

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JULY 11, 1995

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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
Charles H. Wade, Acting County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, June 27, 1995. Motion carried.

APPROVAL OF BILLS

There was no Check Register this week.

COUNTY ADMINISTRATOR ITEMS

Present: Charles H. Wade, Acting County Administrator

1) **Personnel**

Mr. Wade presented the following personnel items for the Commissioners review and consideration:

County Administrator Contract

Two-year contract between Board of County Commissioners of St. Mary's County and William Aleck Loker commencing July 31, 1995 through July 30, 1997.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Contract as presented. Motion carried four to one with Commissioner Brugman voting against stating that he believed Mr. Loker would be a good administrator, but disagreed with the selection process.

County Attorney Contract

Two-year contract between Board of County Commissioners of St. Mary's County and Douglas S. Durkin commencing on July 31, 1995 through July 30, 1997.

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

Circuit Court

Juvenile Master Secretary

Memorandum dated July 11 from the Personnel Officer advising that Judges Briscoe and Kaminetz have requested that the Secretary for the Juvenile Master, be changed from Grade 12 to Grade 14, effective July 1, 1995.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the request as submitted. Motion carried.

Circuit Court Law Library Clerk

Memorandum dated July 11, 1995 requesting to change the Law Library Clerk from Part Time (16 hours/week) to Regular Part Time (24 hours/week), effective July 1, 1995.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the request as presented. Motion carried.

Addressing Technician

Memorandum dated July 11, 1995 advising that Director of Planning and Zoning, Jon Grimm, has requested the noncompetitive temporary promotion of the Addressing Technician I, Grade 12 employee to fill the Addressing Technician II, Grade 13 grant-funded position effective July 1, 1995. Because of the resignation of the incumbent of the Grade 13 position on June 30, the position became vacant.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the request as presented. Motion carried.

Court Security Officers

Memorandum dated July 11, 1995 from the Personnel Officer advising that the Commissioners within the Fiscal year 1996 budget approved authorization of six Court Security Officers with grade and employment status to be determined. After review and classification of the positions, the Personnel Officer requested authorization to establish and fill the six Court Security Officer positions at Grade 16 Temporary Part Time.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the request as presented. Motion carried.

Airport Manager Position Description

For the Commissioners information and later decision, Mr. Wade presented the proposed job description for the Airport Manager and stated that a determination needs to be made as to who the position would report to (County Administrator or Department of Public Works) and whether it would be a contractor or county employee position.

2) Department of Public Works Items

On behalf of the Department of Public Works Mr. Wade presented the following documents:

Resolution No. 95-31

Little Kingston Creek Waterway Improvement District

Establishing the Little Kingston Creek Waterway Improvement District which includes 17 recorded lots in the Little Kingston Creek Waterfront Community, Eighth Election District.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 95-31 as presented. Motion carried.

Railroad Right-of-Way Easement Agreement

Blair Retail Center

Agreement between the Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative and Blair Family Limited Partnership One, for access across the SMECO right-of-way for the purpose of constructing a driveway providing access to the north side of the proposed Blair Retail Center.

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

Transfer Station Operation Hours

Memo dated June 1, 1995 from Donald Bean to the Director of Department of Public Works providing information relative to the possibility of extending the operation hours of the transfer station from 9:30 a.m. to 6:00 p.m. Monday through Friday with Saturday and Sunday remaining at 8:00 a.m. to 5:00 p.m. The yearly cost would be \$18,891.60. However, the extended hours may only be for daylight saving time because of insufficient lighting at the transfer station for night operation.

The Commissioners agreed to request the Solid Waste Advisory Committee to include this proposal in its review of the fees at the transfer stations.

Town Plan Review Agreement

Agreement between The Town of Leonardtown and the Board of County Commissioners of St. Mary's County wherein the County Department of Public Works will review road plans for the Town and the Town would pay a fee to the County for the review. Mr. Wade stated that the Town would probably only have one plan a year.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Agreement as presented. Motion carried three to two with Commissioners Brugman and Eagan voting against. Commissioner Eagan stated she voted against the motion because she did not believe that the County should be competing with private industry.

Public Works Agreements/Addendum

- **Aircraft Refinishing Technology, Inc. (ART, Inc.)**

Agreement between Aircraft Refinishing Technology, Inc. and St. Mary's County guaranteeing completion of improvements on or before one year from the date of issuance of a Building Permit. The Agreement is backed by surety in the amount of \$290,000 with Patriot National Bank.

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

- **Southern Materials, Inc.**

Agreement between Southern Materials, Inc. and Board of County Commissioners of St. Mary's County guaranteeing completion of improvements, including the widening and surfacing of Quatman Road. The Agreement is backed by surety in the amount of \$36,500 with International Fidelity Insurance Company.

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

- **Essex South, Section 4B&C**

Agreement between Joseph D. Weiner and Board of County Commissioners of St. Mary's County guaranteeing completion of Planters Court, Settlers, Place, Carriage Post Place. The Agreement is backed by a Letter of Credit with Maryland Bank and Trust Company in the amount of \$225,700.

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

- **Magnolia Meadows**

Addendum to Agreement between Stefen Koczczuk and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to July 1, 1996. The Agreement is backed by a Bond with International Fidelity Insurance Company in the amount of \$20,000.

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

Deed - Potomac Sands Drive

Deed dated January 9, 1992 between William Needham and Eleanor T. Needham and Alan C. Borg and Elizabeth A. Borg and the Board of County Commissioners of St. Mary's County conveying Potomac Sands Drive to the County.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept and authorize Commissioner Thompson to sign the Deed as presented. Motion carried.

Road Resolutions
Potomac Sands Drive

No. 95-10 - Posting Potomac Sands Drive at 25 miles per hour

No. 95-11 - Designating Potomac Sands Drive as a Stop Street at its intersection with Lighthouse Road.

Commissioner Chesser moved, seconded by Commissioner Brugman, to accept and authorize Commissioner Thompson to sign the Deed as presented. Motion carried.

3) Spare Computer Donation

Mr. Wade requested approval by the Board for the Sheriff's Department to donate a surplus 8088 computer to the Helping Hands organization.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the donation as requested. Motion carried.

**4) Response Letter
Tax Credit Program**

Mr. Wade presented correspondence addressed to the Hunting Quarter Homeowners Association responding to concerns relative to the Tax Credit Program.

(Because of action taken by the Commissioners later in the meeting regarding the Tax Credit Program, the Commissioners requested that the letter be revised to reflect that action.)

**5) Response Letter
Ethics Commission**

Mr. Wade presented correspondence addressed to the Chair of the Ethics Commission giving assurance that the Commissioners will provide for independent counsel whenever it is deemed necessary.

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

During discussion of the motion Commissioner Thompson suggested that the Ethics Commission be given an opportunity to bring the issue of independent counsel up during the presentation of its annual report and that it be done in concert with the budget process.

6) **Response Letter
Teen Center**

Mr. Wade presented correspondence responding to a June 23 letter from Mary Novotny in support of the Teen Center. The return letter advises that the Commissioners will review the situation again after the Board has an opportunity to evaluate the summer programming results.

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

7) **Sewage Sludge Permit Applications**

Mr. Wade presented the standard letters (2) addressed to the Maryland Department of Environment waiving the County's right for a public hearing/meeting on the sewage sludge utilization permit applications for the Andrew Hertzler property, as forwarded by June 28 correspondence and Montfort, Dorsey and Watt properties, as forwarded by June 27 correspondence from MDE. The letter reiterated the County's ongoing concerns over environmental safety and land records notification.

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

8) **Board of Education
Grant Award/Fiscal Year 1995 Budget**

The County Administrator presented correspondence addressed to the Board of Education approving inclusion of a grant award in its Fiscal Year 1995 Budget: \$44,000 for "Restricted Medical Assistance/94 Carryover."

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign the letter to Board of Education approving inclusion of the referenced grant as requested. Motion carried.

9) **Office on Aging - RSVP Grant
Notification of Grant Award Amendment**

Mr. Wade presented a revised Notice of Grant Award for the RSVP correcting the number of volunteers to read 340 instead of 240. All other terms of the grant remain the same.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the amended NGA as presented. Motion carried.

10) **Grant Agreement
Eradication of Noxious Weeds**

Mr. Wade presented a Grant Agreement between the Maryland Department of Agriculture and St. Mary's County, providing funds for control and eradication of certain noxious weeds (Johnsongrass, Shattercane, thistles, Multiflora rose) for the period July 1, 1995 through May 31, 1996 in an amount not to exceed \$4,200.

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

11) **Agreement - Aircraft Refinishing Technology, Inc.**

Mr. Wade presented an Agreement between the Board of County Commissioners of St. Mary's County, Aircraft Refinishing Technology, Inc. (ART, Inc.) and Patriot National Bank which permits the Bank to assign the lease in the event of default on the loan by ART, Inc.

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

12) **Information Release - County Attorney**

Mr. Wade presented an Information Release relative to the selection of Douglas S. Durkin as County Attorney for St. Mary's County, effective July 31, 1995.

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize the release of the Information Release as presented. Motion carried.

13) **Search Committee
Maryland Economic Development Commission**

Mr. Wade presented correspondence dated July 5, 1995 from Tri-County Council requesting a County Commissioner representative from St. Mary's to serve on the Search Committee for a Southern Maryland representative to serve on the Maryland Economic Development Commission.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to nominate Commissioner Eagan to serve on the Search Committee. Motion carried.

14) **Appointments/Boards, Committees, Commissions**

Commissioner Brugman moved to make appointments as set forth on the handout with the exception of the Efficiency Task Force so there could be further discussion. Motion failed for lack of a second.

Commissioner Eagan moved, seconded by Commissioner Chesser, to make the following appointments with terms as indicated. Motion carried four to one with Commissioner Brugman voting against.

Airport Commission

Jerry L. DePoy

Economic Development Commission

Roger D. Hill

Mark Dillow

Brian Clarke (reappointment)

Community College Building Committee

Thomas A. Mattingly, Sr.

Elizabeth Shea

Development Review Forum

Herb Redmond

Efficiency Task Force

Robert Harper

Daniel Raley

Lawrence Shadegg

Marie Underwood

Leonard Greess

Donald Wright

15) **Letters of Appreciation for Service**

Mr. Wade presented letters of appreciation to those individuals no longer able to serve on a board, committee or commission.

Commissioner Jarboe moved, seconded by Commissioner Chesser to sign and forward the letters of appreciation. Motion carried.

16) **Maryland State Arts Council - Grant Agreement**

Mr. Wade presented a Grant Agreement between the Maryland State Arts Council and St. Mary's County in the amount of \$1,500 for art activities at a summer day camp for children in high risk neighborhoods.

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

TAX CREDIT PROGRAM FOR LOW-INCOME RENTAL HOUSING PROGRAM

Present: Aleck Loker, Director, DECD
Dennis Nicholson, Deputy Director, DECD
Michael McCauley, Housing Authority
W. McGordon Ferguson, "
Robert Gant, "

As a follow up to previous discussions the referenced individuals appeared before the Commissioners to discuss the tax credit for low-income rental housing program. Mr. Loker advised that over the last eight months three public housing projects (Courtyards at Great Mills, Laurel Glen Apartments, and Villages at Hunting Quarter) have been submitted requesting endorsement by the Board for application to the State for tax credit financing. The Commissioners have written letters to the developers supporting the need for low income housing. According to a July 6 letter from the Maryland Department of Housing and Community Development, all three projects are included in the second round of competition for a 1995 allocation of tax credits. The third round of competition applications will be due on August 31.

Mr. Loker stated that the Housing Authority, at the request of the Commissioners, ranked the projects according to its established criteria factors for submission to the Maryland Department of Housing and Community Development for consideration during the second round of competition. He noted that none of the projects received particularly high scores in the ranking because of the emphasis the Housing Authority places on smaller projects which would target the segment of the county's low-income population most in need of housing assistance.

Therefore, Mr. Loker presented correspondence addressed to the MDHCD submitting the ranking of the projects for the Commissioners' signatures.

Discussion ensued on the following issues:

- whether there should be a criteria factor for proposals for rehabilitating existing housing. Mr. Loker indicated that this could be an amendment to the ranking criteria for future projects.
- whether to withdraw the letters of support and let the developers re-enter the process using the new criteria. Mr. Loker recommended that the Commissioners go forward with the current ranking criteria.

After discussion Commissioner Brugman moved, seconded by Commissioner Eagan, to sign and forward the letter to the Maryland Department of Housing and Community Development as presented. Motion carried with four Commissioners voting in favor and Commissioner Chesser abstaining stating he was not prepared to vote on the letter.

MYRTLE POINT COMPROMISE PROPOSAL

Present: Aleck Loker, Director, DECD
Phil Rollins, Director, Recreation and Parks

As requested by the Commissioners, the referenced individuals appeared before the Board to present a compromise proposal relative to the Myrtle Point Property. Mr. Rollins reviewed the proposal which recommends that the County acquire 73 acres on the southeast portion of the property for a park and that the remaining 119 acres be left for private acquisition and development. Mr. Rollins explained that two potential sites were explored--the northwest creek front and the southeast river front--and that the southeast portion was deemed to be the better site.

Discussion ensued as to whether the compromise proposal would affect the grandfathered development rights of the currently zoned PUD because of the critical area restrictions. The Commissioners agreed to get a response from the Director of Planning and Zoning on this issue. In addition the Commissioners also raised concern about the use of Program Open Space funds for the project and the impact this would have on other parks, particularly the Fifth District Park.

(Later in the meeting by telephone the Commissioners discussed the grandfathering issue with Mr. Grimm, who stated that:

- Based upon his understanding of the compromise proposal it would require a major amendment to the PUD development plan, which would be a subject of zoning public hearings and action by the Commissioners.
- In order to maintain the grandfathering of the critical area any change to the development plan would have to adhere to all prior conditions of approval and current critical area regulations.)

In conclusion the Commissioners agreed to take the compromise proposal to public hearing on August 8, 7 p.m., at the Carter State Office Building Public Meeting Room.

FIFTH DISTRICT PARK

Present: Phil Rollins, Director, Recreation and Parks
Hal Bishop, Chair, Recreation and Parks Board
Sam Crozier, Consultant, DMW

The referenced individuals appeared before the Commissioners to present the Fifth District Master Plan Report prepared by the firm of Daft, McCune, and Walker (DMW). The Plan consists of three phases and includes a recommendation to acquire additional land adjacent to and east of the existing park as well as using existing county-owned land adjacent to and west of the park. Phase I involves improvement of the existing 75-acre park including additional parking and access roads, playground equipment, football field lighting, pedestrian walkways, hiking trails, and athletic field irrigation. The projected cost to complete Phase I, which would be funded through Program Open Space and local impact fees, is estimated at \$522,000.

After a review of the report and comments from the Commissioners, Mr. Rollins advised that he would return to the Board at a later date for approval of the Master Plan which is needed in order to move forward with applying for Program Open Space funds.

FERST APPEAL OF PLANNING COMMISSION'S JANUARY 9 DECISION

Commissioner Thompson indicated that the Commissioners needed to make a decision on whether the Planning Commission's ruling on January 9 to affirm the Planning Director's action of removing the note regarding the 200-foot buffer from an approved site plan for FERST Company was appropriate.

Commissioner Eagan moved, seconded by Commissioner Chesser, to affirm the Planning Commission's decision of January 9, 1995 that removal of the note by the Planning Director was proper and correct. Motion carried with four Commissioners voting in favor and Commissioner Jarboe abstaining.

**OFFICE ON AGING
NOTIFICATION OF GRANT AWARDS**

Present: Gene Carter, Director, Office on Aging

Mr. Carter presented the following Notification of Grant Awards for the Commissioners' approval:

- Fiscal Year 1996 Senior Care Contract in the amount of \$91,459
- Fiscal Year 1996 Group Senior Assisted Housing Contract in the amount of \$8,600
- State Grants: Senior Nutrition - \$47,878
Senior Center - \$ 4,431
Senior Guardianship - \$ 6,600
Senior Information & Assistance - \$ 8,246

Commissioner Jarboe moved, seconded by Brugman to approve and to authorize Commissioner Thompson to sign the NGA's as presented. Motion carried.

SHERIFF'S DEPARTMENT

Present: Sheriff Voorhaar

1) **Annual Report**

For the Commissioners' information Sheriff Voorhaar presented the 1994 Annual Report of the Sheriff's Department including Law Enforcement Services and the Correction Division. A copy of the report is on file in the Commissioners' Office.

2) **Update of Sheriff's Office**

Sheriff Voorhaar updated the Commissioners on various activities and programs of the Sheriff's Department including: implementation of drug testing program with Sheriff's Department personnel; implementation of highway safety program; implementation of community policy program in Lexington Park; establishment of Southern Maryland Drug Task Force Office under one roof and includes the Maryland State Police; began a Triad Program with representatives from AARP, OOA, and Maryland State Police to address concerns of the elderly; assign Sgt. Carter as EEO officer for the Sheriff's Department; and started program to address the growing concerns of juvenile problems.

3) **Sheriff's Deputy Position**

Also Present: Barbara Dotson, Fiscal Analyst

Sheriff Voorhaar presented correspondence dated July 11, 1995 requesting the Commissioners' consideration for an additional deputy sheriff position, effective October 1 at a cost of \$27,759 with funds coming from the Sheriff's Department Fiscal Year 1996. The position will help fill the gap created by the assignment of two experienced deputies in the Operation Community Watch in Lexington Park.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the position of Deputy Sheriff as requested. Motion carried.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Personnel (Length of Service Program (Disability) and, Boards, Committees and Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Personnel (Length of Service Award Program (Disability))

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Charles Wade, Acting County Administrator
Judith A. Spalding, Recorder

(George Foster, Personnel Officer, entered the meeting at 12:50 p.m.)

Authority: Article 24, Section 4-210(a)1
Time Held: 12:40 p.m. - 1:17 p.m.

Action Taken: The Acting County Administrator and Personnel Officer reviewed the referenced LOSAP disability case who will return to the Board with options.

Consideration of Appointments -Boards, Committees, Commissions

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Charles Wade, Acting County Administrator

Authority: Article 24, Section 4-210(a)1
Time Held: 1:25 p.m. - 1:35 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made a nomination, and directed staff to contact the nominee and to prepare appropriate letter of appointment for the Commissioners' approval in Open Session.

ADJOURNMENT

The meeting adjourned at 1:35 p.m.

Minutes Approved by Board of
County Commissioners on 7/18/95
Judith A. Spalding
Recording Secretary