

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
FEBRUARY 6, 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 12:05 p.m.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Property Acquisition (Myrtle Point), as provided in Article 24, Section 4-210(a)11 and Litigation (Parcel of Record), as provided in Article 24, Section 4-210(a)8. Motion carried. Commissioner Brugman agreed to meet in Executive Session with assurances that upon the conclusion of the acquisition of Myrtle Point, the information be made available to the public.

During discussion of the motion Commissioners Jarboe and Brugman indicated they would vote for the Executive Sessions but expressed concern relative to the public's perception of the Executive Sessions, and made specific reference to recent editorials in The Enterprise.

Property Acquisition (Myrtle Point)

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
Phil Rollins, Director, Recreation and Parks
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 12:15 p.m. - 1:00 p.m.
(Continued 3:48 - 4:00 p.m.)

Action Taken: The Commissioners discussed the particulars of the Memorandum of Understanding, gave direction to the County Attorney, and agreed to take action in Open Session.

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
Doug Durkin, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 1:00 p.m. - 1:05 p.m.
(Continued 4:00 p.m. - 4:35 p.m.)

Action Taken: The Commissioners discussed the Consent Order and settlement negotiations and agreed to take action in open session.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, January 30, 1996 as corrected. Motion carried.

APPROVAL OF BILLS

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

ACCEPTANCE OF AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the agenda for today's meeting as presented. 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:

- To Lincoln Residential Builders, Inc. regarding concerns about the Middle Department of Inspection Agency, Inc.

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

- To Relocation Assistance Specialist, NAS Family Assistance Center regarding the county's public transportation system.

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

- To Southern Maryland Regional Advisory Board to the Maryland Fire and Rescue Institute nominating William R. Wilkerson for reappointment to the Advisory Board.

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

2) Department of Planning and Zoning Grant Applications

Also Present: Jon Grimm, Director, DPZ

On behalf of the Department of Planning and Zoning the County Administrator presented the following grant applications:

Coastal Zone Management

Sensitive Areas Plan and Implementation Program Phase IV: Watershed Plan for Charlotte Hall/Mechanicsville Development District in the amount of \$20,000 for Fiscal Year 1997 (10/1/96 - 9/30/97)

Critical Area Program

For the continued implementation of the County's Critical Area Program throughout FY '97 (10/1/96 - 9/30/97) in the amount of \$42,838.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the referenced grant applications and to authorize Commissioner Thompson to sign correspondence to (CZM Grant) and to (Critical Area Program). Motion carried.

3) Budget Amendments

Also Present: Steve Welkos, Director of Finance
Dan Ichniowski, Director, DPW

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

No. 96-28

Social Services

Justification: Burial Assistance (\$650)

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-28 as presented. Motion carried.

No. 96-26

Department of Public Works

Justification: To supplement DPW's budget in the amount of \$230,000 in additional snow removal costs and \$21,300 in projected additional expenses primarily for workmen's compensation.

During discussion Mr. Ichniowski presented a handout setting snow storm costs for the period 12/07/95 through 02/05/96. Mr. Welkos advised that the County has applied for federal emergency funding to assist the county in snow removal costs.

No. 96-27

Recreation and Parks

Justification: To supplement R&P's budget in the amount of \$8,584 for the costs of snow removal and by \$10,550 for increased costs of health insurance and workmen's compensation.

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

4) Recognition - Jeff Jackman

The Commissioners recognized Jeff Jackman for renaming the County's newsletter to *The Team Dispatch* and presented him with a Gift Certificate to Joey D's and a framed original of the first edition of the newsletter.

5) **St. Mary's County Annual Report**

Also Present: Sue Wilkinson, Administrative Officer

As a follow up to a previous discussion, Mr. Loker and Ms. Wilkinson presented the draft Annual Report for St. Mary's County and advised there were three options for reproduction (1) copy center - \$2,300; commercial printer - \$1,100; newspaper tabloid - \$48 for 1,000 (\$768 for full run and distribution).

After review of the report Commissioner Brugman moved, seconded by Commissioner Jarboe, to remove the sentence regarding review of charter, code and commissioner forms of government. Motion failed two to three with Commissioners Thompson, Eagan, and Chesser voting against.

Ms. Wilkinson distributed a letter to Citizens of the Community which will be an introductory to the Annual Report.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to sign the letter as presented. Motion carried.

In conclusion the Commissioners agreed to accept the report with the deletion of the word "reheld" regarding public hearings for Leonardtown Road and courthouse and further agreed to make a decision on the reproduction and distribution method next week during the County Administrator's Items.

6) **HVAC Renovations to the Governmental Center**

Also Present: Dan Ichniowski, Director, DPW

Mr. Ichniowski advised the Commissioners that the Governmental Center will be undergoing heating, ventilation and air conditioning (HVAC system) renovations starting February 26 with completion middle to end of May. Evening meetings scheduled at the Governmental Center have been relocated to other meeting rooms.

**OFFICE ON AGING
TRANSPORTATION PROGRAM**

Present: Gene Carter, Director, Office on Aging
Sue Knapp, President, KFH Group (Transportation Study Consultants)
Heather Hunter, NAWC

Mr. Carter appeared before the Commissioners to request approval of the following documents:

- Fiscal Year 1996 Transportation Section 3 Capital Grant Agreement Award. The grant which is administered by the Maryland Transit Authority and funding by the Federal Transit Administration, will be used for the purchase of two small lift-equipped busses, computer, printer, radio and a new base station. Total Project Cost: \$125,900 (Federal - \$100,720; State - \$12,590; Local - \$12,590).
- Fiscal Year 1996 Americans with Disabilities Act (ADA) Assistance Grant Agreement in the amount of \$188,000 (no local funds involved). The agreement between St. Mary's County and MTA provides capital and operating assistance for the county's transportation system.

- Fiscal Year 1997 County's Transportation Program Grant Renewal Application which provides funding for the coordination of the county's transportation program

Mr. Carter explained that the grant from MTA was received to conduct a study of the county's transportation system and needs, and he presented the results of the study and the recommendations for enhancement of the transportation system. The results of the study indicated that the County should continue to provide transportation services, that the community would best be served if the program continue to be operated through OOA, and set forth suggested improvements to the system (fixed route service and demand responsive service)

Discussion ensued regarding implementation of the recommended improvements and the issue of state and federal funding.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the FY '96 Transportation Section 3 Notification of Grant Award and to authorize Commissioner Thompson to sign the Grant Agreement as presented.

Commissioner Eagan moved, seconded by Commissioner Jarboe to approve and authorize Commissioner Thompson to sign the FY '96 ADA Operation Assistance Grant Agreement as presented. Motion carried.

In conclusion the Commissioners agreed to defer a decision on the FY '97 Transportation Grant Renewal at next week's meeting

EXECUTIVE SESSIONS

Commissioner Brugman referred to the executive session listed on today's agenda regarding consideration of appointments to boards and committees and inquired whether the appointments could be made without going into executive session in that the appointments (particularly EDC) were required by the boards'/committees' bylaws.

Litigation

After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)1. Motion carried.

NOTE: The Commissioners continued the executive session on Property Acquisition (Myrtle Point) from 3:48 p.m. - 4 p.m. Authorization for the Executive Session was given earlier in the meeting.

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
James Haley, Airport Manager
Bil Chen, Attorney from LGIT
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 4:35 p.m. - 6:30 p.m.

Action Taken: The attorneys brought the Commissioners up to date relative to the referenced legal matter including settlement negotiations.

FOLLOW UP TO EXECUTIVE SESSIONS

As a follow up to the Executive Sessions regarding Property Acquisition (Myrtle Point) and Litigation (Parcel of Record), the following motions were made.

Property Acquisition (Myrtle Point)

Commissioner Jarboe moved, seconded by Commissioner Chessser, to authorize Commissioner President Thompson to sign the Memorandum of Understanding between the Board of County Commissioners of St. Mary's County and The Trust ofr Public Land with the tow acceptalbe changes as outlinedin the County Attorney's letter to Steve Bisbee of Abramoff, Neuberger and Linder dated February 6, 1996. Motion carried.

Litigation (Parcel of Record)

Commiisoner Eagan moved, seconded by Commissioner Chessser, to authorize the County Attorney to sign the August 8, 1995 draft of the Potomac River Associaiton Consent Order as written. If this action is not acceptable by the Ptomac River Association, to move that the Board authorize the County Attorney and Commissioner President Thompson to pocceed to a Scheduling Conference on February 14, 1996 and authorize a settlement in accordance with the February 6, 1996 draft Consent Order. If neither of the above options are acceptable to the Potomac River Association, to move that the Board authorize the County Attorney to proceed with the appeal of the August 29, 1994 entire order. Motion carried.

EXECUTIVE SESSION LITIGATION

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session on Monday, February 12, 1996 to discuss a matter of litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8. Motion carried.

(Mary Langley took the minutes from the point.)

7:00 P. M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum and accepted questions and comments from the audience:

Kenneth Guy - Commended the County on keeping the roads clean during the recent snow storm. Asked that the Commissioners participate as interested citizens in the Board of Appeals' hearing on Vision Quest's request for conditional use of property for boys' camp in Loveville.

Don DeGraves - Thanked the Commissioners for their quick action in transferring \$25,000 in funding for use in improving school athletic facilities. He commended the Board of Education for working with the Department of Recreation and parks in acknowledging the need for these facilities and encouraged the continued working relationship between the two entities to ensure that the facilities built in the future will receive the optimal usage.

Dan Simpson - Referred to hi non-selection as a member of the Planning Commission and expressed the opinion that board applications should be discussed in public session. He suggested that all board applications be interviewed by the Commissioners. The Commissioners indicated they would be willing to discuss the issue of the Open Meetings Act at their meeting of February 13.

Minnie Russell - (1) Expressed opposition to the use of bank traps over oyster bottoms. Although proposed legislation indicates that bank traps are not allowed within 500 feet of staked property bottom, Ms. Russell questioned the number of stakes needed to prohibit traps over seven acres of leased oyster bottom and how this regulation would be enforced against violators. Commissioner Chesser indicated that he would be in Annapolis during the week and would speak to Delegate Wood and DNR representatives concerning this issue. The Commissioners indicated that they have taken a united stand against the use of bank traps in St. Mary's County.

(2) Ms. Russell questioned the waiting-line procedures for voters at the poll who will be required to report their new 911 address before being allowed to vote, stating that those who have registered the changes should have to wait in line to vote behind those that have not. The Commissioners will inquire concerning the procedures.

(3) Ms. Russell expressed concern over the assessment of her property six months ahead of schedule, stating that the market value of the property could go down before her taxes were due, and she could be paying on a higher assessment. The Commissioners will send her information on the assessment procedures.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

**Minutes Approved by Board of
County Commissioners on 2/13/96**

Judith A. Scolding *Mary M. Langley*
Recording Secretary