

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
APRIL 25, 1995

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Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, April 18, 1995 including the Planning and Zoning portion, and the minutes of the Fiscal Year 1996 Recommended Budget public hearing held Wednesday, April 19, 1995. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Grant Applications**

The County Administrator presented the following grant documents for the Commissioners' consideration:

Job Training Partnership Act

Acknowledgment of previous signed grant applications for period July 1, 1995 to June 30, 1997:

- Title II-A Adult Training Plan - \$334,417
- Title II-C Youth Training Plan - \$202,320

1995 Rental Allowance Program

Grant Agreement between the Community Development Administration and St. Mary's County in the amount of \$53,210

Retired Senior Volunteer Program (RSVP)

Grant Application which includes a supplement in the amount of \$1200. The Supplement is all federal money and does not require any additional local match.

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

2) **Response Letter - Governor Glendening**

In response to April 17 correspondence the County Administrator presented a letter addressed to Governor Glendening indicating that the Commissioners look forward to his visit to the County and designating Mr. Cox as the point of contact. County Administrator Cox pointed out to the Board that the Governor's visit will provide an opportunity to showcase a number of county projects including the Higher Education Center, Community College site, Tulagi Place renovation, etc.

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

3) **Budget Amendments**

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

No. 95-38

County Attorney

Justification: To provide funding for legal costs - Skydiving Suits and FAA complaint (\$45,000)

No. 95-39

Recreation and Parks

Justification: To provide funds for an appraisal for the Swan's property at Piney Point (\$750)

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

4) **Response Letter - Ambulance/Rescue Association Response**

The County Administrator presented correspondence addressed to the Ambulance and Rescue Squad Association responding to its letter dated March 28. The March 28 letter requested an amendment to the rescue squad funding formula to provide a \$15 per call allowance for response by a utility vehicle to either an ALS or BLS call in lieu of an ambulance response. The return letter approves the \$15 per call allowance and advises that the change will be incorporated into the Fiscal Year 1997 budget process. County staff will prepare a Resolution outlining the funding formula for the Commissioners' consideration.

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

5) **Department of Public Works Items**

On behalf of the Department of Public Works the County Administrator presented the following documents for the Commissioners' consideration:

Addendum to Public Works Agreement

Potomac Sands, Section 2

Between Alan C. Borg and the Board of County Commissioners extending deadline for completion of improvements to May 1, 1995. The Addendum is backed by reduced surety with First National Bank of St. Mary's in the amount of \$10,000

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

Claim Letters

Richneck, Section 2 - To First National Bank of St. Mary's for Public Works Agreement calling Letter of Credit #A1-6-14-91 in the amount of \$55,600.

Commissioner Brugman moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the claim letter as presented to be forwarded if necessary. Motion carried with Commissioner Eagan abstaining because she is a member of the Board of Directors with First National Bank of St. Mary's.

Jenni's Dawn, Section 1 - To Peoples Bank of Kent County for Public Works Agreement calling Letter of Credit #407 in the amount of \$194,000

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the claim letter as presented, to be forwarded if necessary. Motion carried.

**4) Sewage Sludge Permit Application
Thomas Cryer and John McNeill, Jr. Properties**

The County Administrator presented the standard letter addressed to the Maryland Department of Environment waiving the County's right for a public hearing/meeting on the sewage sludge utilization permit application for the Thomas Cryer and John McNeill, Jr. properties, which were forwarded by MDE by correspondence dated April 24. The letter reiterated the County's ongoing concerns over environmental safety and land records notification.

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

5) Response Letters

The County Administrator presented the following response letters for the Commissioners' review and consideration:

Tri-County Animal Shelter

To Ms. Chari Jenhu responding to her April 17 letter expressing concerns about the Tri-County Animal Shelter. The return letter advises that the Commissioners have requested Charles County, which manages the shelter, to review concerns raised regarding the shelter.

Rescue Squads/Advanced Life Support Unit

To Ms. Shirley Spalding responding to her April 3 letter requesting a clarification of the funding of the rescue squads and Advanced Life Support Unit. The return letter explained the cooperative effort between the hospital and squads for the replenishing of supplies

Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward the letters as presented. During discussion of the motion the Commissioners suggested that because Ms. Spalding lost her husband, the letter be "softened" Motion failed with all Commissioners voting against.

Commissioner Brugman moved, seconded by Commissioner Eagan, to sign and forward the letter to Ms. Jenhu as presented. Motion carried.

6) **Appointments
Boards, Committees, Commissions**

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

<u>Solid Waste Advisory Committee</u>	<u>Terms to Expire</u>
Dwight "Ike" Mildren	12/31/97
<u>Systems Reform Initiative Local Planning Entity</u>	
Cheryl Blazer	No Term
George Purnell Frederick	No Term
Anne Marum	No Term

**PROCLAMATION
BIG BROTHERS/BIG SISTERS**

The Commissioners presented a Proclamation designating the week of April 16 - 22, 1995 as Big Brothers/Big Sisters Week in St. Mary's County.

**FERST COMPANY
APPEAL OF PLANNING COMMISSION ACTION**

Present: Vernell B. Arrington, Attorney for FERST
Jon Grimm, Director, DPZ
Joe Densford, County Attorney

(Commissioner Jarboe did not participate in the discussion because of his former association with the Coalition and the possibility of a perceived conflict of interest.)

Ms. Arrington appeared before the Commissioners to appeal the St. Mary's County Planning Commission's action of January 9, 1995 regarding affirmation of an action by the Deputy Director of Planning and Zoning. The Planning Commission on January 9 affirmed that the Deputy Director of Planning and Zoning had the authority to remove language from the site plan for the FERST land clearing debris landfill which had been approved by the Board of Appeals. The note on the plan stated: "Per Board of Appeals Action 2/27/92, cells allowed to be located w/ in buffer." The note referred to the Board of Appeals approval of FERST's reconfiguration of the cell sites, which had allowed encroachment within the buffer area. Ms. Arrington pointed out that the removal of the note has placed the permits for the facility on hold and FERST cannot proceed under the approved site plan. and that the action of the Planning Commission was contrary to the site plan approval by the Board of Appeals. In concluding her presentation, Ms. Arrington requested the Commissioners to reverse the action of the Planning Commission concerning the note that was added to the site plan and to allow FERST to proceed under the site plan approved by the Board of Appeals.

Mr. Grimm presented a memorandum dated April 21 giving the background and chronology of events leading up the appeal by FERST. He stated that the problem arose when it was discovered that the site plan approved by the Planning Commission had the effect of changing one of the Board of Appeal's conditions. Mr. Chen, the county's legal representative from Local Government Insurance Trust, advised the County to have the action of the removal of the note confirmed by the Planning Commission. The purpose was to confirm or overrule whether the Planning Commission had given staff administrative authority to take that action. The Planning Commission on January 9 confirmed the action by DPZ staff to remove the erroneous note from the site development plan stating that the action was "proper and correct under the Commission's delegation of authority. . ."

After some discussion the Commissioners agreed to consider the appeal and would respond to Ms. Arrington with their decision at a later date.

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director

1) Proposal to Expand Gymnastics Center

Also Present: Cindy Morris, Director, Gymnastic Program
Michael Dabulskis
George Arvai

Mr. Rollins appeared before the Commissioners to request approval for the expansion of the Recreation and Parks Gymnastics Center located at the old K-Mart building in Millison Plaza. He stated that Recreation and Parks currently leases 4,500 square feet of space at the building and the proposed expansion would increase the space to 12,453 square feet. Mr. Rollins advised that the number of participants have increased to the point of needing additional space after being open for only a year and half. He further noted that the expansion would provide additional space for new types of instructional programs and would also allow for further skill development for gymnasts involved in competitions.

Mr. Rollins explained the terms of the proposed revised lease which included the following: five year lease with option for additional five years; rental costs (first three years - \$40,472; last two years - \$49,812) and other costs.

In conclusion Mr. Rollins indicated that he would return to the Commissioners at a later date for a decision by the board relative to the proposed expanded lease.

**2) Fiscal Year 1996 Budget
Impact of Items Not Funded**

Mr. Rollins referred to his April 18 memorandum in which he listed in priority order, the items not funded in the Fiscal Year 1996 Recommended Budget and the impact of those items not being funded. The items included: Regional Park Maintenance (\$18,379); Park Maintenance Supplies and Materials (\$7,500); and Tennis and Basketball Court Maintenance (\$7,500)

With regard to the Regional Park Maintenance, Mr. Rollins requested reconsideration to include funding to increase the 40-hour seasonal foreman position to a year-round position and the 20-hour seasonal laborer position to a 40-hour per week position. He stated that this request is due to the completion of the Park and the increase in the level of maintenance required. He pointed out that if the additional funds were not provided, he would move one of the existing park foreman to the Regional Park which would result in less maintenance at other parks.

During discussion of Mr. Rollins' request, the following areas were discussed relative to fees:

- Eliminating fees at the regional park because of concern from leagues about equity (fees are charged to leagues at Regional Park, but not other parks) or charge a fee at all parks
- Using revenues generated from concession stand and from tournaments toward maintenance
- Allowing the schools to use the regional park for sports and charging \$1 for admission/parking (particularly Great Mills because of the renovation project)

Mr. Rollins indicated he would return to the Board at a later date regarding the whole issue of recreation and parks fees.

County Administrator Cox pointed out that there will be topical issues the Commissioners will be discussing on future Thursdays followed by tours, and that this area could be included for discussion and a tour.

In conclusion the Commissioners agreed to consider the budgetary requests during deliberations of the Fiscal Year 1996 Final Budget.

Utility Corridor (formerly railroad right-of-way)
Quit Claim Deed - F. Elliott Burch, Jr.

Present: Dan Ichniowski, Director, DPW

As a follow up to last week, the Commissioners continued discussion with Mr. Ichniowski regarding the quit claim deed of the one-acre parcel adjacent to the railroad right-of-way and adjoining the Burch property near the "Oaks" in Mechanicsville. Commissioner Jarboe stated he visited the site and there is not right of way and he could see no future need by the county for the property.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the Deed quit claiming the one-acre parcel to F. Elliott Burch, Jr. as presented. Motion carried.

RESOLUTION NO. Z95-05
SPEC #94-1905 - THOMAS SIMMONS

As a follow up to last week's discussion relative to the application by Thomas Simmons for a sheet metal service as a permissible use in the CL zoning district, the County Administrator presented the referenced Resolution. The Resolution indicates the Commissioners' concurrence in the Planning Commission's declaration that with certain conditions as outlined in the Resolution the proposed use of "sheet metal services" is not appreciably different from the listed uses in the CL zoning district.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. Z95-05 as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Meat Processing Plant

Commissioner Chesser advised that he will be going on a tour Wednesday, April 26 with representatives from Cooperative Extension, Economic Development, Planning and Zoning and area farmers to look at processing plants in Pennsylvania and Central Maryland. He stated he would report to the Commissioners on Thursday his findings relative to stimulating the market for agricultural products.

Semi-Annual Tax Payments

Commissioner Brugman stated that there was discussion at the April 20 Tri-County Council meeting that the bill providing for semi-annual tax payments will not take effect until 1997. He questioned why \$50,000 was included in the FY '96 budget if this was so.

County Administrator Cox stated he would check with the Director of Finance and put a note in the Commissioners' boxes.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Sessions to discuss matters of Litigation (Parcel of Record and Skydiving Center), as provided for in Article 24, Section 4-210(a)8 and Personnel (employment contracts), as provided in Article 24, Section 4-210(a)1. Motion carried.

Litigation - Parcel of Record

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Joe Densford, County Attorney
Jon Grimm, Director of Finance
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8
Time Held: 11:50 p.m. - 12:40 p.m.

Action: Mr. Densford and Mr. Grimm briefed the Commissioners on the referenced legal matter and received direction from the Board as to how to proceed.

SPACE NEEDS STUDY

Present: Dan Ichniowski, Director, DPW
Bruce Manger, Probst Mason
George Dyson, "
Ann Hicks, "

Also Present: Delegate John Slade, III
Delegate John Wood, Jr.

Representatives of the firm of Probst-Mason, Inc. and the Director of the Department of Public Works appeared before the Commissioners to make a presentation on the St. Mary's County Space Needs Study, which was prepared in November 1993 (revised June 1994 and July 1994). Mr. Ichniowski reviewed with the Commissioners the appointment of the task force, development of recommendations by the task force and the presentation to the current board of those recommendations particularly with regard to the judicial system space needs.

Probst-Mason representatives reviewed the background of the study including methodology, space need findings (including the most serious space needs), review of existing conditions, and the development of alternatives.

Mr. Ichniowski referred to his January 19 memorandum to the Board which set forth three requests:

- An additional \$250,000 is needed in order to begin the design phase
(\$250,000 has been included in the FY '96 Recommended Budget)
- Establishment of a building committee (comprised of users) if Phase I (new judicial center) is implemented
- Establishment of a committee to look into the use of the vacated Courthouse.

Areas of discussion included

- Whether the Sheriff would move to a new facility or use satellite offices
- Whether to delay proceeding with the plan because of the Commissioners' discussions of consolidation and realignment of various departments
- Impact of the bonding authority bill not being passed by the General Assembly in 1995, and putting the legislation back in the package for 1996 session.
- Whether the State, in the future, will be responsible for court operation costs

After discussion Commissioner Chesser moved to go forward with the planning of the judicial center. Motion failed for lack of a second.

The Commissioners agreed to discuss the space needs study during their deliberations in finalizing the budget and to consider the requests relative to the establishment of the two committees.

EXECUTIVE SESSIONS

(Authorization for The Skydiving Center Executive Session given earlier in the meeting.)

Litigation - The Skydiving Center

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Joe Densford, County Attorney
Bill Chen, Attorney from LGIT
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8
Time Held: 3:05 p.m. - 4:10 p.m.

Action: Mr. Densford and Mr. Chen briefed the Commissioners on the referenced legal matter

Executive Session **FERST**

Commissioner Eagan moved, seconded by Commissioner Chesser to meet in Executive Session to discuss a matter of litigation (FERST), as provided for in Article 4-210(a)8. Four Commissioners voted in favor with Commissioner Jarboe abstaining. (In response to an inquiry from Commissioner Jarboe, Attorneys Densford and Chen indicated that he could sit in on the discussion in Executive Session. Commissioner Jarboe indicated, however, that he would not participate in the decision because of the appearance of a conflict of interest.)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Joe Densford, County Attorney
Bill Chen, Attorney from LGIT
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8
Time Held: 4:15 p.m. - 4:45 p.m.

Action: Mr. Densford and Mr. Chen briefed the Commissioners on the referenced legal matter

Personnel - Employment Contracts

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: 4:45 p.m. - 6:05 p.m.

Action: The Commissioners continued review of Employment Contracts.

ADJOURNMENT

The meeting adjourned at 6:05 p.m.

7:00 P.M.

**PUBLIC HEARING
FISCAL YEAR 1996 RECOMMENDED BUDGET**

The Commissioners conducted a public hearing on the Fiscal Year 1996 Recommended Budget. Comments were received from: Ann Richards (Cooperative Extension Service budget); Tom Mattingly and Elizabeth Dufresne (Community College budget); Robert Richardson (Recreation and Parks budget); Jack Evans (tax rate); Sheriff Voorhaar and David Zylack (Sheriff's Department budget), Dick Myers (animal control); Vernon Gray (constant yield tax rate, tipping fee and Circuit Court judge); Doug Ritchie (taxes); Joe St. Clair (tax rate and commuter tax); and Mary Ann Chasen (library budget).

The hearing concluded at 8:10 p.m.

**Minutes Approved by Board of
County Commissioners on 5/2/95**

Judith A. Doadley
Recording Secretary