

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS**

March 24, 1992

Present: Carl M. Loffler, Jr., President
W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
John G. Lancaster, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, March 17, 1992. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

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

No. 92-33
St. Mary's Public Schools

Justification: To utilize a portion of the FY '92 capital projects surplus balance to fund a FY '93 CIP furniture and equipment project request in FY '92 to insure delivery and installation in a timely manner to accommodate the opening of school in August 1992.
(Green Holly Elementary School Addition - \$110,000)

No. 92-34
St. Mary's Public Schools

Justification: To utilize a portion of the FY '92 projects surplus balance to fund a FY '93 CIP furniture and equipment project request in FY '92 to insure delivery and installation in a timely manner to accommodate the opening of school in August 1992.
(Lettie M. Dent Elementary School Addition - \$114,000)

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign Budget Amendments No. 92-33 and 92-34 as submitted. Motion carried.

No. 92-35
Public Works

Installation of waterline along St. Andrews Church Road
(Sierra House - \$38,000)

Commissioner Loffler raised questions regarding Budget Amendment No. 92-35 and requested that the Director of Public Works address the Budget Amendment during his time before the Board.

Later in the meeting Mr. Ichniowski explained the Budget Amendment stating that the project was designed to serve not only Sierra House but also Public Works. He explained the state requirements for water systems and that it was more economical to extend the line.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign Budget Amendment No. 92-35 as presented. Motion carried.

2) **PERSONNEL**
APPOINTMENT OF DIRECTOR, EMERGENCY MANAGEMENT AGENCY

The County Administrator presented a memorandum dated March 23 from the Personnel Officer advising that Governor Schaefer has concurred with the nomination of Paul E. Wible as Director, Emergency Management, effective March 16.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to make the effective date of Mr. Wible's salary increase the date the Board of County Commissioners approved the nomination which was February 11, 1992. Motion carried.

3) **TOWN CREEK RECREATION, INC.**
REQUEST FOR ABANDONED BICYCLE RACK

The County Administrator presented correspondence from Town Creek Recreation, Inc. requesting the County to consider donating the abandoned bicycle rack at the Frank Knox School site in Lexington Park.

Commissioner Bailey moved, seconded by Commissioner Thompson, to donate the bicycle rack as presented. Motion carried.

4) **WATERWAY IMPROVEMENT GRANT APPLICATION**
BUSHWOOD WHARF

The County Administrator presented a Waterway Improvement Fund Grant Application in the amount of \$5,000 for repairs to the wharf and parking area at the Robert E. Pogue Park (Bushwood Wharf) for the Commissioners' review and consideration.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Grant Application as presented. Motion carried.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director
F. Elliott Burch, Jr.

1) **Funding Requests**
Budget Amendment No. 92-36

As a follow up to last week's discussion, Mr. Mitchell appeared before the Commissioners to request a decision on the funding requests. He stated that in response to an inquiry from Commissioner Jarboe as to who would be handling the funds, DEED will be handling the \$40,000 for the higher education study. The \$262,000 from the State will be turned over to the County, and the handle will handle those funds.

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to approve Budget Amendment No. 92-36 for the following projects:

- \$10,000 - County match for study of location, etc. for the Johns Hopkins Schools
- \$ 5,000 - County match for the study of the transfer of Defense Technology to the private sector
- \$ 5,000 - Development of a video to be used by the Economic Development Commission for Warminster visit.

2) **St. Mary's Press**

Also Present: B. E. Harper, Chairman, St. Mary's Press

(Commissioner Loffler stated for the record that he will eliminate himself from any discussion or decision, as he has since 1987, pertaining to St. Mary's Press in that he has had construction projects that related to that firm. He explained that his bid on the project had predated his appointment as President of the Commissioners.)

Mr. Mitchell opened the discussion stating that the Commissioners had sent a letter dated February 18 to St. Mary's Press pointing out that it was in arrears in payment for the two loans the County has made to them.

Mr. Harper advised that in response to that letter, he wanted to bring the Commissioners up to date on the status and operation of St. Mary's Press and to request the Commissioners' acceptance of a proposal to bring the account current. He presented a handout which outlined the proposal for the Commissioners' consideration:

To stay current with payments due; temporary modification of a program to pay past due amount at \$5,000 per month with a 10% interest rate applied. First payment to be made at the time of the next quarterly payment and monthly payments thereafter. St. Mary's Press would be able to accelerate payments when cash flow permits and repay the entire principal balance at any time.

Mr. Harper indicated that 13 employees have been rehired as a start up and past wages are being paid as the rehiring takes place. He stated that employment level will increase to 30 as dollars are generated.

Mr. Harper discussed the background of how he and Mr. William J. Hobbs had acquired controlling interest St. Mary's Press, the restructuring of the company, the manufacturing capabilities of St. Mary's Press, and St. Mary's Press' marketing capabilities. He further explained how his company, Harper Graphics, which had subcontracted work to St. Mary's Press, became more fully involved in St. Mary's Press and in late 1992 had acquired ownership of that company.

During discussion Mr. Harper indicated that at a meeting with county staff, the county had requested security on two additional lots in the Industrial Park that he had purchased. In response to an inquiry from County Administrator Cox that Mr. Harper's agreement to allow the County to encumber those two lots as additional surety be made a part of the record. Mr. Harper concurred.

Commissioner Jarboe inquired whether under his leadership, whether there was a mechanism established to honor previous contracts. Mr. Harper responded that management is currently going through the vendor list and is trying to work out settlements. He stated that anyone St. Mary's Press had incurred debt with will be paid.

In conclusion Mr. Harper requested the Commissioner to accept the plan which includes the County's encumbrances on related property, brings taxes current, and allows him to catch up on arrearages to the County in approximately 10 to 11 months.

County Administrator Cox indicated that staff had been working with Mr. Harper and it is staff's recommendation that the Commissioners' approve the request.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept the plan as presented, to postpone taking any action against St. Mary's Press as long as payments stay current. Motion carried.

**ALLIANCE FOR ALCOHOL AND DRUG ABUSE PREVENTION
ALCOHOL/DRUG ABUSE PREVENTION GRANT**

Present: Walter Biscoe, Alcohol/Drug Abuse Prevention Coordinator

Mr. Biscoe appeared before the Commissioners to present a annual grant application for the Alcohol/Drug Abuse Prevention Grant for the period July 1, 1992 to June 30, 1992. The Total grant is in the amount of \$81,332 with in-kind provided by the County in the amount of \$47,778.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

- 1) **ADDENDUM TO SPOIL DISPOSAL EASEMENT
ST. JEROME'S CREEK**

Mr. Ichniowski presented the referenced Addendum to Spoil Easement for the dredging project at St. Jerome's Creek. He advised that state funding is in place, dredging is scheduled for April and should be completed in May or June.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Addendum as presented. Motion carried.

2) CORRESPONDENCE CALLING LETTER OF CREDIT
COLUMBIA COMMONS II

Mr. Ichniowski presented correspondence addressed to Maryland Bank and Trust calling Letter of Credit No. 374-A in the amount of \$75,000 for Grading Permit #90-12.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the letter as presented, to be forwarded if necessary. Motion carried.

3) DEPLATTING OF LEXWOOD DRIVE

On March 3 the County Administrator had presented a Deed deplattting a 60 foot right-of-way through Lexwood development, which would return the property to the Housing Authority. The Commissioners had raised questions at that meeting and had requested an explanation from the Director of Public Works. Therefore, Mr. Ichniowski explained that the property had been acquired from the Housing Authority in 1988 in conjunction with the Transportation Plan; however, the Housing Authority needs the land in order to meet requirements for setbacks. Mr. Ichniowski stated that other alternatives for the Transportation Plan have been developed and the right-of-way was no longer needed.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Deed between Board of County Commissioners and the Housing Authority of St. Mary's County returning the property to the Housing Authority. Motion carried.

THE SKY DIVING CENTER
DISCUSSION OF AIRPORT COMMISSION ACTION

Present: Cindy Gibson, President, Sky Diving Center
Dan Ichniowski, Director, Public Works
Members of the Airport Commission

Mrs. Gibson appeared before the Commissioners to make three requests:

- 1) That the Commissioners direct the Airport Commission to amend or rescind its motion and rule change passed at its March 10 meeting to not allow The Skydiving Center to jump at the St. Mary's County Airport;
- 2) That the Commissioners not take any action until an investigation be conducted and airing of The Skydiving Center's responses to compatibility and safety allegations by the Airport Commission;
- 3) That the Commissioners take steps to remedy the bad faith treatment by the Airport Commission with The Skydiving Center.

Mrs. Gibson advised that the Airport Commission has given The Sky Diving Center until April 9 to discontinue jumps at the Airport. She indicated that the Airport Commission has referred several times to safety concerns, but she has not received a list of the safety problems caused by The Sky Diving Center.

Commissioner Loffler suggested that the Commissioners appointed the Airport Commission and it is charged with the responsibility of safety at the Airport. He suggested that the request for a list of safety concerns be addressed by the Airport Commission. Mrs. Gibson agreed as long as it did not take beyond the 30-day deadline.

Mrs. Gibson advised that she had just received a letter from Federal Aviation Administration indicating there were no violations by the Center, and pointing out that the investigation may continue. Mrs. Gibson requested the Commissioners to stay any action against The Sky Diving Center until FAA completes its investigation.

Mrs. Gibson further referred to treatment by the Airport Commission and listed a number of complaints by The Sky Diving Center in reference to its treatment and in not following rules for public meetings. (A copy of the list of complaints is on file in the Commissioners' Office.)

Mr. Wilson of the Airport Commission responded to some of the allegations pointing out that the Airport Commission has tried to be fair in this matter and has given advice to the Gibsons to help improve its image in the community.

Commissioner Loffler suggested that the list be turned over to the Airport Commission for response. He suggested that the Airport Commission meeting in a timely manner in order to address the allegations and to report back to the Board of County Commissioners.

Commissioner Jarboe suggested that the Airport Commission may want to grant an extension beyond the April 9 deadline.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to request the Airport Commission to respond to the notification from FAA, to provide The Sky Diving Center with a list of safety concerns and to respond to the allegations by The Skydiving Center. Motion carried.

FISCAL YEAR 1993 BUDGET

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present the Recommended Budget for Fiscal Year 1993. He pointed out that the Senate Bill for the state budget is on the house floor today for action and described to the Commissioners the impact of this legislation. Mr. Wade advised that the Recommended Budget is based on a "worse-case scenario", and more complete information from the State should be available in the next couple of weeks.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and sign the Fiscal Year 1993 Recommended Budget. Motion carried.

The public hearings are scheduled for April 14 and 15 and Leonardtown Middle School.

LIBRARY BOARD OF TRUSTEES

Present: Mary Ann Chasen, Chairperson
Charles Young
Katherine Hurrey, Director, SMRLA
Mary Wood, Head Librarian
Jan Blodgett, Archivist

1) Index of County Commissioners' Minutes

Ms. Blodgett presented to the Commissioners an Index of County Commissioners' minutes from 1931 through 1979.

2) Annual Report

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report of the Library Board of Trustees. Mrs. Chasen reviewed the Board's purpose, mission statement, and significant activities of 1991.

During discussion of the Report Mrs. Chasen inquired whether it would be possible to include public libraries in the county's bus stop routes. Mrs. Wood stated that the bus does make stops at the libraries when requested by passengers, and it regularly stops at the Leonardtown Library on Mondays.

Mr. Young stated that the Trustees are very much aware of the current economic conditions that confront public agencies, but pointed out that the library plays an important role because it is a source of information for those individuals who are trying to upgrade themselves.

A copy of the report is on file in the Commissioners' Office.

MARCEY HOUSE BOARD - ANNUAL REPORT

Present: Larry Harvey, Director
Ken Henson, Chairman
Carol Drury
Ed Kerns
James McCleaf

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report for the Marcey House Board. Mr. Harvey reviewed the Board's purpose, significant activities of 1991, problems and challenges encountered, and plans for the current year. Mr. Henson cited the budgetary problems of Marcey House because of state reductions and the restoration of 40% of that 50% cut. Because of the uncertainty of funding for Fiscal Year 1993 the Board is pursuing alternative funding sources.

A copy of the report is on file in the Commissioners' Office.

METROPOLITAN COMMISSION - ANNUAL REPORT

Present: Larry Petty, Director
Billy Fitzgerald
Joe Russell

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report for the Metropolitan Commission. Mr. Petty reviewed the Commission's purpose, activities of 1991, problems and challenges, and plans for the current year which include water and sewer constructions projects for St. George Island, Tall Timbers, Airedele Road, St. George Beach, Pine Hill Run expansion, St. Mary's Industrial Park, Wicomico Shores, and an elevated storage tank at Hickory Hills Subdivision.

A copy of the report is on file in the Commissioners' Office.

THIOKOL CORPORATION PROPERTY - FRIENDSHIP SCHOOL ROAD

Present: David Burroughs, Thiokol Corp.

Mr. Burroughs appeared before the Commissioners to brief the Commissioners on the property owned by Thiokol on Friendship School Road and Md. Rt. 235 in Mechanicsville. He stated that Thiokol acquired the 800 acre property, on which 100 acres had been used as a ordnance manufacturing site in 1959 from Hunter Chemical Company. He pointed out that the property has remained inactive since Thiokol's possession, except for timber sales and removal of existing buildings. An assessment of the property had been conducted in 1985 by the Maryland Waste Management Administration and classified the property as "no further remedial action planned."

Mr. Burroughs advised that Thiokol is considering using or selling the property and plans to do an in depth investigation to ensure no hazards exist. Surface debris at the site has been studied and no hazardous material was discovered, and it will be removed from the site. Planned actions at the site include a property boundary survey, geophysical survey, and evaluation of existing data to determine need for additional investigation.

A copy of the Thiokol Fact Sheet is on file in the Commissioners' Office.

ADJOURNMENT

The meeting adjourned at 3:10 p.m.

APPROVED


Carl M. Loffler, Jr.,
President