Sheriff Richard Voorhaar

Mr. Voorhaar appeared before the Commissioners to present a briefing on the activities and programs of the Sheriff's Department. He noted the following:

- * Started new academy class
- * Filled all positions in Law Enforcement and now working on Corrections Division (after hearing from the Sheriff regarding test results, Commissioner Eagan suggested that Sheriff Voorhaar work with public schools to make them aware of the numbers not passing the written portion of the test.)
- * Received positive audit report on record keeping
- * Started billing process to Department of Juvenile Services for transportation of juveniles
- * Began issuing citations for false alarm violations
- * Will be receiving Crime Prevention Award for Department of Safety
- * Now on Internet
- * Working with Leonardtown Commissioners regarding officer patrolling Leonardtown (grant runs out June 30 and Sheriff Voorhaar indicated it was important to continue the program with assistance from Town and County.)

- * Responding to concerns by Local Government Insurance Trust (LGIT) regarding policies (e.g., discontinuing high speed chases for traffic violations in the interest of safety to the public; and now providing additional training).
- * Changed vehicle service policy (servicing vehicles at 3,000 miles or every four months, which should reduce repairs and extend life of fleet).
- * Deputy Grebb received an award from State for valor (he was wounded in the line of duty)
- * Will be receiving national award for "National Night Out"
- * Working with Board of Education and principals to address safety at the schools.

**BELL ATLANTIC
PLANS FOR ST. MARY'S COUNTY**

Present: William Evans, General Manager, Chesapeake Region
Carl Smith, Area Manager - External Affairs

The referenced representatives of Bell Atlantic appeared before the Commissioners to provide an update on Bell Atlantic's plans and services for St. Mary's County. Mr. Evans reported the following information:

- * That the County has an all-digital network and has the highest level of technology that can be offered.
- * That the last year has been challenging for Bell Atlantic with the recent unprecedented growth; bad weather patterns (hurricanes, ice storms, flooding) and the company has not always been able to handle situations in a timely manner.
- * Funds are anticipated being placed in capital program for additional facilities and additional people for the area.

Mr. Smith reported:

- * There is an interesting competitive environment in Maryland.
- * Working with Public Service Commission relative to 1996 Communications Act.
- * Working on inter connection agreements with other companies.
- * Going to General Assembly to get consideration to change telecommunications taxes.

Other areas of discussion included illegal access to telephone/fax lines; Internet; 911 enhanced system.

**ST. MARY'S COUNTY DIVISION OF TOURISM
SOUTHERN MARYLAND HERITAGE PLAN**

Present: Cindy Woodburn, Tourism Coordinator
Sue Veith, Environmental Planner

The referenced individual appeared before the Commissioners to present and review the Southern Maryland Area Heritage Plan Final Draft. Ms. Woodburn explained the purpose of the Plan which is to develop a public and private partnership recognizing the unique assets of Southern Maryland as a heritage area and creating a plan of action. She pointed out that the Plan addresses important natural, historical, cultural, recreation and heritage tourism matters, and that the goals are compatible with the Southern Maryland's counties' plans and policies.

After discussion Ms. Woodburn requested the Commissioners to sign a letter to the Southern Maryland Area Heritage Plan Steering Committee giving the Board's endorsement of the Plan.

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

In closing Ms. Woodburn advised that the final draft will be presented at the Southern Maryland Heritage Partnership Meeting on October 28 at Thomas Stone National Historic Site in Port Tobacco at which time a Joint Resolution will be presented to be signed by the president of the three Southern Maryland boards of commissioners.

COUNTY COMMISSIONERS' TIME

Tri-County Council Events

Commissioner Eagan advised that the Southern Maryland Legislative Tour arranged by Tri-County Council will be held Wednesday, October 30, and she reviewed the tentative agenda--tour of Charles County Community College Center for Business and Industry; Higher Education Center; Naval Air Station; dinner at St. Mary's College Daugherty Palmer Commons (open to all elected officials).

The Tri-County Council Retreat will be held November 13 at Loyala Retreat House in Faulkner beginning at 8 a.m. Commissioner Eagan advised that there is a questionnaire to be completed and submitted to TCC by October 18.

Washington Post Article

Commissioner Brugman advised that there is an article in today's Washington Post Metro Section indicating that Secretary Brady is challenging Governor Glendening for a tax cut. He inquired whether the Commissioners would consider writing a letter of support to Secretary Brady, but suggested the Commissioners read the article first.

Maryland Association of Counties

Commissioner Chesser advised that he would be attending the MACo Board meeting on October 23 and that there were four items that MACo is supporting. (Commissioner Chesser will advise the Commissioners of those items.)

Annual Report of the County

Commissioner Thompson inquired if the Commissioners were interested in doing an Annual Report again this year. The Commissioners gave their concurrence.

STANDING COMMITTEE

PLANNING AND ZONING INSPECTION SERVICES

Present: Steve Welkos, Standing Committee
Bob Harper, "
George Jarboe, "
Jim Haley, "
Patrick Mudd, "
Jon Grimm, Director, Planning and Zoning

The referenced Standing Committee members appeared before the Commissioners to present its final report and recommendation for the Commissioners' consideration. The report indicated that 35.57% of the inspections (specifically plumbing and gas) are being done by the Department of Planning and Zoning, and 64.43% (building and electrical) being done by MDIA. Also included in the report were exhibits depicting calculations determining relevant differential costs associated with DPZ inspection services (comparison of costs and revenues for FY '94 - '97); estimated department overhead for plumbing inspections; and indirect costs calculations.

The recommendation of the Standing Committee is as follows:

- * Modifying existing Statement of Work with MDIA to include Plumbing and Gas inspections currently being done by county personnel, thereby placing all inspection services with MDIA.

- * Placing the responsibility of inspection fee collections with the Department of Planning and Zoning using existing clerk.
- * Setting fees to cover costs of inspection plus associated cost of county administrative services with emphasis on a fixed cost per inspection calculation specified within the solicitation process.
- * Contracting Officer - Procurement
- * Impact: Planning and Zoning Inspection Services (1.5) plumber inspector.

Discussion ensued regarding the eventual solicitation for bids for DPZ inspection services. Mr. Haley noted that Charles County is preparing to rebid its inspection services and that St. Mary's may be able to join with them. He stated he would contact Charles County regarding this.

During discussion Mr. Grimm indicated that the Committee did not follow the directed plan of work in developing its recommendation and offered that the Department of Planning and Zoning be allowed to competitively bid on a costs basis for inspection services.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the Standing Committee's Recommendation to modify the contract with MDIA to include plumbing and gas inspection services, with the idea of possibly rebidding all inspection services at some later date. Motion carried three to two with Commissioners Thompson and Chesser voting against with Commissioner Thompson stating that, in accordance with the County's procurement policy for privatization, county government should be able to bid on the inspection services.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Personnel (Health Benefits for New Employees; Personnel Manual Clarification; and Housing Authority) as provided for in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Property Acquisition (Myrtle Point), as provided for in Article 24, Section 4-210(a)11; and Personnel (Boards, Committees, Commissions). Motion carried three-one-one with Commissioner Jarboe voting against and Commissioner Brugman abstaining (because it was a combined vote).

Property Acquisition (Myrtle Point)

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
 Doug Durkin, County Attorney
 Phil Rollins, Director, Recreation and Parks
 Martin Fairclough, Director, DECD
 Judy Pedersen, Information Officer
 Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:13 p.m. - 4:30 p.m.

Action Taken: County staff brought the Commissioners up to date on the referenced issue.

Personnel (Housing 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
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:32 p.m. - 4:53 p.m.

Action Taken: The County Administrator advised the Commissioners of a personnel issue and the Commissioners agreed to continue discussion at next week's meeting.

Personnel (Benefits - New Employees)

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 and 8

Time Held: 4:53 p.m. - 5:09 p.m.

Action Taken: The Commissioners discussed the referenced issue and gave direction to County Administrator.

Personnel - Personnel Manual Clarification

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: 5:09 p.m. - 5:22 p.m.

Action Taken: The Commissioners discussed a personnel matter and gave direction to the County Administrator.

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

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

Time Held: 5:22 p.m. - 6:15 p.m.

Action Taken: The Commissioner made nominations and gave direction to staff.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

**Minutes Approved by Board of
County Commissioners on 10/28/96**

Judith A. Spalding
Recording Secretary

SHANNON FARMS CONDITIONS RECOMMENDED BY PLANNING COMMISSION
10/15/96

- (1) Clearing and impervious surface limits shall be tabulated along with each section of subdivision/site plan approved in order to ensure that the cumulative clearing and impervious surface limits will not exceed that allowed under the St. Mary's County Critical Area Ordinance nor that allowed under the PUD approval.
- (2) An approved buffer management/planting plan for each section shall be developed by the applicant and approved by the Department of Planning and Zoning prior to or in conjunction with each subdivision/site plan section. Such plantings shall be in place and inspected prior to issuance of any certificate of use and occupancy within that particular section.
- (3) The improvements to Long Lane and Hermanville Road shall be bonded prior to the approval of the first site plan or subdivision approval and installed prior to the issuance of the 51st building permit for single-family attached or detached dwelling units, or the issuance of the first occupancy permit for the mid-rise apartments, whichever occurs first.
- (4) Prior to or in conjunction with each site plan/subdivision section being approved, the Planning Commission shall review and approve proposed shoreline erosion control measures prior to application to permitting agencies. It is expressly understood, however, that any recommendations by the Planning Commission are subject to the requirements of the permitting agencies. The shoreline erosion control work for each section shall be completed prior to issuance of the first use and occupancy permit within that section.
- (5) In accordance with Administrative Variance case #95A-0584 (approved on May 23, 1996), the Critical Area Boundary Line shall coincide with the property line, and therefore, the entire project shall meet all Critical Area Ordinance requirements.
- (6) Ownership and ultimate responsibility for maintenance and preservation of wetlands, stream valleys, wildlife areas, open space and Forest and Interior Dwelling Bird (FID) habitat shall rest with a Homeowners' Association or the developer. The County shall request the Maryland Department of Natural Resources to develop a plan for preservation and management of these areas, though any costs associated with development of the plan and management therefore shall be borne by the developer/ owner, whether the developer or the Homeowners' Association.
- (7) The Development Design Criteria as submitted by the applicant as exhibit #A-4 of the Planning Commission Public Hearing of August 26, 1996 shall be adhered to.

- (8) Sediment and Stormwater controls shall be designed so that levels of sedimentation and stormwater pollutants, both during and after construction, do not exceed pre-development levels.
- (9) Any wells drilled shall be at least into the Mattapany Aquifer, unless the Maryland Water Resources Administration shall certify that such is not feasible.
- (10) The county shall request review services from the Natural Resources Conservation Service and the MD Office of Planning, MD Dept of Natural Resources, and St. Mary's County Health Department and Environmental Health. Such reviews shall be considered by the county if completed in a timely fashion, as part of the regular TEC process. The developer/owner shall comply with all site plan requirements imposed by the County.
- (11) In addition to ordinary bonding requirements for the completion of public utilities and roads, the developer/owner shall post sufficient corporate surety bonds or other guarantee devices to insure completion and proper maintenance of shore erosion control devices and bridges. The duration of the maintenance bond shall be limited to a minimum of five years after buildout or the spring of the year 2005, whichever comes first. The value of the surety shall be limited to the super-structure of the bridge, including the guardrail.
- (12) The Planning Commission shall review and approve a standard site plan for the Water Dependent Facility. This site plan shall be in conformance with the approved Water Dependent Facility Concept Plan and provide specific details for all proposed development activity in association with the Water Dependent Facility.
- (13) Should the Shannon Farms tract be conveyed to any other entity/individual all conditions of the resolution shall transfer to the new owner(s).
- (14) The applicant shall present to the Planning Commission a project update in conjunction with the approval of each section of subdivision/site plan or once a year, whichever is more frequent. Such update shall contain, at a minimum, an analysis of the following: clearing limits, impervious surface limits, open space and recreational facilities provision, off-site and on-site improvements completed, and other items as necessary.

In addition, the Planning Commission supports the concept of the "rotary", the "eyebrow," and the "glulam" bridge, with the engineering details to be worked out between the developer and the Department of Public Works, in accordance with DPW's memorandum dated 9/4/96.