

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 19, 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 9:50 a.m.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8. Motion carried.

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
Aleck Loker, County Administrator
Doug Durkin, County Attorney
Bil Chen, Attorney, LGIT
Judith A. Spalding, Recorder

(Dave Seeman, Chair, was present from 10:00 a.m. - 10:40 a.m.;
Bill McHugh, consultant, was present from 11:55 a.m. - 12:55 p.m.)

Authority: Article 24, Section 4-210(a)8
Time Held: 10:00 a.m. - 1:35 p.m.
(continued 5:35 p.m. - 5:50 p.m.)

Action Taken: The County Attorney discussed various aspects of the referenced matter of litigation.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, September 12, 1995. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

1) Response Letters

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

- To Norval Pagenhardt regarding his concerns relative to the opening/closing of Elms Beach.
- To Ed Kurtz regarding his request for the establishment of a public shooting area preferably at St. Mary's River State Park.

Commissioner Jarboe recommended amending the letter to indicate that the Commissioners had submitted correspondence to the Department of Natural Resources supporting the Sheriff's shooting range and public hunting at the designated "wildlands" at St. Mary's River State Park.

- To Luvina Lacey regarding her concerns about the WIC Program.
- To Vernon Gray regarding his submission of proposals for the County's 1996 Legislative Package.
- To Kathy Saini regarding her request for school bus transportation for children living in Breton Bay who are attending Mother Catherine Spalding.
- To students and teacher expressing appreciation for contributions to be designated for a park at Myrtle Point.

Commissioner Eagan read a statement regarding the money attached to the students' letters, which was not the student's money, but the teachers. She believed that the teacher should not have used the students to deliver these funds, but should have directly contributed the money for Myrtle Point.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letters as presented with the exception of the letter to the Hollywood students and to amend the Kurtz letter as recommended. Motion carried.

Later in the meeting Commissioner Eagan moved, seconded by Commissioner Brugman, to sign and forward the amended letters to the Hollywood students which deleted the reference to money. Motion carried.

2) Marcey House FY '96 Budget Request

The County Administrator presented the Fiscal Year 1996 Budget Request #2 to the Alcohol and Drug Abuse Administration which is for level funding in the amount of \$151,890.

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

3) **Approval of Bylaws**

The County Administrator presented correspondence to the Chairs of the Mental Health, Substance Abuse and Victims Advisory Council and the Community Services Coordination Committee approving the revised bylaws for those boards.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign the letters as presented. Motion carried.

4) **Telecommuting Center**

The County Administrator presented correspondence addressed to Dr. Sine, President, Charles County Community College advising that the Commissioners were unable to attend the joint meeting with Calvert County on the telecommuting plans for Southern Maryland. The letter indicates that Mr. Norfolk attended the meeting on the Commissioners' behalf.

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

5) **Resolution No. 95-41
Water Quality Bond, Series 1995**

As a follow up to a previous presentation, the County Administrator presented a Resolution of the Board of County Commissioners concurring in the passage and adoption of a Metropolitan Commission Resolution authorizing the issuance and sale of Water Quality Bond, Series 1995, not to exceed \$4,500,000, to be used for wastewater treatment facilities in Lexington Park.

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

6) **Budget Amendment No. 96-6
Social Services**

The County Administrator presented the referenced Budget Amendment with the following justification: To provide funds for burial assistance (\$474).

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

ST. MARY'S COUNTY FAIR

Present: John Richards, President, Fair Board
Elwood Cusic, "

Mr. Richards and Mr. Cusic appeared before the Commissioners to invite them to attend the 49th Annual St. Mary's County Fair which is being held September 21 through 23.

**ST. MARY'S PUBLIC SCHOOLS
CAPITAL IMPROVEMENT PROGRAM**

Present: Dr. Joan Kozlovsky, Superintendent of Schools
Brad Clements, Supervisor, School Facilities

The referenced representatives of St. Mary's Public Schools appeared before the Board to present the Public Schools Capital Improvement Program for Fiscal Years 1997 - 2002. Mr. Clements reviewed the CIP, which he stated was designed to address increased enrollment and to

modernize aging facilities. Estimated costs of the Fiscal year 1997 -2002 State Capital Improvements is \$87,131,000 with the State's share at \$49,183,000. Project requests for Fiscal Year 1997 include Great Mills High School Addition/Renovation; Piney Point Elementary School Addition/Renovation; Piney Point Elementary School Relocatable Classrooms; Chopticon High School Addition/Renovation; Oakville Elementary School Pre-Kindergarten Addition; Systemic Renovations; and Esperanza Middle School Addition/Renovations. Total cost for Fiscal Year 1995 is \$14.701M (State - \$8.371M; Local - \$6.339).

After the presentation Dr. Kozlovsky requested the Commissioners' approval and signatures on the Resolution indicating the County's intent to provide necessary funding of the CIP.

Discussion ensued as to the County's commitment by signing the Resolution and Commissioner Eagan inquired whether the County had an "out" should the funding not be available. The County Attorney was directed to address this issue prior to the Commissioners' making a decision to sign the Resolution.

MARYLAND YOU ARE BEAUTIFUL VOLUNTEER RECOGNITION CEREMONY

Present: Cynthia Brown, Director, Office of Community Services
Floraine Applefeld, Director, Maryland You Are Beautiful

Presentations were made to the following individuals recognizing this as St. Mary's County's Most Beautiful People: Bill Brubacher; Mary Rita Delozier; Pat Fritter; Louis F. Harris; Robert M. Loker; Audrey Ridgell; Ann and Stan Schrader; Shirley Wood; and Laura Roys (Grand Winner).

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Airport Runway Extension
Project Application**

Mr. Ichniowski presented and explained the Airport Runway 29 Extension Project Application to be submitted to Federal Aviation Administration. The project includes a 900-foot extension of the runway; overlay and widening; grading of runway 11 safety area; rehabilitation of medium intensity runway lighting; runway end identifier path indicators; and installation of precision approach path indicators. The project is funded 90% FAA; 5% SAA; and 5% local funds; local share being paid through the County's Capital Improvement Program.

Mr. Ichniowski reviewed local sponsor/project requirements which includes acceptance and compliance of the federal grant assurances. He pointed out that there are 35 standard grant assurances in this application and review them with the Commissioners. In addition Mr. Ichniowski reviewed the project schedule with construction to begin November 1995 and completion by September 1996.

In conclusion Mr. Ichniowski requested approval by the Board to authorize Commissioner Thompson to sign the Grant Application and the Grant when it is received.

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

2) **Space Needs Study**

As a follow up to previous discussions, Mr. Ichniowski presented additional information and data relative the space needs of county government. Information included rent versus buy analysis; revalidation of space needs; cost update; life cycle costs; and qualitative items. Included in his presentation were three alternatives: (1) new judicial center at Governmental Center and renovation of existing courthouse for Bd/Ed; (2) renovation of existing courthouse for circuit court and addition to existing courthouse; (3) new, reduced size judicial center and renovation of existing courthouse for county offices. In addition Mr. Ichniowski reviewed factors affecting location including: availability of land; ability to accommodate future expansion; parking; accessibility; and costs.

In closing County Administrator Loker suggested that there be a facilitated discussion of space needs with possible decision at the Commissioners' meeting next week (September 26). The Commissioners agreed to add the item to the September 26 agenda.

**AIRPORT COMMISSION
THE SKYDIVING CENTER LEASE AND OPERATING AGREEMENT**

Present: Dave Seeman, Chair, Airport Commission
Bill McCarthy, Chair, Lease Subcommittee
William McGarity, Airport Commission
Richard Wilson, "

The referenced members of the Airport Commission appeared before the Board to present its recommendation relative to The Skydiving Center's Lease and Operating Agreement, which expires September 22, 1995. Mr. Seeman presented a memorandum dated September 18, 1995 indicating that the Commissioner had received the Skydiving Centers application for a new lease, which was reviewed by a subcommittee and the full commission. Based on the information supplied by TSC, Mr. Seeman advised that the Commission recommends that the Skydiving Center's application for a new lease be denied for reasons stated in the memorandum and because of TSC's failure to comply with specific application requirements set forth in the Minimum Standards.

During his presentation Mr. Seeman also indicated that the Commission had strong concerns about safety relative to the Skydiving Center and referred to the County's rebuttal pointing out safety issues to TSC's Part 13 filed with FAA.

After the continuation of the aforementioned Executive Session Commissioner Jarboe moved, seconded by Commissioner Eagan, and motion carried, to approve the following Statement of the Board of County Commissioners:

**STATEMENT OF THE BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 19, 1995**

The September 22, 1990 Operating and Lease Agreement between The Skydiving Center of Greater Washington, D.C., Inc. and the Board of County Commissioners of St. Mary's County expires on September 22, 1995, and will not be extended or renewed.

The Board of County Commissioners are not in a position today to enter into a new contract with The Skydiving Center because The Skydiving Center has failed to provide sufficient information required by the Minimum Standards applicable to airport leases, such as preliminary plans for intended improvements and a credit report so as to permit the Board of County Commissioners to give meaningful consideration to the application of The Skydiving Center. Nonetheless, the Board of County Commissioners will allow The Skydiving Center another 30 days to supply more completely the information required by the Minimum Standards.

Upon receipt of sufficient information by The Skydiving Center, hopefully the Board of County Commissioners will then be in a position to make a determination regarding a new contract with The Skydiving Center.

The Skydiving Center will be permitted to continue their current operations at the St. Mary's County Airport for 30 days from September 22, 1995. Under all circumstances, the Board of County Commissioners will not interfere with The Skydiving Center's federal right of access to the St. Mary's County Airport.

The Board of County Commissioners has received the Airport Commission's recommendation and acknowledges the good faith efforts of the Airport Commission and the individual members, and believes that many, if not all, of the points made by the Airport Commission are meritorious. The Board of County Commissioners is troubled by matters reported by the Airport Commission, both in its written memo of September 18, 1995 and on record here today. The Board of County Commissioners is appreciative of the time and effort expended by the Airport Commission in carrying out its important responsibilities.

The Board of County Commissioners receives advice from other advisors, including legal counsel. It is the responsibility of the Board of County Commissioners to consider all advice received. Based upon all advice received, and considering foremost the best interest of St. Mary's County, the Board of County Commissioners has taken the action as just described.

The Board of County Commissioners hereby directs the County Administrator to prepare a letter to The Skydiving Center explaining the actions taken here today.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (County Administrator's Office). Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Personnel - County Administrator's Office

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: 5:50 p.m. - 6:05 p.m.

Action Taken: The Commissioners discussed a personnel item within the County Administrator's Office.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Personnel (Sheriff's Department Promotions). Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Personnel - Sheriff's Department Promotions

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
Sheriff Richard J. Voorhaar
George Foster, Personnel Officer
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 6:17 p.m. - 6:55 p.m.

Action Taken: The Sheriff and Personnel Officer discussed recent promotions within the Sheriff's Office.

**SHERIFF'S DEPARTMENT
PROMOTIONS**

Present: Sheriff Voorhaar
George Foster, Personnel Officer

After the Executive Session Commissioner Brugman moved, seconded by Commissioner Chesser, to approve the promotions in the Sheriff's Department as outlined in September 18 correspondence from Sheriff Voorhaar and to make the promotions retroactive as indicated in the memorandum. Motion carried.

**COUNTY ADMINISTRATOR
EVALUATION PROCESS**

Commissioner Jarboe moved, seconded by Commissioner Brugman, that the Commissioners will provide input to the President of the Board for the evaluation of the County Administrator. Motion carried.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Minutes Approved by Board of
County Commissioners on 9/26/95

Judith A. Spalding
Recording Secretary