

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
AUGUST 8, 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
Aleck Loker, County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, August 1, 1995. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

- 1) **St. Mary's Nursing Center
Health Care Facility License Application**

The County Administrator presented the referenced Health Care Facility License Application for the St. Mary's Nursing Center.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant Award, as presented. Motion carried.

- 2) **Office on Aging
Statewide Special Transportation Assistance Program - Grant Agreement**

The County Administrator presented the referenced Grant Agreement for the Statewide Special Transportation Program in the amount of \$95,973 (\$72,116 state funds; \$23,857 local contribution).

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

- 3) **Employment Contract
Director, Department of Planning and Zoning**

As a follow up to a previous Executive Session, the County Administrator presented the Employment Contract for Jon R. Grimm, Director, Department of Planning and Zoning, which is for a two-year period or until November 28, 1997.

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

4) **Acceptance of Deed
West Amandiana Subdivision**

On behalf of the Department of Public Works the County Administrator presented a Deed dated June 28, 1994 between Joseph De. Weiner and Board of County Commissioners of St. Mary's accepting Amanda Street in the West Amandiana Subdivision into the County's Highway Maintenance System.

Commissioner Chesser moved, seconded by Commissioner Eagan, to accept the Deed as presented. Motion carried.

5) **Response Letter
Sewage Sludge Permit Applications**

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 J. A. Barber property and Stephen Fisher, John Fisher, Issac Fisher, Levi Stoltzfus property, which was forwarded by MDE by correspondence dated. The letter reiterated the County's ongoing concerns over environmental safety and land records notification.

The Commissioners expressed interest in having a public meeting in order to discuss the issue of sewage sludge application on farmlands.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to request a public informational meeting with MDE officials. Motion carried.

6) **Efficiency Task Force and Management Review**

The County Administrator advised that the Efficiency Task Force members have been appointed; the consultant for the Management Review is under contract; and that he would now like to schedule the orientation meeting of the group with the Commissioners.

The Commissioners agreed to schedule the meeting for August 21 or 22 and that direction be given to the Task Force relative to which issue should be first addressed by the group.

Because of the delay in making the appointments, Commissioner Brugman indicated that the Resolution establishing the task force and giving deadlines may have to be amended to extend the dates.

7) **Request for Building Permit Fee Refund
Johanna Gardner**

The County Administrator presented correspondence addressed to Johanna Gardner approving her request for a building permit fee refund in the amount of \$206.80 for the replacement of her dwelling which was destroyed by fire.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign the letter approving the refund as presented. Motion carried.

8) **Consent Order and Letter
Potomac River Association (Parcel of Record Litigation)**

Also Present: Joe Densford, County Attorney (outgoing)
Doug Durkin, " (incoming)

The referenced attorneys presented correspondence addressed to the Potomac River Association relative to the negotiations to resolve the pending Parcel of Record legal matter. The letter indicates that the County is in agreement with PRA's latest proposal, with the exception of

reimbursement for legal fees and refers to State law that indicates that without express or implied statutory authority, a county may not expend funds for reimbursement of legal fees. The letter further states that the County is prepared to enter into the Consent Order on the remaining terms.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to sign and forward the letter to PRA as presented, and to authorize the County Attorney to execute the Consent Order. Motion carried.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Litigation (The Skydiving Center), as provided for in Article 4-210(a)8. Motion carried.

Litigation

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Joe Densford, County Attorney
Doug Durkin, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 9:36 a.m. - 10:17 a.m.

Action Taken: The Commissioners discussed the ongoing matter of litigation relative to the Skydiving Center and agreed to take action on a letter in Open Session.

SOUTHERN MARYLAND REGIONAL TOURISM COMMITTEE

Present: Cindy Woodburn, Tourism Development Coordinator, St. Mary's; Russ Mogel, Jr. Charter Boat Captain; John Simpson, Proprietor, Solomons Holiday Inn; Dorothy Casper, Dotty's Craft Shoppe; Joanne Roland, Tourism Development Coordinator, Charles County; Doris White, Charles County Garden Club; Sara Patton, Executive Director, St. Mary's City

The referenced individuals appeared before the Commissioners to present the Southern Maryland Regional Tourism Committee's Annual Report for Fiscal Year 1995. Mrs. Woodburn reviewed the Mission Statement, FY '95 Budget, and Committee Highlights, which included the development of a regional bicycle map and a retreat in April.

A copy of the Report is on file in the Commissioners' Office.

CAR FERRY SERVICE PROPOSAL

Present: Paul A. Tobin, Chesapeake Bayway Ferry

Mr. Tobin appeared before the Commissioners to present a proposal for a car ferry service between St. Mary's County and Taylor Island, Dorchester County and stated that he was looking at several potential sites in St. Mary's. He explained that this would be a year-round service with two 30-car capacity ferry boats making frequent runs for a distance of 11 to 14 miles depending on the site in St. Mary's. Mr. Tobin showed a video of a successful car ferry operation at Dauphin Island, Alabama which crosses Mobile Bay.

The Commissioners thanked Mr. Tobin for his presentation and requested to be kept informed of his progress.

INTERIM ARCHIVES STORAGE PROPOSAL

Present: Charles Wade, Director of Finance

As a follow up to previous discussion Mr. Wade appeared before the Board to present a proposal to solve the interim storage space needs of the County. He pointed out that the current storage at the archives will be at capacity in January 1996. As suggested by the Commissioners Mr. Wade noted he had contacted a local storage vendor who had expressed an interest in providing storage but indicated he does not have the capability at this time.

Alternatives for archives storage included the old Hollywood Elementary School (\$317,000 for full use/\$224,000 for use of half of the facility); or an Interim Option using the Old Armory Range which would cost \$22,000. He pointed out the advantages of using the Old Armory--no disruption of service, no cost to move current records, conversion would be complete in 90 days.

During discussion of a long-range solution to the storage problem, Mr. Wade suggested combining the archive effort with the Board of Education, the Community College, and St. Mary's County and to have a "Make or Buy" analysis which would determine whether the archiving function should be performed by the library or by a contractor.

After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to go forward with the \$22,000 expenditure to use the Old Armory for interim archive storage and to research a long-range solution to the storage problems. Motion carried four to one with Commissioner Eagan voting against stating she believed the project should be competitively bid.

Later in the meeting on behalf of the Director of Finance, Mr. Loker presented Budget Amendment No. 96-2 in the amount of \$22,000 for conversion of the Old Armory Shooting Range to Archives Storage. The Commissioners deferred action on the Budget Amendment until next week.

ST. MARY'S COUNTY AIRPORT - THE SKYDIVING CENTER LEASE

Present: Dave Seeman, Chair, Airport Commission
Joe Densford, County Attorney (outgoing)
Doug Durkin, " (incoming)
Art Bildman, FBO

The referenced individuals appeared before the Commissioners to advise that the Lease and Operating Agreement between the Board of County Commissioners and The Skydiving Center of Greater Washington, D. C. will be expiring on September 22, 1995. Mr. Seeman indicated that the Airport Commission at its August 1 meeting recommended that the current lease not be renewed, but that the Center reapply for a new lease under the new Minimum Standards.

Mr. Densford explained that after much effort and cooperation and a public hearing process new rules and minimum standards were adopted by the County Commissioners on August 16, 1994 and went into effect September 16, 1994. The Rules and Minimum Standards were reviewed by FAA, which had no objections.

Mr. Densford pointed out that subsequent to adoption of the Rules and Minimum Standards, the County received an application for a lease by Aircraft Refinishing Technologies requesting renewal of an existing lease; however, the County required ART to apply for a new lease under the new Rules and Minimum Standards. He indicated that all future requests for lease renewals will be required to comply with the new Rules and Minimum Standards.

After discussion Mr. Densford presented correspondence addressed to The Skydiving Center advising that since leases must now conform with the Minimum Standards, the Commissioners would not exercise its right to extend the term of the Center's lease beyond September 22, 1995. The letter further indicates that if the Centers wishes to continue operating at the airport as an FBO, it must submit an application for a new lease and all information required by the Minimum Standards.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to accept the recommendation of the Airport Commission to not renew the current lease of the Skydiving Center and to require an application for a new lease if it wishes to continue operating at the Airport. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letter to the Skydiving Center as presented by the County Attorney. Motion carried.

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director, Recreation and Parks

1) **Festival of Lights Proposal**

Also Present: Claude Clark, Recreation Facility Manager
Gary Weaver, MOSCA Design

The referenced individuals appeared before the Commissioners to present a proposal for a "Festival of Lights" program at the Chancellors Run Regional Park during the Christmas holidays and to request the Board's endorsement of the project. The event would involve people driving their cars through the park to view illuminated decorations of Christmas and holiday scenes and characters. Mr. Weaver displayed pictures of sample lighted decorations including gingerbread people, candy canes, toys, Santas and elves.

Mr. Clark indicated that no county funds would be involved, but would come under the umbrella of the Recreation and Parks Enterprise Fund. He further pointed out that a fee would be charged per car (suggested price: \$5)

In closing the Commissioners indicated concurrence with the concept of a "Festival of Lights" program, and Mr. Rollins stated he would return to the Board with financial details at a later meeting.

2) **Parks and Recreation Facilities Planning and Development Funding**

Also Present: Tim Browere, Department of Natural Resources

As a follow up to previous discussions, Mr. Rollins briefed the Commissioners on the history of the Land Preservation and Recreation Master Plan stating it was adopted by the Commissioners March 16, 1993. He explained its purpose and advised that the Plan, along with the Comprehensive Plan, serves as a key planning document for land use in the County.

With regard to funding for park development and facilities, Mr. Rollins explained the Program Open Space funding, which is a 25-year old continuous program to assist in the preservation of open space. He explained the funding formulas, the county's share and the allowable uses. In addition Mr. Rollins reviewed the County's Park Impact Fee, \$300 of the \$2,000 total county impact fee, including average totals per year, and indicated that approximately \$540,000 is available per year through POS fund and the county's impact fee.

During his presentation Mr. Rollins explained the costs to the county to maintain parks and public grounds and displayed a chart indicating the use of county tax dollars for Recreation and Parks as contained in the Fiscal Year 1996 Budget.

Discussion ensued as to whether to meet in Executive Session to discuss specific POS funding for possible acquisition of the Myrtle Point property.

Mr. Browere explained that in addition to the POS funds, there were three other programs in the State's budget in the total amount of \$1.42M: Bay Access; Patuxent Natural Resources Management Area; and Advance Options Purchase Funding. He indicated that the only probable possibility of funding in addition to the \$1.2M POS funding would be from the Bay Access or the Patuxent Natural Resources projects.

After some discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session for preliminary discussion of property acquisition. Motion carried three to two with Commissioners Jarboe and Brugman voting against.

During discussion of the motion for Executive Session, Viki Volk of the Enterprise questioned the justification for Executive Session because she believed that since it was discussion of public dollars it should be held in open session.

Mr. Browere explained that the line items in the budget were for state projects; however, information relative to the negotiations with specific property owners was not part of the public record.

In response to inquiries from the Commissioners Mr. Browere advised that the bottom line figure in the state budget for those projects was in the amount of \$1.42M and that up to \$800,000 could be available if funds were redirected from those projects not finalized.

Having heard the upper limit of additional funds which could be made available by the State the Commissioners decided that an Executive Session was unnecessary.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Consideration of Appointments to Boards, Committees, Commissions), as provided for in Article 4-210(a)1. Motion carried three to two with Commissioners Jarboe and Brugman voting against.

Personnel

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Judith A. Spalding, Recorder

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

Time Held: 1:30 p.m. - 2:15 p.m.

Action Taken: The Commissioners discussed appointments to Boards, Committees, and Commissions, made nominations, directed staff to contact the nominees and prepare appropriate letters of appointment.

7:00 P. M.

**PUBLIC HEARING
MYRTLE POINT PROPERTY COMPROMISE PROPOSAL**

Present: Phil Rollins, Director, Recreation and Parks
(Sign In Sheet of Interested Citizens on file)

The Board of County Commissioners conducted a public hearing to receive public comment on a proposed compromise for the acquisition of 73 acres for park use with the remaining 119 acres to be developed as a PUD at Myrtle Point.

Mr. Rollins reviewed the proposal including proposed park uses, analysis of the sites, and pointed out that the southeast area fronting on the Patuxent River is considered to be the best site.

After the presentation Commissioner Thompson gave the background of the project and explained the rules of the hearing.

The hearing was opened for public comment:

Lee Sodenberg (representing St. Mary's Garden Club) - In favor of keeping Myrtle Point as a natural preserve

Julia King - The 73-acre compromise does not protect the whole site and urged the Commissioners to consider the value of irreplaceable resources.

Robert Thompson - Requested Commissioners to endorse concept of the park; not in favor of compromise proposal.

William D. McGarity (Myrtle Point Task Force) - That the 200-acre park was the compromise not the 73-acre proposal.

Tim Fullerton - That if the County pursues the 73-acre compromise it would be irrevocable and there would never be another opportunity for public ownership at that site.

Leonard Kohl - In favor of preservation of the 200-acre site as a park and for historical preservation of Harveytown.

Julie Hatch - Would like to keep all 500 acres as a park. Presented the Commissioners with a \$1,000 check towards the purchase.

Mildred Lindner - In support of the protection of Myrtle Point and that the entire site should be saved from development.

Roy Guyther (St. Mary's Historic Preservation Commission) - That the Commission recommended the Commissioners purchase and protect the site.

Laura Shaw - That the County cannot afford to patrol the property from the criminal element from Washington, D. C. Referred to other park sites that were available in the County.

Doug Capone - Moved to county for better quality of life and urged Commissioners to explore all avenues to preserve as much of Myrtle Point as possible.

Oliver Guyther - Pointed out the legal ramifications of the property; reviewed the financing of the park through Program Open Space; was not in support of a 200-acre park.

Tom Wisner - Supported preservation of the property. (Sang a song about nature to the Commissioners)

Erik Jansson (Potomac River Association) - 73-acre compromise is too small; it was his opinion that the zoning for the PUD had expired.

Deb Johnson - 73-acre park is not acceptable; 200 acres is the only compromise she would accept.

Larry Brown - That the County has 5,000 acres of publicly owned land; if land was developed, he would recommend that a conference center be built which would bring in revenues to the county.

Robert Elwood - In support of 200-acre compromise

Larry Pinto (representing Commission on Environment) - Advised that he submitted an Analysis of Environment and Community Issues; COE supports acquisition of Myrtle Point as a nature park; 73-acres does not meet anyone's needs and does not protect the property; recommended that the Commissioners go forward and research available funding to buy the property.

Tom Mattingly - Opposed to the County purchasing Myrtle Point

Coleman Hillam - Supported acquisition of property as a park; presented Commissioners with a "model" of the property (park versus development).

Joseph Anderson - In favor of 200-acre park

Keith McGuire - Opposed to 73-acre compromise; supported 200-acre park

Ken Hastings - Suggested that the County would be better off to purchase 200-acre park even if no money is spent on park development.

Lois Field (adjacent property owner) - Opposed to having a park at Myrtle Point.

Betty Robrecht - In support of 200-acre nature park and not 73-acre park

Merv Hampton - Referred to draft *Sensitive Areas Plan* which is part of the *Comprehensive Plan*; expressed support of 200-acre nature park.

Karen Reisinger - 73-acre is not a compromise; preferred 200-acre compromise; concerned about impact of development on the environment.

Brian Clarke - That all positions on the park have their valid points; the 200-acre park would take away the value of the land; that the Commissioners should bring together all of the issues and should establish a framework beyond the public forum.

Jack Witten - In support of 200-acre park; concerned about the rules for the public hearing and a level playing field for all parties; that the Commissioners' actions regarding the 73-acre compromise was an affront to the volunteers of the various boards who had put forth so much work in this effort (Planning Commission, Recreation and Parks, Commission on Environment, Historical Preservation Commission).

Scott McGuire - In support of the County's purchase of the 200 acres; does not support the 73 acres.

Edward Dowgaillo - In support of the 200-acre park

Mary Jansson - In support of the county's acquisition of the 200-acres

David Heidlebach - Opposed to 73-acre compromise; disappointed in handout because it did not give enough information

Bonnie Bick (Maryland Conservation Council) - Supported 200-acre park for Myrtle Point; open space increases the value of the property.

Ed Monahan - Opposed to County acquiring Myrtle Point; pointed out legal ramifications; suggested that other areas be investigated for a park.

Sigrun Sharp - Opposed to 73-acre park; preferred 400-acre park

Leon Carrington (Myrtle Point Task Force) - Task force supported 200-acre park based on sound vision

Steve Nystrom - Supported 200-acre park.

Ray Hanbury - Commissioners should not buy any acreage at Myrtle Point.

Ed Houde - In support of 200-acre park; Commissioners should explore the possibility of acquiring the property.

Scott Pankiawcz - In support of preservation of Myrtle Point as park land

Robert Perrygo - That the total 211 acres of Town Point Farm be purchased by the County as a nature park.

John Szarejko - In support of 200-acre park

Tom Howard - That his engineering firm has remained impartial; advised that permanent easements will be put on archaeological sites which will be placed on the deed when the property is conveyed.

Peg Lang - Offered to write check for \$1,000 for the park; supported the acquisition of the property as a park.

Carey Robinson - In favor of 200-acre park

Barbara Clark - Questioned funding sources for the park and questioned the 73-acre compromise.

Leonard Greess - Requested the Commissioners to give tentative support to the 200-acre park stating that other groups may be interested but are reluctant to proceed without Commissioners' support of the project.

Lee Dyson - Supported purchased of 200-acres for a park

The public hearing was closed at 10:40 p.m. The record will remain open for written comments for ten days, after which the Commissioners will schedule discussion.

ADJOURNMENT

The meeting adjourned at 10:40 p.m.

**Minutes Approved by Board of
County Commissioners on 8/15/95**
Judith A. Spalding
Recording Secretary

[The text in this section is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text per paragraph. The content is not discernible.]