

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
SEPTEMBER 10, 1996**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, County Administrator
Mary M. Langley, Recorder

CALL TO ORDER

The meeting was called to order at 1:00 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of September 3, 1996 as corrected. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS / DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe, to delete the executive session pertaining to classifications and to add executive sessions on potential litigation and personnel issues pertaining to potential litigation, Planning and Zoning and Ethics Commission/staff support. Motion carried.

CONSENT AGENDA

The Commissioners' considered the following documents for approval:

1. **Correspondence**

- a. to the Acting Chair of the Solid Waste Advisory Committee regarding exporting of solid waste;
- b. to the Director of the Metropolitan Commission regarding fees charged for digital topographical maps by Public Works;
- c. to Dr. Naini and to Hale Cole concerning requests for rezoning of property along Maryland Route 235;
- d. to Alan Bingman, to Mike Schwartz and to Walter Burch concerning the sign ordinance.
- e. to the Maryland Office of Planning advising that the Maryland Department of the Environment Project #MD960702-0552 (Program to Build Capacity to Conduct Site-Specialist Activities) and that the Interstate Commission on the Potomac River Basin Project #MD960703-0568 (Financial Assistance for Water Quality Planning and Management) were consistent with county plans, programs and objectives;

2. **Boards, Committees, Commissions**

- a.. **Letters of Appreciation** to board members whose terms have ended on various boards.
- b. **Letters of Appointment** to Karen S. Morse and Connie C. Norris appointing them to the Commission for Women (terms to expire 6/30/2000); to Donald P. Tennyson - Economic Development Commission (12/31/98); and John O. Gatton, Jr. - Emergency Services Committee (6/30/2000).

3. **Budget Amendment #97-6, Recreation and Parks**

To return funds in the amount of \$8,841, originally borrowed for early start up of Hollywood KEEP modular building, to the Regional Park capital account.

4. **Development Documents, Public Works**

- a. **Public Works Agreement Addendums** for the Wildewood Parkway Stream Crossing (\$79,000), Avenmar Section I (\$340,000) and Breton Bay PUD (\$73,000);
- b. **Letter of Credit** - Correspondence to Nations Bank calling Letter of Credit for Grading Permit #89-29, Tosca Townhouses, Parcel "B" (\$46,500);

5. **Information Release** regarding Wicomico River Watershed being selected for study by the 1996 International Countryside Stewardship Exchange.

(The letter to the Chair of the Community Health Advisory Committee was removed from the Consent Agenda as it had been presented and approved by the Commissioners' at their meeting of September 5, 1996.)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to revise the Letter of Appreciation to June Dillard to indicate that she was not reappointed to the Commission for Women as she no longer met the county residency requirement. Commissioner Brugman noted for the record that non-residents are allowed to serve on boards, committees and commissions that are regional, mandated, and/or require representation from certain agencies. **Motion carried.**

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize the signing of consent agenda documents. During discussion, Commissioner Eagan questioned the lending institutions holding Letters of Credit on the Public Works Agreement Addendums. As the First National Bank held Letters of Credit for the Wildewood Parkway Stream Crossing and Avenmar/Section I projects, **Commissioner Eagan abstained from voting. Motion carried 4 to 1.**

Commissioner Thompson requested that no items be included on the Consent Agenda unless they are put in the Commissioners' boxes for review prior to Monday morning.

COUNTY ADMINISTRATOR

County Administrator John Kachmar presented the following items for the Board's consideration:

1. **Budget Amendments**

- a. **Budget Amendment #96-XX (part 1)** transferring \$5,000 in additional funding from the undesignated reserve to the County Administrator's budget to cover increases in advertising and legal notice costs associated the Offices of Personnel and the County Attorney. The County Administrator would oversee the release of funds in this category.

Commissioner Chesser moved, seconded by Commissioner Eagan to approve this transfer of \$5,000 to the County Administrator's budget for advertising and legal notices. Motion carried.

- b. **Budget Amendment #96- XX (part 2)** transferring \$10,000 in additional funding from the designated reserve to the County Administrator's budget for networking county offices and building.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the transfer of \$10,000 to the County Administrator's budget for supplies and materials associated with networking. Motion carried.

2. **Grant Documents**

- a. **Office of the Sheriff. Grant Application to Bureau of Justice Assistance / Church Arson Prevention Program** for federal funds in the amount of \$4,600. Funds will be utilized to pay overtime for currently employed law enforcement officers participating in the program designed to enhance security, patrol and surveillance measures in and around churches.

Commissioner Jarboe moved, seconded by Commissioner Chesser to authorize Commissioner President Thompson to sign the grant application for the Church Arson Prevention Program. Motion carried.

- b. **Office of Community Services. State Highway Administration / Highway Safety Project Agreement Renewal**, October 1, 1996 through September 30, 1997. The Agreement provides \$40,000 for program management expenditures and activities focusing on the problem of impaired driving and underage drinking enforcement. It was noted that this is the seventh year of this project.

Commissioner Chesser moved, seconded by Commissioner Eagan to authorize Commissioner President Thompson to sign the Highway Safety Project Agreement Renewal. Motion carried

- c. **Walden / Sierra, Inc. Revised budget for the Basic Center Runaway and Homeless Youth Program Grant.** The original grant application, submitted in June 1996, was for \$140,000; the grant was approved for \$100,000, requiring the submission of a revised budget.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to authorize Commissioner President Thompson to sign the revised budget pages for the Basic Center Runaway and Homeless Youth Program Grant. Motion carried.

- d. **Public Schools / Department of Instruction. Continuation Application for FY97 Consolidated Adult Education and Literacy Services Grant.** Revised pages pertaining goals and objectives associated with the grant.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner President Thompson to sign the revised pages of the Continuation Application for FY97. During discussion it was noted by the County Administrator that the grant application was reviewed by the County Attorney and that the revision does not substantially affect the original document. **Motion carried.**

Pertaining to grant documents in general, Commissioner Thompson stated that every entity that presents a grant agreement to the Commissioners for approval needs to take on the responsibility for the review of the document and should be able to certify to the Commissioners that the terms and assurances in the documents are in compliance with county policies.

3. **Public Forum / Public Dialogue Sessions.** The Board considered the recommendation of the Public Information Officer concerning the option of holding the Public Forums quarterly in election districts. It was the consensus of the Board that the public Forums continue to be held monthly with some being moved to the districts. In addition, each Commissioner would retain the option of holding town meetings in their own districts with staff support as necessary.

4. **Personnel**

- a. **Appointment of Deputy, Sheriff's Office.** The County Administrator advised that Sheriff Voorhaar is requesting an exception to the competitive hiring process for the appointment of Mark E. Beckman as Deputy. Mr. Beckman is a certified police officer with the Newport News, Virginia Police Department, and the waiver would reduce the expense and time involved in the training of a new police officer (five week compliance training as opposed to the normal 22 weeks).

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the appointment of Mark E. Beckman as Deputy, G-10, step 1, effective September 16, 1996. Commissioner Brugman stated that he felt the waiver was appropriate in this situation because of the higher level of training, but did not want to give the impression that the Board is routinely approving exceptions to the hiring process for the Sheriff's Office. Mr. Kachmar noted that the Sheriff would be losing three trained correctional officers this month. Commissioner Chesser questioned why Mr. Beckman wanted to come to St. Mary's County. None was noted. **Motion carried 4 to 1 with Commissioner Chesser voting against.**

- b. **County Health Officer Position.** The current county Health Officer, Dr. William Marek, will be retiring effective October 1. An interim officer to handle routine duties will be appointed by the state until a permanent replacement is found. Discussing the recruitment process, it was the Board's consensus to hold off on employing a searching firm. Mr. Kachmar noted that the Board may be asked to provide a salary supplement. Fifteen counties now provide supplements to the Health Officers' salary of \$82,000, ranging from \$3,000 to \$25,000.

5. **FDR Boulevard Memorandum of Understanding.** (This item on the County Administrator's agenda was considered at a later time during the meeting, following the presentation by the Department of Economic and Community Development.)

The Board considered a draft Memorandum of Understanding (MOU) between the State Highway Administration and the county pertaining to FDR Boulevard. The following changes were requested: Under II.A.2 / II.B.1 -- Draft reports to be sent to both the County Commissioners and the Planning Commission simultaneously. Commissioner comments will be forwarded to Director of Public Works. Under II.A.5 / II.B.3 -- Establish a St. Mary's County Commissioner-appointed FDR Focus Group. Planning Commission Chair to serve on this group. In all other instances where MD 235 Focus Group appears, change to FDR Focus Group. It was also requested that no Focus Group meetings on FDR Boulevard be held until the MOU is signed. Commissioner Thompson noted that the Director of Public Works and the County Attorney have reviewed the MOU and have also suggested changes. **It was the Board's consensus that noted changes be returned to the Director of Public Works for forwarding to the State Highway Administration.**

During discussion of the MOU, **Commissioner Brugman moved, seconded by Commissioner Jarboe, to change the name of FDR Boulevard to Ronald Reagan Boulevard and to incorporate that name change in the MOU.** Commissioner Jarboe stated that this would not be the appropriate time to consider a name change for the Boulevard as attention should be focused on the expansion of FDR. Commissioner Eagan stated that it might give the appearance of partisan politics and hinder progress on the project. **Motion failed 4 to 1.**

PRESENTATION OF ARTWORK

The County Commissioners recessed to the Lobby of the Governmental Center to view the artwork presented by Theresa Gibson and Molly Hewitt of the Leonardtown Technical Education Center. (The artwork becomes a permanent fixture in the lobby, replacing the windowed wall in the planter area in accordance with fire-code regulations.) The Commissioners presented Commendations to Ms. Gibson and Ms. Hewitt, thanking them for the generous donation of their time and talents toward this project.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (DECD).
Briefing on Phase I: Defense Conversion Strategy, Lexington Park Marketing**

Present: Martin Fairclough, Director DECD
Walter Williams, Senior VP, PKF Consulting
Barry Degota, PKF Consulting

Martin Fairclough distributed a handout to the Commissioners on DECD's Program of Work for 1996-1997 and provided a brief overview of the Department's focus. (A copy of the Overview is on file in the Commissioners' Office.) Mr. Fairclough stated that PFK Consulting was engaged by DECD to perform Phase I of a study to analyze the economic base of the county and to create a plan for broadening and diversifying that base. Phase I concentrated on the Lexington Park Development District, including Patuxent River Naval Air Station, and the County Airport and adjacent industrial land. Main components were the creation of an inventory database of marketable office space (300 properties with 30 sort fields were entered) and an analysis of constraints and opportunities concerning economic growth.

The Commissioners provided favorable comments on various aspects of the report and thanked the consultants for their presentation. (A copy of the final report is on file in the Commissioners' Office for review.)

FRIENDS OF OAKLEY SENIOR CENTER -- Request for Funding

Present: LaVert Queen, President
John T. Broderick, Secretary

Ms. Queen presented a proposal to the Commissioners for keeping the Oakley Senior Center open. She stated that the Center is currently seeking incorporation status to enable it to raise money to cover expenses associated with keeping the site open. Ms. Queen requested that the Office on Aging continue to provide transportation and meals to the Center and that the County Commissioners pay the \$430 monthly rental expenses for Center until they capable of taking over the financial obligation. The Commissioners asked Mr. Carter if the Office on Aging could continue to provide transportation and meals. He indicated that he would be able to and that, under Title 5 of the Older Americans Act, the state would continue to provide a staff person at the site. However, grant funding for the provision of Office on Aging staff at the site was eliminated.

The Commissioners agreed to continue the discussion on the funding request at their next meeting and requested that staff look into the issue of county liability should such funding be provided.

**COUNTY ATTORNEY: ST. MARY'S COUNTY AIRPORT
Airpark Sales and Services, Inc. (ASSI) [Lease Application: Discussion / Decision]**

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

The County Attorney stated that a Public Hearing on ASSI's lease application was held on August 27, 1996. During the 10-day comment period two letters were received: one from ASSI relative to payment of 3% of gross-income rent on commuter/air-taxi/charter income received during 1987 through 1996, and; one from Aircraft Refinishing Technology, Inc. (ART) requesting additional facilities for expansion of their business.

During discussion related to ASSI's lease agreement, Mr. Haley stated that it was his belief that they have complied with the intent of the lease agreement as the county never requested payment of the additional 3%. Mr. Durkin advised that should the County Commissioners find ASSI qualified, the company could move to the next step in the process by submitting a new lease application for consideration.

Commissioner Chesser moved, seconded by Commissioner Brugman, to find that Airpark Sales & Services, Inc. meets the requirements of the Minimum Standards and therefore can continue negotiations with the county for a new lease and operating agreement to continue to provide Fixed Base Operator Services at the St. Mary's County Airport. Motion carried.

Mr. Haley stated that he received a letter from ART requesting 8,000 to 10,000 sq. ft. of additional space at the airport for expansion. As the only county-owned available space at the airport is currently occupied by ASSI, there appears to be competition for the facility. Mr. Durkin advised that with the exception of ART's lease, specifically Section 13 which relates to expansion, all leases at the airport are similar. Article 5196A states that expansion requests must identify a "justifiable need."

Commissioner Chesser moved, seconded by Commissioner Jarboe, to direct Mr. Haley to request additional information from Aircraft Refinishing Technology, Inc. concerning its need for expansion, and that the Airport Commission review the response prior to it being brought to the Commissioners. Motion carried.

Commissioner Eagan asked that staff provide information as to the cost of meeting ART's request -- specifically, what would it cost the county to provide the additional facility compared to what it would cost ART to provide. She also asked that staff identify issues involved in accommodating this request, such as zoning, etc. Mr. Kachmar stated he would contact Mr. Fairclough to see if the county could obtain an industrial development bond to fund the cost of building associated infrastructure.

"MARYLAND YOU ARE BEAUTIFUL"

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

Ms. Applefeld stated that this the 10th year for the Maryland You Are Beautiful program which is funded entirely through private donations. The Commissioners conducted a volunteer recognition ceremony to publicly acknowledge and thank the following volunteers for their selfless acts of community service: Tammy Anthony, Bertie Bowman, Col. Roswell Boyer, Shirley Butler, Catherine "kitty" Daulton, Dale Dean, Marie Dyson, Art Eckardt, Joan Eckardt, George Gardner (posthumously), Viola Gardner, Mark LeBeau, Charles Ridgell, Will Ridley, Virginia Sapp, and Jane Sothoron. Charles Ridgell was announced to be the Grand Winner, and he will represent St. Mary's County at the Governor's recognition ceremony on November 16. Awards and commendations were provided to those present, followed by a small reception in Room #16.

COUNTY COMMISSIONERS' TIME

Commissioner Chesser stated that the transfer stations are unable to take yard debris resulting from the recent storm due to a lack of space.

Commissioner Eagan stated that she heard a few concerns expressed about the radio program Commissioner Thompson, Judy Petersen and Paul Wible conducted concerning Hurricane Fran. She thought it provided good information but that it should have been done earlier in the day.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in executive session to discuss a matter of personnel (consideration of appointments to boards, committees and commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried 3-1-1 with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to meet in executive session to discuss matters of personnel and potential litigation, as provided for in Article 24, Section 4-210(a)1 and 8. Motion carried.

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

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Martin Fairclough, Director of DECD
Mary M. Langley, Recorder

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

Time Held: 5:02 p.m. - 5:11 p.m.

Action Taken: The Commissioners reviewed the current status sheet, and deferred making nominations until another meeting.

Personnel: (Department of Planning & Zoning)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christain Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Jon Grimm, Director of Planning & Zoning
Mary M. Langley, Recorder

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

Time Held: 5:11 p.m. - 5:43 p.m.

Action Taken: The Commissioners discussed the referenced issue and gave direction to staff.

Personnel: (Ethics Commission Staff Support)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christain Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Doug Durkin, County Attorney
Mary M. Langley, Recorder

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

Time Held: 5:43 p.m. - 6:15 p.m.

Action Taken: The Commissioners discussed the referenced issue and agreed to continue the discussion at later date.

Personnel/Potential Litigation

Potential Litigation

The Commissioners deferred discussion of the referenced issues due to time constraints.

ADJOURNMENT

The meeting adjourned at 6:15 p.m. The Commissioners departed to attend the Tri-County Commissioners meeting.

**Minutes Approved by Board of
County Commissioners on _____**

Mary M. Langley, Recording Secretary