

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 12, 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
Aleck Loker, County Administrator
Judith A. Spalding, Recorder

**ST. MARY'S COLLEGE
LUNCHEON AND BRIEFING**

The Commissioners attended a luncheon and briefing at St. Mary's College.

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the minutes of Tuesday, September 5, 1995 and the Building Code Public Hearing minutes of August 29, 1995.. Motion carried.

Commisisoner Chesser moved, seconded by Commissioner Jarboe, to approve the correction to the August 22, 1995 minutes as requested by MetComm. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

- 1) **Response Letter
Clean Water Act**

The County Administrator presented a letter addressed to Kenneth Moore responding to July 20 correspondence regarding the Clean Water Act Amendments of 1995. The return letter expresses the Commissioners concern for water quality in the County and the Chesapeake Bay.

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

- 2) **Budget Amendment No. 96-5
County Commissioners**

The County Administrator presented the referenced Budget Amendment with the following justification: To provide funds for the Charlotte Hall Branch Library Expansion (\$18,007).

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

3) **Annual Rotary Guide Letter**

The County Administrator presented a letter for the Commissioners' signatures to be inserted into the 1995 Rotary Guide to be distributed at the Oyster Festival.

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

4) **Response Letter
Estate of Bruce Colton**

The County Administrator presented correspondence addressed to Senator Dyson in response to his addressed to Maryland Office on Aging regarding the use of funds from the Estate of Bruce Colton . Mr. Dyson's letter supports Cedar Lane as the recipient of the funds. The return letter indicates that the Commissioners believe it is premature to endorse a specific project and that a group of citizens will be asked to make a recommendation as to the best course of action for the ultimate use of the funds.

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

5) **Response Letter - Charles Aud, Sr.**

The County Administrator presented correspondence addressed to Charles Aud, Sr. in response to his of August 30, 1995 regarding his request for rezoning from residential to commercial. The return letter advises that his letter has been forwarded to the Department of Planning and Zoning for action.

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

6) **Ordinance No. 95-40
Health Department's Participation in County's Procurement System**

As a follow up to the August 29 public hearing, the County Administrator presented the referenced Ordinance authorizing the St. Mary's County Health Department to participate in St. Mary's County Government's procurement system.

Commissioner Brugman moved, seconded by Commissioner to approve and sign Resolution No. 95-40 as presented. Motion carried.

7) **1995 On Behalf Of Local Government Housing Bond Program (OBO)**

On behalf of the County's Department of Economic and Community Development, the County Administrator presented correspondence addressed to the Community Development Administration advising that St. Mary's County irrevocably transfers to the CDA, for use in issuing housing bonds on behalf of the County, \$1,418,725 of its tax-exempt housing bond allocation.

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

8) **Boards, Committees, Commissions**
Bulletin Boards in Libraries

The County Administrator presented a memorandum from the Appointment Secretary relative to the placement of board, committee, and commission applications at the county libraries. The Commissioners had suggested that the applications be placed at the libraries on a trial basis; however, only the applications at the Leonardtown Library have needed to be replaced. A decision is needed by the Commissioners whether to remove the applications from the Charlotte Hall and Lexington Park libraries and to continue to have them at the Leonardtown Library in addition to the central notification board at the Governmental Center.

The Commissioners agreed to leave the applications at the libraries until the end of the year after which its effectiveness will be re-evaluated.

9) **Fire/Rescue Day Appreciation Letters**

The County Administrator presented letters of appreciation to businesses who made contributions to the Annual Fire/Rescue Day on August 12.

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

10) **Southern Maryland Wood Treatment Plant**
Superfund Clean Up Site

The County Administrator presented a memorandum from the Southern Maryland Wood Treatment Plant Task Force relative to recent information received regarding possible loss of federal funding for the clean up of the wood treatment plant site in Hollywood. The memorandum further reported on the current status of the site.

PROCLAMATION
CONSTITUTION WEEK

The Commissioners presented the referenced Proclamation designating the week of September 17 - 23 as Constitution Week.

COUNTY COMMISSIONERS' TIME

Piney Point Pier

Commissioner Chesser indicated that he has received complaints concerning visitors at Piney Point who are fishing and leaving debris and waste in the area which is creating a health hazard. He further advised that two DNR police were thrown overboard. Commissioner Chesser requested staff to determine who has jurisdiction for this area.

County Commissioners' Agenda

Commissioner Brugman referred to information received from the County Attorney relative to the Commissioners' agendas. Discussion ensued as to the best method of informing Commissioners of changes to the draft agenda after the Commissioners had reviewed it on Tuesday.

Mr. Loker indicated that the Commissioners' office would be getting voice mail in October and that messages could be left for each Commissioner as to any changes.

**DOMESTIC VIOLENCE TASK FORCE
HOMELESS WOMEN AND EMERGENCY SERVICES FUNCTIONS**

Present: Kathy O'Brien, Director, Walden

As a follow up to a June 13 presentation, Ms. O'Brien appeared before the Commissioners to reiterate the Domestic Violence Task Force's request for \$96,571 for a shelter coordinator and per diem for safe project house. Ms. O'Brien indicated that \$35,000 would actually be needed for the remainder of the fiscal year and suggested that funds in the marriage license fee account be used for this purpose.

Discussion ensued relative to the marriage license funds to support domestic violence assistance program and the fact that there would not be sufficient funds in the account for continued support, but would get the program started.

After discussion the Commissioners indicated they would make a decision on the request for \$35,000 and suggested that Ms. O'Brien return to the Board during the Fiscal Year Budget cycle to discuss funding of the Domestic Violence program

**DEPARTMENT OF PLANNING AND ZONING
SPEC #95-1914 - DAVID HORSTICK**

Present: Jon Grimm, Director, DPZ

Request County Commissioners' review of Planning Commission declaration that a camper repair shop is a permissible use in the I-1 zoning district in accordance with Section 10.8 of the Zoning Ordinance. The property is located at the northwest corner of Md. Rte. 5 and Baptist Church Road; tax map 9, block 21, parcel 153, lot 1.

Mr. Grimm appeared before the Commissioners to present the referenced industrial site plan for the Commissioners' approval. He indicated that the Planning Commission declared at its August 28 meeting (as provided in Section 10.08(4) of the Zoning Ordinance) that an automotive repair was a permissible use in the Industrial zoning district and recommended the Commissioners' approval subject to two conditions:

- Any retail sales associated with this use shall be limited to items accessory to the automotive repair and services use.
- Any such automotive repair and services use shall not be contrary to public health, safety, or welfare of the citizens of St. Mary's County.

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to accept the Planning Commission's recommendation as referenced. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Recycling Coordinator**

Also Present: Amy van Goren, Recycling Coordinator
George Erichsen, Supervisor, Engineering Services

The referenced individuals appeared before the Board to introduce Ms. van Goren, the County's new Recycling Coordinator, to the Commissioners and to present a status report on the county's recycling activities. The report included the status of the following:: Americorps

Volunteers to assist with recycling education and public awareness; buy-recycled; Tag-A-Bag (the coordinator will be attending a conference in Washington); office paper recycling; recycling contract (will be rebid in January); school tours; display at fairs and other events; and hazardous waste days.

2) **Space Needs Study**

As a follow up to previous discussions, Mr. Ichniowski presented a chart summarizing lease versus new construction for office space. The chart included information relative to rents; annual increases; building size; janitor/utility/maintenance responsibility; repairs; and property taxes.

Mr. Ichniowski pointed out that the conclusion of the analysis was that constructing a new facility appeared to be more economical than renting; however, he would provide more detailed information on space needs at next week's meeting.

3) **Application for State Assistance
Half Pone Point Road**

Mr. Ichniowski presented an Application for State Assistance to be submitted to the Department of Natural Resources for shore erosion control at Half Pone Point Road on Cuckold Creek.

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

Mr. Ichniowski advised that a budget amendment will be submitted for the Commissioners' approval at a later meeting.

4) **Acceptance of Deed
Rosebank Court**

As a follow up on the establishment of a special taxing district, Mr. Ichniowski presented a Deed dated August 23, 1995 between John W. Hall, IV and the Board of County Commissioners of St. Mary's County accepting Rosebank Court, from the intersection of Rosebank Road to the cul-de-sac, a distance of approximately 2,184 feet, into the County's Highway Maintenance System.

5) **Public Works Agreement
Westbury PUD**

Mr. Ichniowski presented a Public Works Agreement between Interstate General Company and Board of County Commissioners of St. Mary's County guaranteeing completion of Carmen Woods Drive by August 1, 1996. The Agreement is backed by a Performance Bond in the amount of \$85,000 with The Frontier Insurance Company.

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

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director

1) **State Wildland Designation**

Mr. Rollins presented correspondence addressed to the Maryland Department of Natural Resources to be included in the official record for DNR's August 31 public hearing on the designation of part of St. Mary's River State Park as a State Wildland. The letter indicates the Commissioners' support of the Recreation and Parks Board Task Force to designate

approximately 1,500 acres of the 2,700 state park as a Wildland on the condition that two issues be resolved: renewal of existing lease with the Sheriff's Department for a shooting range located within the proposed wildland; exclusion of necessary frontage along Indian Bridge Road from the Wildlands designation to allow for possible future widening of the road.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to amend the letter to add a third issue, to allow current activities on the property to continue. Motion carried three to two with Commissioners Thompson and Chesser voting against.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward the letter as amended. Motion carried four to one with Commissioner Chesser voting against.

2) **Piney Point Waterfront Park/Boating Facility
Shore Erosion Control**

Mr. Rollins briefed the Commissioners on the Piney Point Waterfront Park/Boating Facility project explaining the funding issues including the Waterway Improvement Loan; development (funding sources and expenses); and available funds for a shore erosion control project. He advised that there are two state funding programs available: (1) structural projects (revetment); non-structural (marsh creation). On the Potomac River Shore the structural project includes repairs to 200 feet of existing bulkhead and replacement of 355 feet of chunks of concrete (total 555 feet of shoreline).

During discussion Mr. Rollins explained there were two options: replacing deteriorated bulkhead and concrete chunks with stone revetment (project cost - \$205,850); or partial project - replace the bulkhead only with stone revetment (project cost \$74,176). He stated that he proposed using Money in Lieu of Land (MILL) park development funds to pay off the loan. The annual payment would be \$13,723 for the complete project and \$4,945 for a partial project. The first year payment and the project administration fee of \$10,293 would be paid from the current MILL balance of \$46,346. However, use of MILL funds for this project will reduce the amount of money available for other park projects over the 15-year duration of the loan. The Commissioners requested additional information relative to the Potomac River side.

Relative to the St. George's Creek Side, Mr. Rollins advised that a 50% matching state grant may be available and presented a Shore Erosion Control Grant Application to be submitted to the Department of Natural Resources for the shore erosion control work at St. George's Creek.

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

**MYRTLE POINT PROPERTY
MOTION TO ISSUE NON-BINDING LETTER OF INTENT TO PURCHASE**

Present: Doug Durkin, County Attorney

Commissioner Jarboe moved, seconded by Commissioner Eagan to accept the motion prepared by the County Attorney to issue a non-binding Letter of Intent to Purchase Myrtle Point with certain terms and conditions.

Commissioner Brugman moved, seconded by Commissioner Chesser, to amend the Motion to add that no bond funds be used in the purchase. Motion carried four to one with Commissioner Thompson voting against.

Vote on the amended main motion was unanimous. The amended motion is as follows:

MOTION TO ISSUE NON-BINDING LETTER OF INTENT TO PURCHASE MYRTLE POINT PROPERTY FROM RESOLUTION TRUST CORPORATION

That the Board of County Commissioners issue a non-binding letter of intent to purchase all, or whatever portion of the property that may be available for sale and which the Board of County Commissioners deems to be in the best interest of the County, including whatever portion may be available for sale after the exercise of whatever repurchase options or rights of first refusal, if any, may exist, of the Myrtle Point property now in the possession of the United States Special Trustee and to which the Resolution Trust Corporation expects to soon acquire title, on the following terms and conditions:

1. That NO County general or bond funds be utilized for the purchase, and that all funds for the proposed purchase come from State or Federal grants and donated funds;
2. That the County's acceptance of title be contingent upon receipt of adequate title insurance paid for with funds from the above sources;
3. That acceptance of title be contingent upon the County Attorney's opinion as to adequacy of the title insurance and title report at the time of closing;
4. That acceptance of title be contingent upon no obligations being owed to third parties, including any alleged obligation owed to third party beneficiaries to complete construction of sewer and water utilities or to provide service OR that the risk of third party beneficiary claims for provision of sewer and water services along the existing trunk lines be either eliminated by release or found to be acceptable to the Board of County Commissioners after further staff investigation and inquiry;
5. That acceptance of title be contingent upon the MetCom receiving adequate title to the existing water and sewer lines at no cost to the County or MetCom;
6. That the pending federal Historic Preservation Act review process result in NO impediment which, in the sole discretion of the Board of County Commissioners, is detrimental to use as a County park;
7. That any action taken pursuant to this motion be contingent upon the Trust for Public Lands accepting responsibility for negotiating this acquisition on behalf of the County, on terms and conditions acceptable to the Board of County Commissioners;
8. That closing be contingent upon any and all other contingencies as the Board of County Commissioners may deem necessary or prudent as the facts and liabilities are determined subsequent to the date of the Board's letter of intent;
9. That the Procurement Officer and the Parks & Recreation Director are hereby authorized to commence negotiations on such a contract with the Trust for Public Lands; AND
10. That this Board execute letters addressed to St. Mary's County Congressional and General Assembly delegations including Senators Sarbanes and Mikulski, Congressman Hoyer, Senator Dyson and Delegates Wood, Slade and O'Donnell requesting that they actively lobby the Maryland General Assembly, U.S. Congress and appropriate State and Federal agencies for grants of funds to be utilized in the acquisition and development of an active park at Myrtle Point.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Litigation (Enforcement Procedures; Planning and Zoning Appeals; Olde Breton Inn Appeal; Abell's Wharf; The Skydiving Center; Potential Litigation), as provided in Article 24, Section 4-210(a)8. Motion carried.

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

(Because of time constraints the executive session on Abell's Wharf did not take place.)

Litigation - Enforcement Procedures

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
Jon Grimm, Director, DPZ
Paul Wible, Director, EMA
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 4:45 p.m. - 5:35 p.m.

Action Taken: The County Attorney discussed the issue of Enforcement Procedures and agreed to return to the Board with recommendations.

Personnel

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
Walter Dorsey, State's Attorney
Christy Chesser, Deputy State's Attorney
Florence Ballangee, State's Attorney's Office
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 5:35 p.m. - 6:10 p.m.

Action Taken: Representatives of the State's Attorney's Office discussed personnel needs of the State's Attorney's Office.

Personnel

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

Authority: Article 24, Section 4-210(a)8
Time Held: 6:10 p.m. - 6:13 p.m.

Action Taken: The Commissioners discussed membership of a particular Commission.

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
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 6:17 p.m. - 6:35 p.m.

Action Taken: The County Attorney discussed various aspects of the referenced matter of litigation.

Litigation

Planning and Zoning Appeals/Olde Breton Inn Rezoning Denial Appeal

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
Jon Grimm, Director, DPZ
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 6:35 p.m. - 6:55 p.m.

Action Taken: The County Attorney discussed zoning appeal policies, discussed the status of the Olde Breton Inn Appeal and agreed to return to the Board with recommendations.

7:00 P. M.

**MARYLAND DEPARTMENT OF ENVIRONMENT
SEWAGE SLUDGE UTILIZATION**

Present: Thomas Blair, MDE, Sewage Sludge Section
Robert A. Heiniger, MDE, Sewage Sludge Compliance Division

At the request of the Commissioners the referenced individuals appeared before the Commissioners to make a presentation on sewage sludge utilization and application on farmland. The presentation included discussion of disposal options, sludge content, nutrient recycling, safety factors, contaminant levels, and monitoring and inspections.

Comments were received from the Commissioners and audience regarding restrictions on application of sludge on certain crops, metallic content, monitoring, and odor problems at certain locations.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

**Minutes Approved by Board of
County Commissioners on 9/19/95**

James A. Spalding
Recording Secretary