

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JANUARY 30, 1996**

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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 Chesser, to approve the minutes of Tuesday, January 23, 1996. Motion carried.

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) **Correspondence**

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

- a. To Residents of Triangle Drive (five) regarding relocation/abandonment of Triangle Drive
- b. To ISO requesting an inspection of the Mechanicsville Volunteer Fire Department and the fire district

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

- c. To Philip H. Dorsey, III, Esq. regarding the public landing at Abell's Wharf/Lover's Point.

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

2) **Boards, Committees, Commissions
Appointments/Letters of Appreciation**

Commissioner Eagan moved, seconded by Commissioner Jarboe, with motion carried, to sign and forward letters appointing the following individuals to boards, committees, commissions with terms as indicated:

Cable Advisory Committee

Douglas E. Ritchie, Jr.

Terms to Expire

12/31/98

Community Health Advisory Committee

Bert Forrest

12/31/98

J. Patrick Jarboe

12/31/98

Joan Kozlovsky

12/31/98

William J. Marek

12/31/98

Historic Preservation Commission

Frank L. Maio

6/30/96/99

Zoning Board of Appeals

Thomas R. Tudor (1st alternate)

12/31/99

Letters of Appreciation

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letters of appreciation to those individuals no longer able to serve. Motion carried.

3) Summer of Safety Arts Camp Grant Application

Also Present: Walt Biscoe, Alcohol Drug Abuse Prevention Coordinator

On behalf of the Alliance for Alcohol Drug Abuse Prevention the County Administrator presented the referenced Witter Bynner Foundation for Poetry, Inc. Grant Application in the amount of \$15,00 for the Summer of Safety Arts Camp.

Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.

4) Health Benefit Refund Distribution

Also Present: Steve Welkos, Director of Finance

The County Administrator advised that the calculations have been completed for the disbursement to county employees for their share of the Blue Cross/Blue Shield insurance premium refund. The total refund amount to be distributed is in the amount of \$141,500 rather than the \$111,000 previously announced. Mr. Loker indicated that funds are available and requested authority to proceed with the disbursement on February 9 to the employees.

The Commissioners gave their concurrence.

**THE SKYDIVING CENTER LEASE APPLICATION
SCHEDULING OF PUBLIC HEARING**

Present: Doug Durkin, County Attorney

Mr. Durkin advised the Commissioners that the public hearing for The Skydiving Center Lease Application had been scheduled for February 13 at 5 p.m.; however, the attorney for TSC and the Gibsons are unavailable on that date and have asked the County to reschedule the hearing.

Later in the meeting after discussion regarding the current temporary lease, and the hearing before the Federal Court Judge, and after the County Attorney's telephone call to the attorney for TSC to get a date he would be available, the Commissioners agreed to reschedule the public hearing to February 13, 1996, 7 pm.. at the Carter State Office Building.

Relative to the temporary lease for TSC, Commissioner Eagan moved, seconded by Commissioner Chesser, to grant an extension of TSC's current temporary lease for one week. Motion carried.

**COMMENDATION
VISTA WORKER**

Present: Fredika Hall, VISTA Worker

The Commissioners presented a Commendation to Fredika Hall for her service as a Vista Worker with the Alliance for Alcohol Drug Abuse Prevention Office.

**PROCLAMATION
KNIGHTS OF COLUMBUS**

The Commissioners presented the referenced Proclamation designating January through March as the 36th Annual Southern Maryland Charity Ball Drive.

FISCAL YEAR 1995 AUDIT REPORT

Present: Richard H. Chamberlain, Principal, Reznick, Fedder, Silverman
Daniel J. Kenney, Manager
Steve Welkos, Director of Finance

The referenced representatives of Reznick Fedder & Silverman appeared before the Commissioners to present the Fiscal Year 1995 Audit Report for St. Mary's County. The presentation included the County's General Fund Balance; Revenues and Sources of Revenues; General Fund Expenditures; and Matters to be Communicated. The Report included a recommendation that recordkeeping for fixed assets be centralized in procurement and that fixed asset inventories be taken annually and reconciled to the records.

At the conclusion of the presentation Mr. Welkos distributed an Information Release setting forth specific information relative to the Audit Report.

ECONOMIC OUTLOOK

Present: Steve Welkos, Director of Finance

Mr. Welkos gave a presentation to the Commissioners on the Economic Outlook for St. Mary's County. The presentation included information relative to the national, state and local financial and economic trends and forecasts including: State of Maryland, tax comparisons with five states (Delaware, Maryland, North Carolina, Pennsylvania, and Virginia); FY '97 State Budget Highlights; St. Mary's County's populations projections, school enrollment projections; unemployment rates; employment statistics; residential building permits issued; buying incomes; personal income figures; tax base growth; new construction assessments; property tax rates; 1996 budget figures (capital and operating); and factors to consider in fiscal planning for FY '97.

**CABLE ADVISORY COMMITTEE
JONES INTERCABLE CHANNEL REALIGNMENT PROPOSAL**

Present: Noah McFerren, Manager, Jones Intercable
Harry Gieske, Cable Advisory Committee
Judy Pedersen, Public Information Specialist
Doug Durkin, County Attorney

Mr. McFerren appeared before the Commissioners to present a proposal from Jones Intercable relative to a channel realignment. Mr. McFerren stated that Jones currently has two public access channels, Channel 10 and Channel 6 for the northern end of the County. Channel 6 is devoted to local access/local origination and has 20 hours of non-duplicated programming per week. Channel 10, currently the educational and governmental access channel, has a character generated bulletin board, and Jones is proposing to replace this channel with The History Channel. Information now carried on Channel 10 can be carried on Channel 6.

Mr. Gieske advised that the Cable Advisory Committee at its January meeting voted to recommend that the Board of County Commissioners approve the proposed change.

During discussion Ms. Pedersen expressed reservations regarding the proposal , particularly in light of the requirements in the Franchise Agreements for public access channels as well as concern relative to the provision of adequate facilities and equipment for public access. She noted that she believed that the provisions of the Ordinance and Agreements are not being totally enforced.

Discussion ensued relative to the requirements of the Cable Ordinance and the Franchise Agreements for public access channels, public access facilities and equipment, the cable advisory committee's role in promoting public access, Jones rate increase in conjunction with the new channel, future expansion of channel capacity for both cable systems (Jones and American).

County Attorney Durkin suggested that the Commissioners not make a decision on the proposal until there is a draft contract which would be an addendum to the Franchise Agreement. He pointed out that since it is not an amendment to the Ordinance, a public hearing would not be required.

In conclusion the Commissioners directed the County Attorney to prepare a draft contract changing the Franchise Agreement and that the contract include two caveats: (1) that the County would have the authority to withdraw The History Channel if there was a need for an additional public access channel; (2) that if additional channels become available that one be returned as a public access channel to replace the channel being used for The History Channel.

**OFFICE ON AGING
REVISED INTERIM 1996 NOTIFICATION OF GRANT AWARD**

Present: Gene Carter, Director, Office on Aging

Mr. Carter appeared before the Commissioners to present the referenced Older American's Act Revised Interim Notification of Grant Award for Fiscal Year 1996 (10/1/95 - 9/30/96) for the Commissioners' approval.

During his discussion Mr. Carter presented a Summary of Current Status of Grant Funding for Senior Programs, and of Proposed Changes to the Older Americans Act for Fiscal Year 1996 which included information relative to reduced funding from federal/state sources and information on proposed bills which would amend the Older Americans Act. Mr. Carter presented a proposal for service reductions required to offset these reductions.

The County Administrator suggested that he work with Mr. Carter on this issue and return to the Commissioners with a recommendation, if necessary.

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

**HOSPICE OF ST. MARY'S COUNTY
OPPOSITION TO CERTIFICATE OF NEED APPLICATION**

Present: Dana McGarity, Executive Director
James Raley, Hospice of St. Mary's

The referenced individuals appeared before the Commissioners to request the Commissioners' support in opposition to the Certificate of Need Application with the Maryland Health Resource Planning Commission by VNA of Maryland, an outside for-profit agency proposing to provide hospice services in St. Mary's County. Ms. McGarity presented Hospice of St. Mary's Position Paper relative to this issue which set forth the background of Hospice which was established in 1982, its services to terminally ill patients. She described Hospice's record for attending to the needs of patients and grieving survivors and pointed out there was not a need for another hospice provider in St. Mary's County.

In closing the presentation Ms. McGarity requested the Commissioners to submit a letter of opposition to VNA's CON application to the Maryland Health Resources Planning Commission.

County Administrator Loker pointed out that the Health Advisory Committee is in the process of reviewing the issues regarding the CON application, has heard the concerns of Hospice of St. Mary's, and has scheduled a meeting with VNA. The MHRPC will not be taking action on the application before May.

The Commissioners agreed to consider the request and respond to Hospice at a later date.

HOUSING AUTHORITY REALIGNMENT PROPOSAL

As a follow up to previous discussions and deliberations on the various options regarding the status of the Housing Authority, Commissioner Brugman moved, seconded by Commissioner Chesser, to approve establishing the Housing Authority as a semi-independent agency with financial and service support from County Government. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct the County Attorney and the Housing Authority to draft a Fiscal Services Agreement setting forth the responsibilities of the County and the Housing Authority, to be completed no later than July 1, 1996. Motion carried.

DIRECTOR, DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Because of the change in the position description for the vacant Director of Economic and Community Development (removal of the Housing Authority responsibility), the County Administrator recommended that the position be readvertised. He further suggested that the previous 16 applicants be notified that the position is now open and give them an opportunity to update their resumes or allow the county to evaluate the application that is on file.

During discussion some of the Commissioners expressed a desire to participate in the selection process.

Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the County Administrator's recommendation. Motion carried.

DEPARTMENT OF NATURAL RESOURCES DRAFT CRAB TRAP PROHIBITION LEGISLATION

Present: Dave Blazer, Department of Natural Resources

Relative to the County's legislative proposal to amend COMAR - Natural Resources Article 08.02.03.01 H by prohibiting bank traps in the waters of St. Mary's County, Mr. Blazer appeared before the Board to explain the amendments proposed by the Department of Natural Resources. He stated that DNR did not believe prohibiting bank traps was the answer, and that the amendments were an effort to resolve the conflicts between the landowners and the watermen regarding the use of these traps. The amendments included the requirement for cull rings; clarification of exceptions for a private beach and public beach; limitations on number of bank traps; and providing for landowner to stake out a site and prohibiting any other person from maintaining a trap at that location.

During review of the proposal Mr. Blazer indicated that he has met with the legislators, and the amendments were the minimum that the legislators would accept.

Areas of discussion included the need for more enforcement of the regulations, particularly with regard to the twelve-inch air space requirement and removal of sponge off of crabs; and depletion of the crab harvest.

In conclusion the Commissioners thanked Mr. Blazer for providing an explanation of the amendments to the regulations.

CIRCUIT COURT ROOM SUBDIVISION PROPOSAL

Present: Dan Ichniowski, Director, Public Works

As requested by the Commissioners Mr. Ichniowski appeared before the Board to provide cost estimates to renovate the existing Circuit Courtroom into two separate courtrooms. He presented two various of the subdivision of the courtroom as well as two cost estimates (one was DPW's estimate (\$1,461,600) and one was an estimate from others (\$1,146,400). During his review of the advantages/disadvantages of the renovation project, Mr. Ichniowski pointed out that with either option would result in substandard courtrooms.

During discussion Commissioner Chesser offered an option of moving offices currently at the Governmental Center to the Courthouse and building a new court house at the Governmental Center property.

After discussion the Commissioners indicated concurrence that the Department of Public Works continue with the implementation of the proposal as voted on by the Board on November 21, 1995. Mr. Ichniowski discussed the time schedule for the design phase indicating that interviews for the A/E will be conducted by the end of February.

COUNTY COMMISSIONERS' TIME

Wicomico River Commission

Commissioners Brugman and Eagan advised that they had talked to individuals at the Heritage Bay Festival on Saturday seeking recommendation for a volunteer to serve on the Wicomico River Commission.

NACO County News - Open Records

Commissioner Jarboe referred to an article in the NACO County News indicating that in Florida a job applicant is subject to public discussion in accordance with its Open Records law. He suggested that a disclaimer be put on the boards/committees applications that indicates the applicants are subject to public disclosure.

The issue of compliance with the Open Meetings Act, the Maryland Public Information Act and the County's Resolution 95-06 (Boards, Committees, Commissions) will be discussed by the Board on February 13.

ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Minutes Approved by Board of
County Commissioners on 2/6/96

Judith Spalding
Recording Secretary