

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
AUGUST 15, 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 Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, August 8, 1995. Motion carried.

APPROVAL OF BILLS

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

HURRICANE FELIX UPDATE

Present: Paul Wible, Director, EMA

Mr. Wible appeared before the Commissioners to provide an update relative to Hurricane Felix, which is approaching the east coast. He stated that there was a possibility that the Bay would be impacted by the storm with winds at 23 - 34 miles an hour and high tides

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

- 1) **St. Mary's Public Schools**
Fiscal Year 1996 - Inclusion of Grant

The County Administrator advised that correspondence dated March 9, 1995 was received from the Superintendent of Schools advising that grant awards for the following projects (Programs to Reduce Disruption - \$5,000; Educationally Deprived - Program Improvement - \$26,664; Title I - \$1,233,547) had been received which had not been included in the Approved Operating Budget for Fiscal Year 1996. The letter requests permission to incorporate this grant award into the '95 budget.

Therefore, County Administrator Loker presented return correspondence approving the inclusion of the grant award into the Fiscal Year 1996 budget.

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

2) **Fiscal Year 96 Literacy Works Grant Application**

The County Administrator presented the referenced Literacy Works Grant Application for Fiscal Year 1996 in the total amount of \$8,956. The Grant will be used for the Literacy Works Coordinator/Teacher. No County funds are required.

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

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

As a follow up to last week's discussion the County Administrator presented a revised 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. However, the letter does request a public informational meeting on the general issue of sewage sludge application on farm land.

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

4) **Budget Amendment No. 96-2
Public Works**

As a follow up to last week's discussion regarding the interim proposal for archives storage, the County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: For the conversion of Old Armory Shooting Range to Archives Storage (\$22,000).

Commissioner Chesser moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Thompson to sign the Budget Amendment as presented. Motion carried four to one with Commissioner Eagan voting against stating that the \$22,000 had not been budgeted.

5) **Letter of Appreciation
Housing Authority - Tax Credit Program**

The County Administrator presented correspondence addressed to the St. Mary's County Housing Authority expressing appreciation for the development of criteria for a local review and ranking process for tax credit financing proposals.

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

6) **Letters of Appreciation
Donations - Myrtle Point**

The County Administrator presented letters of appreciation to those individuals who submitted contributions of \$1,000 toward the purchase of a park at Myrtle Point.

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

7) **Appointments**

Commissioner Chesser moved, seconded by Commissioner Eagan, and motion carried, to make the following appointments with terms as indicated.

<u>Sheriff's Department Pension Plan Board of Trustees</u>	<u>Term to Expire</u>
W. Aleck Loker	No Term
<u>Zoning Board of Appeals</u>	
David E. Butler	12/31/95/99
Lawrence E. Rowland	12/31/96/2000
Owen T. Miller (Alternate)	12/31/98/2002

8) **Letter of Appreciation
Zoning Board of Appeals**

Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward the letter of appreciation to Shane Mattingly for his service on the Board of Appeals which has come to an end because of his resignation. Motion carried.

9) **St. Mary's County Health Department
Mental Health Authority**

The County Administrator presented correspondence responding to a July 21 letter from Dr. Marek relative to funding for the Mental Health Authority. The return letter indicates that the Commissioners consider the Health Department to be the most knowledgeable agency in the area of health services and therefore authorizes the Health Department to make decisions regarding the allocation of appropriated funds to various activities.

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

9) **Eagle Scout Award
Gary Williams**

The County Administrator presented correspondence addressed to Gary Williams congratulating him on his achievement of receiving the Eagle Scout.

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

10) **Letters of Appreciation
Fire/Rescue Appreciation Day**

The County Administrator presented letters of appreciation to businesses for generous monetary donations to the Fire/Rescue Appreciation Day held Saturday, August 12.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Railroad Right-of-Way Easement Agreement
Applebee's**

Mr. Ichniowski presented an Easement Agreement between The Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc. and Wal-Mart Stores, Inc. granting Applebee's access across the railroad right-of-way for the construction of two driveways for the Applebee's Restaurant on Route 235, Eighth Election District.

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

2) **Space Needs Plan
Presentation Outline**

In preparation for the August 22 public hearing on the Space Needs Study and Judicial Center proposal, Mr. Ichniowski presented an outline for the presentation. The Commissioners requested handouts for the hearing indicating the various alternatives with related costs; costs for rentals (maintenance/leases) versus ownership. The handout will also include the Space Needs Task Force's recommendations.

3) **Public Hearing
Mulberry South Subdivision Special Taxing District**

Also Present: Sharon Anderson, property owner
Cinda Raley, "
Peter Worch, "

The Commissioners conducted a Public Hearing on the proposed establishment of a Special Taxing District for road improvements for Philip Lane and Helen Lane in Mulberry South Subdivision. Mr. Ichniowski advised that a petition signed by 12 owners of the 23 lots (15 property owners in Mulberry South) was received. During review of the project Mr. Ichniowski advised that the total cost of the project was \$164,382 (\$4,760 - County; \$259,622 - Property Owners) to be amortized over a 20-year period.

After the presentation the hearing was opened from comments from the public.

Ms. Anderson indicated that the property owners interests were different than the developers, stating that the property owners were concerned about the safety aspects.

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

COUNTY COMMISSIONERS' TIME

Passing of G. Bradford Reeves

Commissioner Chesser expressed his condolences on the recent passing of Bradford Reeves and commented on the many contributions Mr. Reeves had made to the community.

Car Ferry Boat Service

Commissioner Jarboe indicated that he has received many positive comments in the community regarding the car ferry boat service proposed by Paul Tobin at last week's meeting. He inquired as to what assistance the County could provide to help Mr. Tobin accomplish his goal of providing this service from St. Mary's to the Eastern Shore.

The Commissioners suggested that the Economic Development Commission and the Chamber of Commerce could assist him.

Southern Maryland Agriculture Commission

Commissioner Thompson advised that correspondence was received from Tri-County Council requesting the appointment of a County Commissioner to serve on the Southern Maryland Agricultural Commission.

Commissioner Brugman moved, seconded by Commissioner Eagan, to nominate Commissioner Lawrence D. Jarboe to serve on the Southern Maryland Agricultural Commission. Motion carried.

DEDICATION OF NEW ALLIANCE DRUNK DRIVING STATISTICS SIGN

The Commissioners attended the dedication of the new Alliance Drunk Driving Statistics Sign at the Maryland State Police Barracks in Leonardtown.

**BUILDING AUTHORITY
NURSING CENTER ELEVATORS**

Present: Aleck Loker
Douglas Durkin
Jon Grimm
Dan Ichniowski
Charles Wade

The referenced members of the Building Authority appeared before the Board relative to the issue of repairs to the Nursing Center elevators and the question of responsibility for payment. Mr. Wade advised that the Building Authority at its August 7 meeting made the following recommendations to the Commissioners:

- To approve the Nursing Center's recommended contract with Montgomery Kone to modernize the elevators at a cost of \$51,700 with certain stipulations.
- To loan the Nursing Center \$51,700 at such time as the Center demonstrates a cash flow problem to justify the need.
- To sign a letter to the Nursing Center concurring with the Nursing Center's recommendation that the contract be award to Montgomery Kone in the amount of \$51,700; that the contractor provide future maintenance on the elevators; and that the County provide a loan to the Nursing Center at the time the Nursing Center demonstrates a cash flow problem requiring the loan.

After discussion and review of regulations governing the Nursing Center and the County Code relative to the Building Authority, Commissioner Chesser moved, seconded by Commissioner Eagan, to sign and forward the letter to the Nursing Center as presented. Motion carried.

**CORRESPONDENCE TO TOWN OF LEONARDTOWN
THE VILLAGES OF LEONARDTOWN**

Present: Jon Grimm, Director, Department of Planning and Zoning

As a follow up to the July 18 public hearing and the August 9 continuation of the public hearing on the amendment to the Comprehensive Water and Sewer Plan for the referenced matter, Mr. Grimm presented correspondence addressed to the Town of Leonardtown. The letter indicates that the issue of possible annexation of the property to Leonardtown was discussed at the hearing and Town Council members had expressed some reservations about the Town's potable water supply and wastewater treatment plant. The letter requests the Town's formal response relative to the Town's capability to provide adequate water and sewer to the referenced subdivision should the applicant proceed with the annexation process.

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

**THE SKYDIVING CENTER
LEASE AT COUNTY AIRPORT**

Present: Cynthia Gibson, The Skydiving Center

As a follow up to action taken by the Commissioners at last week's meeting, Ms. Gibson appeared before the Board to discuss The Skydiving Center's lease at the St. Mary's County Airport. She requested the Commissioners to reconsider its motion of last week to not renew the Skydiving Center's lease at the St. Mary's County Airport, but to require a new application under the new Rules and Minimum Standards. She clarified that the Center is not saying that a new lease is not required, but was taking the position that a new lease should not be issued using the new Rules and Minimum Standards. She further suggested that a method be developed for the Commissioners and the Center to work together without having to resort to legal action.

Ms. Gibson addressed several issues relative to operations at the Airport including:

- That the Center has filed a Part 13 Complaint with FAA
- That the Center believes the Rules and Minimum Standards are discriminatory against the Center
- That the Rules and Minimum Standards were not in compliance with the Grant Assurances
- That the Grant Assurances document does not require a lease for a business to operate at the Airport
- That the provision in the Rules and Minimum Standards regarding the requirement for a building cannot be met because the Health Department will not allow additional buildings because of the lack of adequate sewage facilities.
- That the parking requirement cannot be met.
- That the County consider allowing the Skydiving Center to operate at the Airport until the issue of the legality of the Rules and Minimum Standards has been resolved.
- That if the County chooses to enforce the Rules and Minimum Standards, about which the Center has serious questions, the Center's only recourse would be to go Court to request an Injunction.

In concluding her presentation Ms. Gibson indicated that if the Commissioners were unwilling to reconsider its motion of last week, to at least revise it regarding the implication that the Center's business operation would be interrupted lacking a new or renegotiated lease.

Commissioner Thompson explained the County's process in developing the new Rules and Minimum Standards pointing out the public hearing, public meetings, and that adjustments were made to the documents based on comments received. She further pointed out that FAA had reviewed the documents and FAA had not indicated to the County that they were illegal.

Ms. Gibson indicated that the Skydivers were not saying that due process was not followed.

In closing Commissioner Thompson that unless other action by the Commissioners the motion of last week stands and the deadline for submission of an application for a new least remains.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Sheriff's Department), as provided in Article 4-210(a)1. Motion carried three to two with Commissioner Brugman and Jarboe voting against.

Personnel - Sheriff's Department

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
Douglas Durkin, County Attorney
Sheriff Richard Voorhaar
Benjamin Voorhaar
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 12:30 p.m. - 1:45 p.m.

(Sheriff Voorhaar and Benjamin Voorhaar left the meeting at 1:07 p.m.)

Action Taken: The Commissioners discussed a personnel issue with the Sheriff and agreed to meet in Open Session to direct staff to prepare correspondence to the Sheriff.

SHERIFF'S DEPARTMENT PERSONNEL REQUEST FOR FORMAL OPINION

Present: Sheriff Richard Voorhaar

As a follow up to the Executive Session Commissioner Brugman moved, seconded by Commissioner Eagan, to direct staff to prepare correspondence to the Sheriff requesting that he obtain a formal opinion from the State Ethics Commission relative to his hiring request. Motion carried.

Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the letter once it is prepared by the County Attorney. Motion carried.

ADJOURNMENT

The meeting adjourned at 2:00 p.m.

Minutes Approved by Board of
County Commissioners on 8/22/95
Judith A. Spalding
Recording Secretary