

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
OCTOBER 31, 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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, October 24, 1995. Motion carried.

APPROVAL OF BILLS

Commissioner Eagan 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) **1996 Legislative Package
Forwarding Positions to Legislators**

The County Administrator presented correspondence addressed to the Legislators forwarding the Commissioners' positions on each of the items.

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

2) **Response Letters**

The County Administrator presented the following response letters for the Commissioners' review and signatures:

- To Mr. Larry Hak relative to Nursing Home Program concerns.
- To Ann O'Conner regarding the Clean Water Act Amendments.
- To Congressman Hoyer regarding the Oyster Recovery Project
- To ACT regarding Homestead Tax Credit
- To ACT regarding Efficiency Task Force Report
- To ACT regarding the 1996 Legislative Package

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

3) **Board of Education - Efficiency Study**

The County Administrator presented the following correspondence for the Commissioners' review and signatures:

- To Board of Education applauding its efforts to undertake an efficiency study and offer the County's assistance.
- To Chair of the Efficiency Task Force regarding the Board of Education's efforts to undertake an efficiency study.

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

4) **Colton Endowment Task Force
Solicitation of Membership**

The County Administrator presented correspondence addressed to various departments/agencies/entities soliciting nominees to serve on the Colton Endowment Task Force.

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

5) **Letters of Appreciation
Airport Commission**

The County Administrator presented correspondence addressed to Mr. William McCarthy and Mr. Pete Weiskopf expressing appreciation for service on the Airport Commission which has come to end because of their resignations.

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

6) **Request for Waiver of Building Permit Fee
Lexington Park Christian School**

Also Present: Jon Grimm, Director, Planning and Zoning

Mr. Grimm advised that the Commissioners adopted Resolution No. 75-53 authorizing the waiver of building permit fees for non-profit organizations. He stated that the Lexington Park Christian Schools request for waiver of fees for installation of a modular classroom unit is in compliance with Resolution No. 75-53 and, therefore, recommended approve of the request. He presented correspondence addressed to Lexington Park Christian School approving request for waiver of the building permit fee.

In addition Mr. Grimm suggested that Department of Planning and Zoning handle requests for waiver of building permit fees in that the parameters for granting waivers is contained in Resolution No. 75-53.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letter and to approve that requests for waivers be handled by the Department of Planning and Zoning. Motion carried.

7) **Cable Advisory Committee
Request for Form Subcommittee on Public Access**

The County Administrator presented a memorandum from the Cable Advisory Committee requesting approval to form a subcommittee to look into the issue of public access. The subcommittee would consist of seven members with representation from each of the two cable companies, three cable committee members, with an additional committee member as an alternate, the County's Information Specialist, and a citizen group representative.

The Commissioners indicated concurrence for the Cable Committee to proceed with appointment a subcommittee.

8) **Ordinance No. 95-44**
Wicomico Shores Special Taxing District

Also Present: Jon Grimm, Director, Planning and Zoning

As a follow up to the October 17 public hearing, the County Administrator presented the referenced Ordinance amending Ordinance No. 88-35 to include residential Lot 12, Plat 3, Section 2, into the Wicomico Shores Special Taxing District for road improvements.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign Ordinance No. 95-44 as presented. Motion carried.

9) **Department of Public Works Items**

On behalf of the Department of Public Works, the County Administrator presented the following documents:

Public Works Agreement
St. Winifred's Estates

Also Present: Jon Grimm, Director, DPZ

Between Edward D. Middleton and Board of County Commissioners of St. Mary's County guaranteeing completion of Banerjee Court by July 1, 1996. The Agreement is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$53,100.

Discussion ensued relative to the critical area growth allocation granted to the project and the suspense date of November 5, 1995. Mr. Grimm noted that Mr. Middleton has submitted his record plat package for recording; however, it has been held up until the public works agreement has been executed. He referred to correspondence from R. C. Gass relative to the expiration date and the fact that the parcel will revert to its former zoning classification, RCA because improvements have not been completed. Mr. Grimm informed the Commissioners that Mr. Middleton has requested an extension of time for installation of public facilities because of difficulties in getting the documents executed. He pointed out that the Public Works Agreement is in order, a bond posted, and the Department of Public Works has recommended approval of the Agreement. He further advised that the issue of the public works agreement and the extension for completion of sitework were separate issues. Because of the deadline, the Commissioners need to act on the extension prior to November 5.

After discussion regarding the project, the time element, and neighbor's concerns, Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement as presented, with the understanding that the request for extension will be discussed with the County Attorney. Motion carried.

The Commissioners agreed to discuss the issue of extension for completion of the sitework with the County Attorney, as well as address the issue of whether the County held the project up, on Thursday, November 2 at 3 p.m.

Addenda to Public Works Agreement

Summerwood Subdivision - Between William P. Gloster, III and Gretchen G. Gloster and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements by October 1, 1996. The Addendum is backed by a Letter of Credit with International Fidelity Insurance Company in the reduced amount of \$46,000.

St. Mary's County Airport - Between Aircraft Refinishing Technology, Inc. and Board of County Commissioners of St. Mary's County amending the Set Aside Letter from Patriot National Bank and reducing the surety to \$158,685.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the referenced Addenda to Public Works Agreements as presented. Motion carried.

10) **Budget Amendments**

The County Administrator presented the following Budget Amendments recommended for approval by the Director of finance with justifications as indicated:

No. 96-15
Social Services

Burial Assistance: \$650

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

No. 96-16
Public Schools

Also Present: Steve Welkos, Director of Finance
Brad Clements, Supervisor, School Facilities

Mr. Welkos explained that the budget amendment requests an additional \$187,446 appropriation for the Great Mills High School Renovation/Addition Project by transferring available balances from seven completed school projects. The funds will be used to cover four alternates in the project.

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

**MARYLAND DEPARTMENT OF TRANSPORTATION
ANNUAL STATE HIGHWAY TOUR**

The Commissioners attended the annual state highway presentation by the Maryland Department of Transportation at the Carter State Office Building.

**ELECTRIC BOAT SERVICE
ST. CLEMENTS ISLAND**

Commissioner Jarboe showed a video on an electric boat service in California and proposed that he look into the possibility of bringing this service to St. Clements Island. He requested the Commissioners' concurrence that he work on this as a demonstration project at no cost to the County.

The Commissioners indicated their concurrence.

COUNTY COMMISSIONERS' TIME

FDR Boulevard

Commissioner Thompson, after discussion with Department of Transportation officials, requested concurrence from the Board to entertain the possibility of constructing FDR as a four-lane road. She advised that the Director of Public Works will draft a letter to DOT formally requesting the State to work with the County in developing FDR as a four-lane road. The Commissioners gave their concurrence for Director Ichniowski to prepare the draft letter for their review.

Hollywood Elementary School Leonard Hall Junior Naval Academy

Commissioner Jarboe stated that Leonard Hall Junior Naval Academy offers something public schools do not--military discipline and Christian education. He pointed out that with the growth coming to the County, it was important to emphasize education and Leonard Hall may need to expand because of what it offers. Commissioner Jarboe suggested that the Commissioners look into the possibility of moving LHJNA to Hollywood Elementary School.

County Administrator Loker indicated he would contact LHJNA to give them an opportunity to look at Hollywood Elementary School to determine if it meets its needs.

The Commissioners agreed to place this item on the November 14 agenda if LHJNA was interested in using Hollywood Elementary School.

Community College at St. Mary's (Great Mills Road Location)

Commissioner Brugman referred to discussions relative to the use of Community College at Great Mills facility once it is vacated and suggested that the county look into the possibility of using it as an elementary or middle school site.

County Administrator Loker stated that the property consists of six acres and that the Director of Public Works has been contacted by the Board of Education to look at the facility. The Family Assistance Center is the only agency that has expressed an interest and Mr. Loker stated that he has requested the Center to contact the Board of Education to determine whether their requirements were compatible.

Sign Ordinance - Realtors

Commissioner Jarboe advised that he had been contacted by several realtors indicating that the Department of Planning and Zoning has made them remove their signs. In that the County will be reviewing the sign ordinance in conjunction with the update of the Zoning Ordinance, he suggested that the Commissioners meet with the realtors to discuss the issue of realtor signs.

Commissioner Thompson explained the provisions of the Ordinance that allows for off-site signs for developers while the project is being marketed and suggested that the County Administrator contact the Department of Planning and Zoning to find out why the signs are being removed.

**AIRPORT COMMISSION
THE SKYDIVING CENTER LEASE**

Present: Glen Gardner, Acting Chair
Doug Durkin, County Attorney

Mr. Gardner appeared before the Commissioners to present the Airport Commission's recommendations relative to The Skydiving Center's lease application at the St. Mary's County Airport. He stated that the Commission determined that The Skydiving Center does not meet the qualifications set forth in the Minimum Standards. The Airport Commission believes that the Board of County Commissioners should reject lease application and institute eviction proceedings if TSC has not vacated the premises by November 13, 1995.

The Commissioners agreed to defer a decision until they had had an opportunity to review it.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Jarboe, 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.

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
Douglas Durkin, County Attorney
James Haley, Acting Airport Manager
Judith A. Spalding, Recorder

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

Action Taken: The County Attorney and Acting Airport Manager provided an update relative to the referenced legal matter and the Commissioners gave direction to the County Attorney.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

**Minutes Approved by Board of
County Commissioners on 11/7/95**
Judith A. Spalding
Recording Secretary