

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
NOVEMBER 7, 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 1:00 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the minutes of Tuesday, October 31, 1995.

APPROVAL OF BILLS

Commissioner Jarboe 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 Marian McKay regarding request for change in mailing address and forwarding her request to U. S. Postal Service
- To Starmaker Learning Center regarding request for public school bus transportation for three students and advising that transportation services cannot be expanded to serve these two families.
- To Mr. and Mrs. Sean Gardner regarding request for waiver of variance filing fees and advising that the County has no policy for waiving these fees and the request cannot be granted.

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

2) **St. Mary's Nursing Center Board
Subacute Care Beds**

The County Administrator presented correspondence addressed to the Chair of the Nursing Center Board responding to the Board's request for meeting with a Commissioners, which has been scheduled for Tuesday, November 28, 1995. The letter further advises that any position taken by the Nursing Center Board must be done through the Board of County Commissioners.

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

3) **Office on Aging
Senior Health Insurance Counseling Grant
Notification of Grant Award**

The County Administrator presented a Notification of Grant Award in the amount of \$3,000 for the Senior Health Insurance Counseling Program for the period October 1, 1995 through September 30, 1996. . No County funds are required.

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

4) **Budget Amendments**

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

No. 96-17
Recreation and Parks

Also Present: Steve Welkos, Director of Finance
Doug Durkin, County Attorney
Phil Rollins, Director, Recreation and Parks

Mr. Welkos advised that the request was to transfer funds from revenues of Recreation and Parks Enterprise Fund to fund the expansion of the gymnastics center. Because this is a supplemental budget request, Mr. Welkos indicated that because this additional revenue had not been included in the approved FY '96 budget, a public hearing may be required in order to adopt an Ordinance to use these supplemental funds.

County Attorney Durkin, after researching the issue, advised that in accordance with Section 27-6 of the St. Mary's County Code, it was his opinion that a public hearing would be required. He recommended that he contact the County's auditor for an opinion.

After discussion the Commissioners agreed to defer a decision on the budget amendment and whether a public hearing was needed until further research and an opinion was received from the County's auditor.

No. 96-18
Emergency Management Agency

To provide funding for the installation of the 911 tone alert system for Charles and Calvert Counties mutual aid dispatch.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-18 as presented. Motion carried.

No. 96-19
Legal Department

To provide additional funds needed for County Attorney salary expenses, additional equipment needed for temporary employee, and legal expenses incurred regarding airport litigation (\$32,783)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-19 as presented. Motion carried.

No. 96-20

Department of Public Works

To provide additional funds for final close out of Chancellors Run Activity Center Construction Project - Teen Center/Adult Day Care (\$15,339)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-20 as presented. Motion carried.

**5) Sheriff's Department Pension Plan Board of Trustees
Appointments/Letters of Appreciation**

Commissioner Brugman moved, seconded by Commissioner Chesser, to sign the letters appointing Deputy Daniel D. Alioto and Deputy First Class Edward A. Willenborg to the Sheriff's Department Pension Plan Board of Trustees and further to sign and forward letters of appreciation to those individuals no longer serving on the Board of Trustees. Motion carried.

HOMESTEAD TAX CREDIT

Present: Steve Welkos, Director of Finance

Mr. Welkos advised the Commissioners that in 1993 the Homestead Tax Credit law was changed to require counties to annually set and report to the Department of Assessments and Taxation their homestead tax credit percentages. The deadline for setting the percentage is November 15 and is effective for the tax year beginning the following July 1. If a county does not set or notify the State of its percentage the current cap would continue in effect.

Mr. Welkos described the Homestead Tax Credit Program, the conditions under which it can be granted, impact on revenues over the last ten years, and impact on revenues using different tax credit percentages.

In conclusion Mr. Welkos recommended that St. Mary's County retain its Homestead Tax Credit at 110% for Fiscal Year 1997; review property tax burden in the context of FY '97 budget formulation process; and if further property tax relief is deemed appropriate, consider rate reduction; homeowners tax credit program (circuit breaker).

After discussion Commissioner Chesser moved, seconded by Commissioner Thompson, that the Homestead Tax Credit remain at 110%. Motion failed two to three with Commissioners Brugman, Jarboe, and Eagan voting against.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the Resolution setting the Homestead Tax Credit at 105%. Motion carried three to two with Commissioners Thompson and Chesser voting against.

**COMMUNITY DEVELOPMENT BLOCK GRANT
HOLLAND FORREST COMMUNITY CENTER**

Present: Dennis Nicholson, DECD

Mr. Nicholson advised the Commissioners that the St. Mary's County Small Cities Community Development Block Grant in the amount of \$159,322 had been approved by the Governor for the construction of a neighborhood and head start center in the Holland Forrest Landing community. In recognition of this award, he requested each of the Commissioners to sign a brick symbolizing the Commissioners' support and leadership through various housing and community development activities.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Maryland State Route 235
Letter to State Highway Administration**

As a follow up to the Department of Transportation Annual Tour Meeting on October 31, Mr. Ichniowski presented correspondence addressed to the State Highway Administration regarding Maryland Route 235 improvements. The letter requests SHA to consider FDR Boulevard as a four-lane arterial through the Route 235 study area and requests consideration for funding of the project.

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

2) **Airport Capital Improvement Projects**

Mr. Ichniowski presented a pre-application for Federal Assistance in the amount of \$590,000 (90% - state; 5% - state; 5% - local) for the following improvement projects at St. Mary's County Airport: Rehabilitation of transient aprons; installation of automated weather observation system (AWOS); and relocation of access road.

During his presentation Mr. Ichniowski reviewed the funding sources, local sponsor/project requirements and the project schedule.

In conclusion Mr. Ichniowski recommended the Commissioners' authorization for Commissioner Thompson to sign the pre-application as presented.

Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the pre-application for federal assistance as presented. Motion carried.

3) **Charlotte Hall Food Lion
Triangle Drive Abandonment/Realignment**

Mr. Ichniowski advised that in conjunction with the new Food Lion shopping center at Charlotte Hall, the developer has requested the abandonment of approximately 650 feet and to realignment of approximately 250 feet of Triangle Drive in order to improve traffic flow. Mr. Ichniowski stated that since it serves a private business, he indicated that the County should no longer maintain that portion of the road. In order for the project to proceed public notice is required as well as a public hearing in order to adopt an ordinance to relocate and abandon a portion of the road. The developer will be responsible for the costs of advertisement.

The Commissioners gave their concurrence.

4) **Wildewood - Sycamore Hollow
Addendum to Public Works Agreement**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Paragon Builders, Inc. and the Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to November 1, 1996. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$38,000.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Addendum as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining since she is on the Board of Directors of First National Bank of St. Mary's.

5) **Miscellaneous Items**

The Commissioners addressed the following issues with Mr. Ichniowski:

- Signalization at McKay's Shopping Center in Great Mills
- Letter to SHA giving the County's priorities for state projects
- Light signal at Hermanville Road (South gate to Navy Base)

COUNTY COMMISSIONERS' TIME

Agricultural Preservation Certification

Commissioner Jarboe announced that St. Mary's County has received certification for its Agricultural Land Preservation Program.

Sign Ordinance

As a follow up to last week's comments, Commissioner Jarboe referred to correspondence from Chamber of Commerce/Economic Development Commission regarding the Sign Ordinance and inquired when the update of the Ordinance was going to occur. Commissioner Thompson indicated that the Planning Commission will be reviewing it before it comes to the Commissioners which will probably be after the first of the year.

Recycling

Commissioner Eagan referred to a memorandum from Ms. Underwood of the Efficiency Task Force regarding Vernon Gray's suggestion relative to generation of revenue through recycling. Ms. Underwood points out that while recycling is a wise course of action environmentally, she has discovered through research that it would not have a positive impact on St. Mary's revenues.

EXECUTIVE SESSIONS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to meet in Executive Sessions to discuss matters of Litigation (The Skydiving Center; Parcel of Record; Potomac Rive Association; and Quade Variance Appeal), 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
Douglas Durkin, County Attorney
Bil Chen, Attorney from LGIT
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 3:50 p.m. - 6:15 p.m.

Action Taken: The Attorneys discussed the status of the referenced litigation and the Commissioners agreed to continue discussion at next week's meeting.

Litigation - Potomac River Association

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
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 6:15 p.m. - 6:25 p.m.

Action Taken: The County Attorney updated the Commissioners on the referenced legal matter and recommended a course of action to the Board.

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
Aleck Loker, County Administrator
Douglas Durkin, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 6:25 p.m. - 6:35 p.m.

Action Taken: The County Attorney discussed the status of the referenced legal matter and made a recommendation to the Commissioners.

Litigation - Quade Variance Appeal

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
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 6:35 p.m. - 6:40 p.m.

Action Taken: The County Attorney advised the Commissioners on the course of action he would be taking in the referenced legal matter.

**THE SKYDIVING CENTER
LEASE APPLICATION**

Commissioner Jarboe moved, seconded by Commissioner Brugman, to extend the temporary agreement of The Skydiving Center to 5 p.m., November 21 to afford the Board of County Commissioners further time to consider the Agreement Application. Motion carried.

**PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION ORDINANCE**

Present: Steve Welkos, Director of Finance

The Commissioners conducted a public hearing on a proposed Supplemental Appropriation Ordinance to provide additional appropriation authority to the St. Mary's Board of Education in Fiscal Year 1996 for the Great Mills High School Addition/Renovation project in the amount of \$6,667,000. Mr. Welkos explained that the additional authority using available bond authority from the \$20M bond authorization is required by the Board of Education in order to enter into a construction contract for the project. He further explained that the County expects the State of Maryland, through subsequent state budgets, to ultimately finance \$5,241,000 of the appropriation authority.

After comments and questions from the audience, the public hearing was closed. The record will remain open for ten days, after which the Commissioners will take formal action on the Ordinance.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting comments and questions from the audience as follows:

Lee Soderberg/John Horton (on behalf of Citizens Coalition to Preserve Myrtle Point): Advised that the Coalition is working to seek funds to preserve Myrtle Point and offered assistance to the Commissioners. Supported placing the task of negotiations for purchase of the property in the hands of Trust for Public Lands.

Commissioner Thompson referred to correspondence the Commissioners received from the Potomac Rive Association requesting the Commissioners to consider the possibility of downzoning Myrtle Point in order to reduce property values, thereby allowing the county to purchase it at a lower price.

County Attorney Doug Durkin reported that he has researched this issue and advised that downzoning for the purpose of reducing property values would be an involuntary act against the wishes of the property owners and junior lienholders and the Commissioners could be subject to potential liability or civil rights violations. He stated that he advised the Commissioners to refrain from any action to downzone the property for the purpose of reducing property values against the wishes of the property owners and junior lienholders.

Janet Cook - Spoke in support of Sotterley and requested the Commissioners to lend support in getting available resources to help preserve the structure for future generations.

Jay Hanks - Questioned the Attorney's opinion regarding downzoning of the Myrtle Point property pointing that he believed that the property would revert to its original zoning if not developed. He further pointed out that the original developer had taken no steps to develop the property.

County Attorney Durkin referred to the issue of substantial progress and that the infrastructures in place at Myrtle Point and the posting of bonds constituted substantial progress.

Steve Nystrom (Coalition to Preserve Myrtle Point): Public access to Myrtle Point would be an asset to tourism in the County.

Vaughn McCall: Expressed concern regarding pay for bonds issued to construct FDR Boulevard and other infrastructures; referred to computers still in boxes not being used by schools.

Dr. Kozlovsky, Superintendent of Schools advised that the transfer of computers to the schools is being done through SMARTCO and it is looking for volunteers to assist in putting the computers together.

Doug Ritchie: Questioned items for bonding authority and the reference to Judicial Center and FDR Boulevard.

Commissioner Thompson advised that the Judicial Center item was for the expansion of the Courthouse and that FDR has been in the five-year capital improvement program.

Ken Hastings: Submitted recommendations for the County's board and committee appointment process; referred to the Planning Commission's meeting to discuss nominations and whether it was a violation of the Open Meetings Law.

Shelby Guazzo, Planning Commission member, supported executive sessions for the purpose of discussing potential membership to the Commission stating that the members want to insure a well rounded board by looking at education, gender, race, and talents.

Ed Gunde: Emphasized the need for the Commissioners to be careful in making appointments because of possible conflicts of interest.

Bob Thompson: Questioned whether the old Hollywood Elementary School could be used as an elementary or middle school site.

Commissioner Thompson responded that HES was not large enough; Commissioner Eagan suggested that it could perhaps be used for fourth and fifth grades and the new school for first, second, and third grades. Commissioner Jarboe advised that representatives of Leonard Hall will be looking at the site for possible use.

Rae Thompson: Questioned the need for Route 235 improvements and other infrastructures to support the expansion of the Naval Air Warfare Center, stating she did not believe the County would be getting these additional people.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

**Minutes Approved by Board of
County Commissioners on 11/14/95
Judith G. Spalding
Recording Secretary**