

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 14, 1993**

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, September 7, 1993. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Appointment of Director of Economic & Community Development**

Also Present: William Aleck Loker

The County Administrator presented a memorandum dated September 7 from the Personnel Officer requesting approval of the appointment of Mr. William Aleck Loker as the Director of Economic and Community Development, Grade 27, Step 4. The selection was based on the unanimous recommendation from the selection panel, consisting of Ed Cox, Charles Wade, F. Elliott Burch, Jr., and Tom Daugherty.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the selection of Mr. Loker as referenced. Motion carried.

The Commissioners expressed congratulations to Mr. Loker and welcomed him to St. Mary's County Government.

2) **September 27 Meeting With Legislators**

The County Administrator presented correspondence reminding the legislators of the meeting scheduled September 27 for the presentation of the 1994 Legislative Package. Mr. Cox suggested to the Commissioners the discussion other items of general interest and presented a list of those items (update of Community College, Update on Higher Education Facility, Henderson Park Land Transfer, St. Clements Museum Property, Park and Ride Facility at Route 5 and 6, Myrtle Point Property, School Construction Program, and MACo Governor's Challenge on Regulatory Reform). Commissioner Thompson requested an additional item to be placed on the list (Point Look Out State Park Additional Land Purchase and Maryland Route 5).

The Commissioners agreed to sign and forward the letter as presented.

3) **Southern Maryland Wood Treatment Plant
Correspondence to EPA**

The County Administrator presented correspondence addressed to EPA requesting public hearings on two consecutive weeknights regarding the Draft Focused Feasibility Studies. The letter stresses the importance of an open public process regarding the Record of Decision.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.

4) **Deeds of Conveyance
Property Sold at Auction**

The County Administrator presented the following deeds for the property sold at Homestead Auction on May 29, 1993:

- o Deed dated September 1993 between The Board of County Commissioners of St. Mary's County and Robert C. Caldwell for Lot 992, Golden Beach, Fifth Election District.
- o Deed dated September 1993 between The Board of County Commissioners of St. Mary's County and Robert C. Caldwell for .57 acre, First Election District.
- o Deed dated September 1993 between The Board of County Commissioners of St. Mary's County and Michael J. Burns for Lot 10E, Wicomico Shores, Sixth Election District.
- o Deed dated September 1993 between The Board of County Commissioners of St. Mary's County and Michael J. Burns for Lot 16, Riverwood Farms, Sixth Election District.
- o Deed dated September 1993 between The Board of County Commissioners of St. Mary's County and Michael J. Burns for Lots 17 and 18, Longview Beach Club, Seventh Election District.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Deeds as presented. Motion carried.

5) **Response Letter
Violation Investigation**

In response to July 17 correspondence from Robert Ray, the County Administrator presented correspondence advising that the County has inspected the location and found no violations of the county's regulations and that the dispute is with his neighbors.

The Commissioners agreed to sign and forward the letter.

6) **On Behalf Of Local Government Housing Bond Program**

The County Administrator advised that correspondence addressed to the Community Development Administration relative to the referenced housing program, and because of an error in total amount available of state funds, the letter has been rewritten for the Commissioners' signatures. The letter indicates that the commissioners transfer to the CDA, for use in issuing housing bonds on behalf of St. Mary's County, \$1,365,647, its total tax-exempt housing bond allocation, as set forth in the 1993 allocation of the Maryland State Ceiling.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign the revised letter as presented. Motion carried.

7) **Budget Amendments**

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 94-17

State's Attorney

To provide funds for Assistant State's Attorney's unused, unsold annual leave for 1989 (150.67 hours) and 1990 (120 hours) at the hourly rate applicable at those times. (\$6,433)

No. 94-18

Recreation and Parks

To provide funding for necessary repairs to Leonard Hall Drill Hall (\$11,000)

No. 94-19

Public Schools

To provide funding for planning phase--renovation/expansion of Great Mills High School, educational specifications and schematic planning phase (\$74,000)

No. 94-20

Public Schools

To provide funds for handicapped toilets for those schools that will have the most concentration of handicapped children (\$50,000)

Commissioner Jarboe moved, seconded by Commissioner Lancaster to approve and authorize Commissioner Loffler to sign the Budget Amendments as presented. Motion carried.

8) **Twenty-Sixth Annual Blessing of the Fleet**

The County Administrator presented correspondence for the Commissioners' signatures to be placed in the Blessing of the Fleet's program expressing the Commissioners' best wishes to the participants.

The Commissioners agreed to sign and forward the letter.

9) **Correspondence to Senator Fowler
Myrtle Point Property**

As a follow up to last week's discussion the County Administrator presented correspondence addressed to Senator Fowler requesting cooperation and consideration in addressing the Myrtle Point property. Because of recent media reports regarding the property, the letter requests the Senator to discuss the matter with the Commissioners in order to understand his position.

The Commissioners agreed to sign and forward the letter as presented.

SIGN REGULATIONS

Present: Jon Grimm, Director, Planning and Zoning

Because of comments received at the September public forum, Mr. Grimm appeared before the Commissioners to provide clarification regarding the sign regulations contained in the Zoning Ordinance. Mr. Loffler indicated that the comments were directed toward the portable signs and the process of coming into compliance with the regulations.

Mr. Grimm explained that portable signs that are made permanent are allowable as long as they meet the set back requirements and do not exceed the allowable number or square footage of signs on the site. A permit is required for the signs.

Discussion ensued regarding the grandfathering of the signs, and Mr. Grimm indicated he would consider a sign grandfathered if it had the proper permit when it was originally placed.

Other areas of discussion included special event (including the time period being used), and nonprofit business signs. Mr. Grimm indicated that he recommends to nonprofit organizations a permanent sign with changeable letters. The Commissioners also discussed the realtors signs throughout the County and methods of enforcement for violations.

During discussion Mr. Grimm advised that he is working with the Chamber of Commerce, EDC, Planning Commission, and League of Women Voters to establish an amortization schedule for all nonconforming signs to come into compliance. The schedule will be presented to the Commissioners with a recommendation from the Planning Commission.

In closing the Commissioners recommended that Mr. Grimm continue to work with the citizens to assist them in coming into compliance with the sign regulations which he acknowledge he and his staff are doing.

2) **Signing of Tax Maps
Growth Allocation - Critical Area**

As a follow up to the Commissioners' previous approvals of growth allocations within the Critical Area, Mr. Grimm presented the appropriate tax maps for the President of the Board's signatures as follows:

- Map 39 - McGuyre's Subdivision (Single Lot Category) from RCA to LDA
- Map 40 - Former Mintec property from LDA to IDA
- Map 48 - Reconfiguration of Maydell Manor from RCA to LDA

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Tax Maps as presented. Motion carried.

HENDERSON PARK PROPERTY

Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins appeared before the Commissioners to present correspondence for the Commissioners' signatures addressed to the Department of Natural Resources and the Maryland Office on Planning to request a conversion of Henderson Park, located adjacent to Great Mills High School, from a recreational to an educational use. The letter indicates that acquisition of the Henderson Park property is necessary for the expansion of Great Mills High School. The conversion requires a replacement of the Henderson Park property and the letter proposes a 68-acre site (two separate parcels) at the St. Mary's River Watershed be used as the replacement property.

Mr. Rollins advised that according to a 1991 appraisal of the watershed property, there is a disparity in the values between the two properties; however, he pointed out that it is likely that the property has increased in value since that time and would be of approximately the same value as the Henderson Park property. In addition Mr. Rollins advised that the letter states that the County is also proposing that the replacement property is of equal, while different, recreational value as it would provide passive recreational opportunities adjacent to the Lake.

In closing Mr. Rollins recommended that the Commissioners sign the letter and authorize Commissioner Loffler to sign the related documents.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign the letter as presented and further to authorize Commissioner Loffler to sign the related documents. Motion carried.

EXECUTIVE SESSIONS

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Sessions to discuss matters of Property Acquisition (Wicomico Shores), as provided in Article 24, Section 4-210(a)11 and Litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8. Motion carried.

Property Acquisition

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Joseph Densford, County Attorney
Larry Petty, Director, Metropolitan Commission
Joe Mitchell, Attorney, MetComm
Judith A. Spalding, Recording Secretary

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

Topic: Property Acquisition - Wicomico Shores

Time Held: 10:50 a.m. - 11:10 a.m.

Action Taken: The Commissioners reviewed confidential documentation and gave concurrence to proceed as recommended.

Litigation

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Joseph R. Densford, County Attorney
David Seeman, Chair, Airport Commission
Judith A. Spalding, Recording Secretary

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

Topic: Litigation - The Skydiving Center

Time Held: 11:10 a.m. - 11:23 a.m.

Action Taken: The County Attorney brought the Commissioners up to date relative to the referenced legal matter, and made recommendations. The Commissioners requested Mr. Densford to proceed as directed.

(Mr. Densford returned to the Commissioners in Executive Session at 2:20 p.m. with documentation requested by the Commissioners. The Session concluded at 2:35 p.m.)

**THE SKYDIVING CENTER - LITIGATION MATTER
SETTLEMENT AGREEMENT**

Present: Joe Densford, County Attorney

As a follow up to executive sessions held earlier in the meeting, Mr. Densford presented a Settlement Agreement relative to the referenced legal matter and requested the Commissioners to authorize Commissioner Loffler to sign the Agreement.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Settlement Agreement as presented.

(The particulars of the Agreement will not be made public until all parties have signed the document.)

**ST. MARY'S HOSPITAL
GENERAL OBLIGATION BOND SALE**

Present: Robbie Loker, President, St. Mary's Hospital
Paul Barber, Comptroller, "
Stewart Diana, Bond Counsel, Piper & Marbury) at First National Bank
Sam Ketterman, Alex Brown & Sons) in Baltimore

Via a telephone call Stewart Diana, at the First National Bank in Baltimore, presented the bids for the sale of \$6,000,000 of general obligation bonds designated as Hospital Bonds of 1993 as follows:

Alex Brown and Sons	- 4.48766%
Ferris, Baker & Watts	- 4.605609%
Prudential Securities	- 4.49238%

Mr. Diana recommended accepting the bid from the lowest bidder, Alex Brown and Son.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept the lowest bidder, Alex Brown and Sons and to sign Resolution No. 93-40 providing for the award of \$6,000,000 of general obligation bonds for St. Mary's Hospital. Motion carried.

**BOARD OF EDUCATION
SCHOOL FACILITIES MASTER PLAN**

Present: Joan Kozlovsky, Superintendent of Schools
Ed Fitzgerald, Asst. Superintendent for Administration
Brad Clements, Supervisor, School Construction
Robert Kirkley, Vice-President, Board of Education
Fred Wallace, "

Representatives of St. Mary's Public Schools appeared before the Commissioners to present the School Facilities Master Plan. By way of a slide presentation, Mr. Clements reviewed the plan, outlining the goals for educational needs, facilities needs, renovations and improvements. He reviewed the capital improvement projects for fiscal years 1995 - 2001 pointing out county and state funding. During his presentation Mr. Clements reviewed projects vs. capacity for the high schools, middle schools, and elementary schools for year 1993-2003 and indicated the flexibility of the Plan if the numbers should change.

Areas of discussion included the Great Mills High School project, comparisons of making required ADA improvements to the administration building versus a new building, increased use of the Tech Center and grant availability, and impact fees and other revenue sources to support the projects.

Dr. Kozlovsky advised that the Plan will be submitted to the Planning Commission this date (September 14) in order to ensure that it is in compliance with the County's Comprehensive Plan. She requested the Board of County Commissioners' approval of the Plan so that it can be forwarded to the State. Dr. Kozlovsky pointed out that the Commissioners' approval would be for the direction the Plan is taking and not a commitment of funding.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the School Facilities Master Plan as presented. Motion carried.

Commissioner Thompson requested a five-year projection of anticipated revenues which should include factoring in impact fees.

ADJOURNMENT

The meeting adjourned at 2:45 p.m.

**Minutes Approved by Board of
County Commissioners on 9/21/93**

Judith G. Spalding
Recording Secretary