

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
FEBRUARY 20, 1996**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Judith A. Spalding, Recorder

(Commissioner Frances P. Eagan was not present.)

CALL TO ORDER

The meeting was called to order at 10:35 p.m.

EXECUTIVE SESSIONS

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.

Commissioner Chesser moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (Consideration of Appointments to Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1. Motion carried 2-1-1 with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

Litigation (The Skydiving Center)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Doug Durkin, County Attorney
Bill Chen, Attorney from LGIT
James Haley, Airport Manager
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 10:46 a.m. - 11:55 a.m.

(Continued 12:30 p.m. - 1:00 p.m.)

Action Taken: The attorneys reviewed the current status of the referenced litigation and the settlement negotiations.

Personnel (Consideration of Appointments to Boards, Committees, Commissions)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 11:55 a.m. - 12:30 p.m.

Action Taken: The Commissioners reviewed the current status sheets, made nominations, and directed staff to contact nominees and prepare appropriate letters of appointment.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, February 13, 1996 as corrected. 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 Dale A. Dean regarding a local requirement for a separate examination and license for natural gas
- b. To Board of Appeals and Planning Commission members concerning the Commissioners' attendance at their meetings.

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

- c. To Governor Glendening concerning local priority infrastructure needs.

Also Present: Dan Ichniowski, Director, DPW

After discussion the Commissioners agreed to revise the letter to indicate that the \$20,000 for the FDR master planning effort is the amount estimated by SHA to be the County's share of the project. The revised letter will be re-presented next week for the Commissioners' approval.

- d. To Warren La Riveriera congratulating him for achieving the rank of Eagle Scout.

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

- e. To Maryland Department of Environment concerning Sewage Sludge Permit Applications for the application of sludge on the Pine Hill Treatment Plant property, the William Burrough's, Roland McKay's and Robena Keatly's, Joseph Knott's and Leo Anderson properties.

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

4) Community Development Block Grant Tulagi Town Center Commercial Revitalization

On behalf of the Department of Economic and Community Development, the County Administrator presented the Close Out Agreement for the FY '94 Small Cities CDBG project (Tulagi Town Center Commercial Revitalization).

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

5) **St. Mary's County Public Schools**

Also Present: Elaine Kramer, Director, Budget and Finance, Bd/Ed
Brad Clements, Supervisor, School Facilities, "
Patricia Richardson, Director of Instruction, "

Budget Amendment No. 96-29

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To provide funds for the Chopticon High School Addition/Renovation project to cover the cost of performing topographic and boundary surveys and soil borings (\$47,400).

Categorical Transfer

The County Administrator presented correspondence in response to February 15 correspondence from the Superintendent of Public Schools for approval of a categorical transfer in the amount of \$50,000 to fill the vacant psychologist position.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-29 and further to approve and sign the correspondence to the Board of Education approving the categorical transfer. Motion carried.

FREEDOM FEST '96

Present: Judy Pedersen, Public Information Specialist
Joe Dick, Director, Alliance for Alcohol Drug Abuse Prevention

The referenced individuals appeared before the Commissioners to inform the Commissioners of the plans for Freedom Fest '96 which will be held at the St. Mary's County Fairgrounds on July 4. Ms. Pedersen explained that the event, sponsored with the Alliance, will be conducted in cooperation with the Department of Recreation and Parks, the U.S. Navy, and other civic organizations. She further explained the tentative budget expenses (\$15,450) and projected revenues (\$16,500), and pointed out the requirements of the U.S. Navy band stage requirements.

During the presentation Ms. Pedersen advised that because of the uncertainty of events of this nature, the Alliance cannot enter into contracts without the endorsement and financial backing of the County Commissioners, which has been done in the for previous Freedom Fests.

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to endorse Freedom Fest '96 which includes underwriting the expenses, if necessary. Motion carried.

REFUNDING BONDS OF 1996

Present: Steve Welkos, Director of Finance
Sam Ketterman, H.C. Wainwright and Co.
Stewart Diana, Piper & Marbury

The referenced individuals appeared before the Commissioners to review the Resolutions for the issuance and sale of refunding bonds to redeem the following issues:

- St. Mary's Hospital Refunding Bonds of 1986
- St. Mary's Metropolitan Commission Refunding Bonds of 1986
- St. Mary's County Public Facilities Bonds of 1987, 1989, and 1990

The bid opening and sale of these refunding bond issues, which will reduce the debt service costs for the hospital, the Metropolitan Commission and the County, will be held March 5.

After review of the Resolutions, Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the following Resolutions: No. 96- - St. Mary's County Public Facilities Bonds; No. 96-0 - St. Mary's Metropolitan Commission; and No. 96- - St. Mary's Hospital. Motion carried.

(Mary Langley took the minutes from this point.)

DEPARTMENT OF PUBLIC WORKS

Also Present: Daniel Ichniowski, Director of Public Works

1) Snow Storm Costs

Mr. Ichniowski presented a report listing costs associated with snow storms from 12/07/95 through 2/17/96. The total expended, \$535,726.50, is for highway costs only and does not include inspection costs associated with monitoring of contractors or costs associated with Recreation and Parks..

2) Half Pone Point Shore Erosion Control Project

The Director advised of two alternative processes for dealing with erosion at Half Pone Point—realigning the road which would involve property negotiations, or obtaining an interest-free loan from the Department of Natural Resources (DNR) in the amount of \$64,800 to protect the area from further deterioration. Mr. Ichniowski presented a Letter of Intent to DNR to apply for funding under the Shore Erosion Control Program for the Commissioners' s consideration and recommended approval due to timing, noting that the county could consider the alternative option prior to the issuance of a Notice to Proceed.

Commissioner Chesser moved, seconded by Commissioner Brugman to authorize President Thompson to sign the Letter of Intent to DNR. Motion carried.

3) Development Documents

Mr. Ichniowski presented a corporate deed for approval between Curtis Properties, Inc. and the County Commissioners for the conveyance of the following property to the county:

Deed for Magnolia Meadows: Grandiflora Court, Petal Court, Blossom Drive, Doctor Johnson Road

Commissioner Brugman moved, seconded by Commissioner Chesser, to accept the above noted deeds as presented. Motion carried.

Mr. Ichniowski presented the following Public Works Agreement Addendums (Pending County Attorney Approval for Bonding):

- 1) Hills Corner Estates (\$37,000)
- 2) Cedar Cove, Section 4 (\$104,000)
- 3) Heards Estates, Section 3 (38,000)
- 4) Pyles Estates (\$22,000)

Commissioner Brugman moved, seconded by Commissioner Jarboe, to authorize President Thompson to sign the above four (4) Public Works Agreement Addendums. Motion carried.

4) Traffic Resolutions

The following Traffic Resolutions were presented by Mr. Ichniowski:

- 1) Stop Signs: Blossom Drive, Petal Court, Cradiflora Court
- 2) Speed Limits (25 mph): Blossom Drive, Petal Court, Cradiflora Court

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize President Thompson to sign the above noted Traffic Resolutions. Motion carried.

**WATERMEN'S ASSOCIATION
REQUEST FOR MATCHING FUNDS FOR OYSTER REPLENISHMENT PROJECT**

Also Present: James Russell, President, St. Mary's County Watermen's Association
Eddie Davis,
Donna Sasscer, County Agriculture & Seafood Development Specialist, DECD

Mr. Russell indicated that since their last presentation to the Commissioners on November 28, 1995--at which they indicated the need for \$25,000 for an oyster dredging and seed hauling project--the Waterman's Association has undertaken a fund-raising campaign. To date they have raised approximately \$1,800 through private contributions and proceeds from a seafood dinner they sponsored at the fairgrounds. The Association has also applied for three grants, two of which are contingent upon the Commissioners providing matching funds: an alternative agriculture grant for \$2,500, which requires a local letter of agreement by February 23, and a \$5,000 Future Harvest Grant. Commissioner Jarboe stated that funds may also be available for next year through a Coastal Zone Grant. Commissioner Brugman commended the Association for raising \$16,800 toward its goal.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to provide a county match of \$2,500 for the Alternative Agriculture Grant, plus \$5,000--contingent upon a federal matching grant award. The Commissioners will provide letters of support for the Coastal Zone Grant and Future Harvest Grant applications. Motion carried.

COUNTY COMMISSIONERS

Hiring Policy

Commissioner Brugman indicated that through his motion in September 1995, a temporary hiring "freeze" policy was put into affect until the Efficiency Task Force provided a report. Although originally intended to apply to all new employees only, the application was extended to internal movement of county employees.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to change the temporary hiring policy to require County Commissioner approval for the hiring of new employees and County Administrator approval for internal movement of county employees.

**PUBLIC HEARING
COMPREHENSIVE WATER AND SEWER PLAN AMENDMENTS**

Present: Jon Grimm, Director, Planning and Zoning
Jeffrey Jackman, Senior Planner
Peggy Childs, Recording Secretary

Commissioner Thompson opened the hearing at 4:10 p.m.

A list of attendees is on file in DPZ.

Legal Ad published in The Enterprise on 1/31/96 and 2/7/96

Mr. Grimm advised that these hearing were originally scheduled on 1/23/96 but were rescheduled to today's date due to inclement weather on the 23rd. All properties have been posted by staff and certified receipts of notification to contiguous property owners are contained in each application file.

CWSP #95A-0779 - Brass Rail

Request service area category amendment from S-6 to S-3D for Parcel 96, containing 6.93 acres in Great Mills; Tax Map 50; Grid 18.

Also Present: Dickie Gatton, Owner
Bob Trautman, Agent

Request was made by Mr. Gatton to change the sewer category of Parcel 96 from S-6 to S-3D. Investigation revealed, however, that Parcels 64 and 95, which are also part of the Brass Rail property, are already being served by public sewer (1 DU on Parcel 64 and 3 DU on Parcel 95), and Parcel 96 is currently being billed for debt service for abutting facilities. Per Section 1.3.1 of the CWSP, these parcels are by definition already S-1, and the serve area map should be corrected to show all three parcels in the S-1 category. The Planning Director may allocated treatment capacity to Parcel 96 pursuant to Planning Commission Policy #93-2. Staff and the Planning Commission recommend approval to correct this mapping error.

Commissioner Thompson opened the hearing to public comment. No comments were offered.

CWSP #95-2508 - Zion Methodist Church

Requesting service category change from S-6 to S-3D (3 - 5 years at developer's expense) for Parcel 106, grid 7, Tax Map 52. The property is located on Route 235 in the Eighth Election District, south of the Southampton Subdivision.

Also Present: Alonzo Gaskin, representing Mt. Zion Church

An analysis per §9-506(a)(3) of the Annotated Code of Maryland is provided in the revised staff report dated 2/20/96. The property is within the Lexington Park Development District, for which public sewer is intended, and the request is to provide four dwelling units of capacity from the Pine Hill Run WWTP. The capacity is available and may be allocated by the Planning Director following approval of the category change. Both staff and the Planning Commission recommend approval as requested. This property is near the Forrest Heights sewer project but is not actually adjacent.

Commissioner Thompson opened the hearing to public comment.

William Brown, who lives behind Mr. Zion Church, had no objection to the sewer amendment but commented that the fire roads in that area have been closed. He noted that the area is all wooded and the previous roads ran around the property lines, so there is not property owner responsible for providing the access. Mr. Grimm stated he would put Mr. Brown in touch with appropriate people in MetComm and Bay District VFD to resolve this issue.

CWSP #95-1692 - Hollywood Business Center

Service area category change from W-6/S-6 to W-3D/S-3D. The proposed center contains 33.875 acres in the Sixth Election District, Tax Map 27, Grid 19, P 431.

Also Present: Billy Higgs, Little Silences Rest, Inc., Agent

§9-506(a)(e) analysis provided in the 2/20/96 staff report. The property is located within the Hollywood Town Center and will be developed through the PUD process. The request is to extend public water/sewer into the RTC beyond the St. Mary's Medical Center project. concept approval was granted by the Planning Commission to allow applicant to proceed with the category change apply for a mixed-use PUD. Design comments made by residents of Joy Chapel Road at the Planning Commission's hearing on 11/27/95 are more appropriate to the PUD application, which must be submitted and reviewed separately by the Planning Commission and Board of County Commissioners. Staff and the Planning Commission recommend approval of the CWSP category change.

Mr. Higgs stated their PUD pre-submission was for individual well and septic; it is at MetComm's guidance that they are providing central water and sewer.

Commissioner Thompson opened the hearing to public comment; there were no comments.

CWSP #95-1723, #90-0444 - Oak Crest Center

Service area category from change W-3D/S-6 to W-3D/S-3D. The property contains 146.45 acres, zoned PUD-IP, located on the northeast side of Three Notch Road across from Wildewood Boulevard in California; Tax Map 34, Grids 9 and 10, Parcels 292 and 521.

Owner: Robert Dean
Present: Attorney Jim Kenney, representing Mr. Dean

§9-506(a)(3) analysis provided in the 2/20/96 staff report. This PUD-IP is located in the Lexington Park Development District at its boundary with the Hollywood Town Center, however this request pertains **only** to the 146.45 acres owned by Mr. Dean. Similar to the previous case, concerns have been raised which are more germane to the PUD site plan and will be addressed during that review. Staff and the Planning Commission recommend approval of the category change.

Mr. Kenney noted that this is just a continuation of the planning process; for this particular PUD the water category is already in the correct category of W-3D. As they began the planning process they realized it would be necessary to change the sewer category also.

Commissioner Thompson opened the hearing to public comment.

Doug Ritchie asked the location of this property to Myrtle Point? Mr. Grimm replied that the property is located across 235 from Wildewood Boulevard where the Chaney and GenStar concrete plants are; it is behind GenStar and goes back toward Patuxent Boulevard. Myrtle Point is located northeast of Patuxent Boulevard.

CWSP - Proposed Administrative Amendment Process

A streamlined amendment process for properties located within the designated growth centers and/or to allow health corrections by providing sewer to failing septic systems.

This amendment to Chapter 1.5 of the CWSP is being proposed, at least in part, to address one of the 7 visions of the 1992 Planning Act; i.e., to direct growth to designated areas and remove any impediments to the expeditious processing of development projects consistent with local comprehensive planning. Chapter 1.5 is set out in the 2/20/96 staff report with the proposed added language in *italics*. 1.5.2.B introduces the "*Administrative Delegation, pursuant to 1.5.3.*" Section 1.5.3 authorizes the *Administrative Delegation under specific circumstances*, which are identified therein. Section 1.5.4 establishes procedures for *Amendments under the Administrative Delegation* process and Section 1.5.5 establishes procedures for *Appeals*, as recommended by the Planning Commission.

Under this process, applications could be made any time during the year, the thinking being that if a property is in a designated growth area, applicant should not have to wait for the semi-annual review. Submission/review requirements are the same as other water/sewer amendment applications and any application approved by the Planning Director would be referred to MDE for review and comment. The Planning Commission proposed Section 1.1.5, an appeal process for any party at interest aggrieved by the Planning Director's decision to either: (a) Re-apply during the semi-annual amendment process; or (b) Appeal to the Planning Commission for reconsideration of the request.

Commissioner Thompson wondered whether the appeal language "...any person aggrieved ..." was too broad? Mr. Grimm replied there are at least two reasons for that: (1) There may be citizens at interest who disagree with staff as to what the Comprehensive Plan says; and (2) There

may be citizens not necessarily adjoining applicant's property who did not receive notice of the proposed amendment. An announcement of the amendment request would be published in the local newspaper similar to our administrative variances and there would be a date certain for staff to act on the request. If a public hearing is not required, there would likely not be a notice requirement, however, Mr. Grimm will check and get back with that information.

Commissioner Thompson opened the hearing to public comment.

Jay (Clinton) Duke, a resident of Joy Chapel Road adjacent to the Hollywood Business Center, stated he hopes there would be certified legal notice to adjacent property owners because an amendment can affect the use of the land. In his case, for example, his property is right at the dividing line of the RTC and RPD. The Hollywood Business Center is in the RTC and his property is zoned RPD. He said there shouldn't necessarily have to be a public hearing, but there should be notice to adjacent property owners.

Mr. Duke also said he believes the line of the Hollywood Town Center is inappropriate on Joy Chapel Road. It is appropriate at the corner of the road, where the Hollywood Business Center is proposed, but on his side of Joy Chapel Road it stops at his property; on the other side it continues down Joy Chapel Road for 1/4 mile. He asked that staff look at this during the

Compton Area Project

Mr. Grimm noted that the "self-help" project for the Compton Area is going well and asked for the Commissioners' approval to go to public hearing. Property owners with failing systems within this area will be notified that the County would like to include their properties in this project. MetComm is pursuing improvements to the SCS facility to bring the capacity upwards toward its original design and MDE has recently authorized MetComm to reallocate capacity and allow failing systems to hook on based on those improvements. The hearings would probably be scheduled later this year. The Commissioners concurred. Commissioner Thompson closed today's public hearings. Staff will research the notice requirement for the Appeals process and come back as soon as possible.

PUBLIC HEARING

REVISIONS TO CHAPTER 151 - AIRPORT COMMISSION - CODE OF PUBLIC LOCAL LAWS

Also Present: Douglas Durkin, County Attorney
James Haley, Acting Airport Manager

Commissioner President Thompson opened the public hearing at 4:45 p.m.. The County Attorney gave an overview of documents provided: (1) Chapter 151 - current ordinance; (2) proposed amendment, and (3) amendment to proposed amendment as provided by Stuart Diana, Counsel. Mr. Durkin indicated that the recent appointment of an Airport Manager has reduced and eliminated the need for an Airport Commission to serve in an operation and management capacity, that the current and future development of the airport required a more frequent presence of a manager at the facility, and a more effective and direct control over the airport was essential for risk management purposes, especially in light of recent developments of federal civil rights law.

Mr. Durkin reviewed the proposed amendments and, in response to an inquiry by Commissioner Thompson, indicated that adoption of the proposed amendments would substitute the Board of County Commissioners for the "Airport Commission" wherever that phrase appears and would not change the current rules and minimum standards.

Commissioner Thompson opened the floor for PUBLIC COMMENT.

- Steve Bildman presented a letter dated February 18, 1996 from **Patrick Weaver** for inclusion in the public record which stated opposition to the proposed Airport Commission Ordinance Amendment, and a letter dated January 23, 1996 from Mr. Weaver noting reasons for opposition to the amendment on behalf of the Long Term Capital Improvement FBOs at the Airport (note: the amendment to the proposed amendment was not available at the time the letters were drafted): **Airpark Sales and Service, Inc.; GBW, Ltd., St. Mary's Hangars, Inc.; Allied Hangars, Inc.;**

Airport Properties, Inc.; St. Mary's Hangar Association, Inc.; Aircraft Refinishing Technology, Inc.; and Steven Bildman; Samuel Leach; Dennis Smith; Richard Gibbons; Belynda Mogge; Anthony Schaefer, and Rolland Campbell.

- **Steven Bildman**, lease holder at the airport. Noted that most tenants would be at the airport for 20 years while the current Commissioners and staff may not be in their positions that long. Whatever mechanisms Commissioners decide to leave the tenants with, not to delegate responsibility without authority and to be concise and definitive.
- **George Haliscak**, former Airport Commission member. Expressed opposition to amendment stating that taking away present authority will cause problems for the Commissioners in dealing with the little items. Duties need to be spelled out, how the Commission and Manager interface and who reports to. Expressed concern over staff support being eliminated.
- **Ken Hastings**, resident of Mechanicsville. Seems reasonable way to go to ensure Commissioners are held responsible for policy. Also sees pitfalls as to implications for other commissions. Concern over no staff support being provided for volunteer groups who may be unable to maintain proper records.

A letter was presented for the public record from **Donald R. Jackson**, resident of Lexington Park, dated February 6, 1996, expressing opposition to the proposed amendment.

There being no other comments, Commissioner Thompson closed the public hearing at 5:25 p.m., stating that the record would be kept open for ten days.

ADJOURNMENT

The meeting adjourned at 5:30 p.m.

**Minutes Approved by Board of
County Commissioners on 2/27/96**

Judith A. Spalding
Mary M. Langley

Recording Secretary