

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
DECEMBER 5, 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

**GROUNDBREAKING CEREMONY  
AIRPORT RUNWAY EXTENSION**

The Commissioners attended the groundbreaking ceremony for the Airport Runway Extension at the St. Mary's County Airport.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, November 28, 1995 as corrected. Motion carried.

**APPROVAL OF BILLS**

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

**PRESIDENT - ST. MARY'S COLLEGE**

The County Administrator presented a News Release from St. Mary's College announcing the selection of Dr. Jane Margaret (Maggie) O'Brien as the next president of the College replacing Dr. Edward T. Lewis, who will be retiring at the end of this academic year.

**COUNTY ADMINISTRATOR ITEMS**

Present: Aleck Loker, County Administrator

- 1) **Letter of Appreciation  
Annual Community Service Day**

The County Administrator presented correspondence addressed to volunteers expressing appreciation for their participation in the Seventh Annual Community Services Day.

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

- 2) **Boards, Committees, Commissions**

**Appointments**

Commissioner Eagan moved, seconded by Commissioner Jarboe, and motion carried, to make the following appointments with terms as indicated:

<u>Adult Public Guardianship Review Board</u>	<u>Terms to Expire</u>
Monalea C. Potter (reappointment)	12/31/98
 <u>Board of Trustees for St. Clements Island</u> <u>Potomac River Museum</u>	
James M. Banagan (reappointment)	12/31/99
Roy Dyson "	12/31/99
Mary Lillian Hewitt "	12/31/99
 <u>Electrical Examiners Board</u>	
John M. Finch (reappointment)	12/31/98
John J. Lynch "	12/31/98
 <u>Tri-County Youth Services Bureau</u>	
Mark Aldridge	12/31/97
Janice Walthour	12/31/96/98

Letters of Appreciation

Commissioner Jarboe moved, seconded by Commissioner Chesser, to sign and forward letters of appreciation to those individuals no longer able to serve on the Tri-County Youth Services Bureau. Motion carried.

3) **Notification of Grant Award  
Walden/Sierra Safe House Project**

The County Administrator presented a Notification of Grant Award from the Governor's Office of Crime Control and Prevention in the amount of \$4,500 to fund the Walden/Sierra Safe House Project for the period November 1, 1995 through June 30, 1996.

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

4) **Department of Recreation and Parks  
Post Verification/Night Depository Agreement**

The County Administrator presented a memorandum dated December 1, 1995 from the Director of the Department of Recreation and Parks requesting authorization for Commissioner President Thompson to sign the Post Verification/Night Depository Agreement with NationsBank. Mr. Rollins has indicated that this will allow his department to make deposits after normal banking hours, and would result in tighter cash controls within Recreation and Parks.

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

5) **Seventh District Volunteer Fire Department  
Lease Purchase of Pumper Truck**

Also Present: Douglas Durkin, County Attorney

Relative to previous discussions concerning the Seventh District Volunteer Fire Departments' application for a Lease Purchase Agreement for the acquisition of a pumper truck, the following motions were made:

Commissioner Jarboe moved, seconded by Commissioner Eagan, that pursuant to the authority granted by Income Tax Regulation Section 5f.103-2g, to delegate to the Seventh District Volunteer Fire Department the authority to conduct a Public Hearing with regard to a proposed \$325,000 Lease-Purchase Agreement for the purchase of one pumper truck. And to ratify the Notice given and the Public Hearing previously conducted by the Seventh District Volunteer Fire Department as the Notice and Hearing required by Internal Code Section 147(f). Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the Seventh District Volunteer Fire Department Lease-Purchase Agreement for the purchase of one pumper truck in an amount not to exceed \$325,000, and to authorize the President to execute the Certificate of Approval. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the Seventh District Volunteer Fire Department proceeding with procurement of this pumper truck without utilizing the County's Procurement Office because the St. Mary's County Manual of Procurement Regulations and Procedures does not clearly apply to nor exempt Volunteer Fire Departments. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to authorize the County staff to prepare a Resolution amending and clarifying the St. Mary's County Manual of Procurement Regulations and Procedures to clearly exempt Volunteer Fire Departments. Motion carried.

6) **Commissioners of Leonardtown  
Sewage Sludge Transportation Permit**

The County Administrator referred to November 27, 1995 correspondence from the Town of Leonardtown requesting the Board of County Commissioners to waive its review of the proposed Sewage Sludge Transportation Permit. The letter indicates that the Town is attempting to dispose of its sludge from its wastewater treatment plant by transporting it to MetComm's Pine Hill Run Treatment Plant. It will be disposed of through MetComm's sludge contractor in the spring.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to waive the 20-day public comment period for its Sludge Transportation Permit Application as requested. Motion carried.

7) **Lexington Park Corporate Center  
Fast Track Application**

Also Present: Jon Grimm, Director, Planning and Zoning

Mr. Grimm advised the Commissioners that the referenced application for fast tracking was submitted to his department for review and indicated that it meets the requirements of Resolution No. 93-27. The application for the project, an 8,000 s.f. facility located behind the IHOP Restaurant in Lexington Park, has also been reviewed by the Economic Development Commission, and Chairman Brian Clarke has recommended proceeding with the fast track review.

During discussion Commissioner Eagan questioned whether fast tracking this project would result in delay of other projects vying for office space to accommodate the growth from the expansion of the Navy Base. Mr. Grimm indicated that this project would not delay projects that are in process and that staff will be working after hours on the application. He further suggested that other agencies may need to work after hours to process this application.

After discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to authorize processing the fast track application for Lexington Park Corporate Center as recommended. Motion carried.

#### **ST. MARY'S TOURISM DIVISION**

Present: Cindy Woodburn, Tourism Coordinator  
Dean Kenderdine, Director, Md. Department of Tourism  
Sara Patton, Director, St. Mary's City  
Cheryl Ahearn, Patuxent Inn  
Ann Marum, Chamber of Commerce  
Mark Pinkerton, Chamber of Commerce  
Dot Sparling, Md. Antiques Center  
Jon Beasley, Potomac Raceway

The referenced individuals appeared before the Commissioners to present a status report on the tourism efforts in St. Mary's County, the Fiscal Year 1995 Annual Report for the Division of Tourism, and the Fiscal Year 1996 Marketing Plan. The Annual Report included information relative to funding sources, revenue generated through tourism, distribution of brochures, FY '95 expenses (advertising, printing, conferences, promotions) by county, state and private sources.

Mr. Kenderdine stated that with the State's current emphasis on tourism, he would encourage the Commissioners to continue support of St. Mary's County's tourism efforts.

Ms. Woodburn presented the FY '96 Marketing Plan and reviewed promotion of attractions, historic sites and waterways in the County. Representatives of various attractions spoke to the Commissioners in support of attracting tourism in St. Mary's.

#### **COMMENDATION - VISTA WORKER**

Present: Priscilla Scott-Bromley

The Commissioners presented a Commendation to Priscilla Scott-Bromley for her efforts with the Alliance VISTA project.

#### **PROCLAMATION NATIONAL DRUNK AND DRUGGED PREVENTION MONTH**

The Commissioners issued the referenced Proclamation designating December as National Drunk and Drugged Prevention Month and Friday, December 15 as *Lights on for Life Day*.

#### **DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

##### **1) St. Andrews Landfill Expansion Permit**

Mr. Ichniowski advised that the State issued the Expansion Permit for St. Andrews Landfill, which covers the new municipal waste area and rubble cell continuation in the old area, on October 5, 1995. He reviewed the current status of the landfill pointing out the life remaining for the sanitary landfill is approximately two years and the rubble landfill about seven years. Design has been approved for three new cells, with the first two cells as part of Phase I of the project. In addition Mr. Ichniowski reviewed the approval process, cost estimates and construction time frame.

During discussion Commissioner Thompson advised that the Commissioners have written to Calvert County requesting that St. Mary's be included in its proposal for disposal of solid waste and inquired whether the landfill construction should be deferred until a response is received from Calvert County. Mr. Ichniowski indicated that Tri-County Council is seeking a grant in the

amount of \$20,000 from the Maryland Department of Environment to look at regionalization of a transfer facility and a municipal recycling facility. The grant would require a \$10,000 match, which can be in-kind, and TCC is recommending that the three counties participate.

Discussion ensued as to whether Mr. Ichniowski should phase his invitation to bid on the new landfill project so that it could be coordinated with Calvert County's proposal. Mr. Ichniowski indicated he would contact Calvert County relative to its timing, determine how it relates to the County's project and report back to the Commissioners.

The Commissioners agreed with Mr. Ichniowski's suggestion and further concurred that the County could use in-kind services (staff time) for its match to the \$20,000 grant.

2) **Triangle Drive Realignment/Abandonment  
Notice of Public Hearing**

Mr. Ichniowski presented a proposed Notice of Public Hearing for the relocation and abandonment of Triangle Drive, located in Charlotte Hall, Fifth Election District. The Commissioners agreed to schedule the public hearing for Tuesday, January 2 at 7 p.m. prior to the Public Forum.

3) **Piney Point Landing Subdivision**

Mr. Ichniowski presented the following documents for the Commissioners' consideration:

- Deed January 25, 1994 between Potomac Land Ltd and the Board of County Commissioners accepting Driftwood Drive, White Stone Court, White Stone Court East, White Stone Court West, White Stone Place and Bell View Court.

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

- Road Resolution No. 95-20 designating certain streets in Piney Point Subdivision as Stop Streets.
- Road Resolution No. 95-21 posting Driftwood Drive, Whitestone Court, White Stone Court East, White Stone Court West, White Stone Place, and Bell View Court at 25 miles per hour.

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

**REAL ESTATE EXCHANGE  
FRANK KNOX SCHOOL/NAVY PROPERTY**

Present: Douglas Durkin, County Attorney

Relative to the land transfer of Frank Knox School property to the Navy in exchange for two parcels located on the Naval Air Station, Mr. Durkin presented the following draft documents for the Commissioners' review and authorization for Commissioner Thompson to sign:

- General Warranty Deed between Board of County Commissioners of St. Mary's County, Maryland and United States of America, through the Naval Air Warfare Center conveying Frank Knox Elementary School property, Lexington Park, Maryland to the Navy in exchange for Parcel A and Parcel B, part of the Naval Air Warfare Center, Eighth Election District.

- Quitclaim Deed between United States of America, through Naval Facilities Engineering Command and the Board of County Commissioners of St. Mary's County, Maryland conveying Parcel A and Parcel B to St. Mary's County in exchange for Parcel C, Frank Knox Elementary School.
- Quitclaim Deed between Board of County Commissioners of St. Mary's County, Maryland and the St. Mary's Metropolitan Commission conveying to MetComm Parcel B, located on the Naval Air Warfare Center, Eighth Election District. The property will be used for expansion of MetComm's existing sewer facilities.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the three referenced Deeds at a signing ceremony on Wednesday, December 6. Motion carried.**

## **COUNTY COMMISSIONERS' TIME**

### **Animal Control Complaint**

Commissioners Jarboe and Brugman referred to a second letter from Rose Raley regarding an animal complaint and that a response is needed. County Administrator Loker indicated he would prepare a response and provide her with all relevant material in reference to the case.

Discussion ensued regarding accessibility for residents to obtain dog tags and Commissioner Thompson referred to a prior suggestion that the tags be made available through local veterinarians.

### **Death Certificates** **Tobacco Use**

Commissioner Jarboe advised that he received a message from an individual on the Agricultural Commission that the Death Certificates issued by the Health Department inquire whether tobacco use contributed to the death of the individual; however, there was no inquiry relative to alcohol use or illegal drugs.

## **EXECUTIVE SESSIONS**

Present: Douglas Durkin, County Attorney

Commissioner Thompson suggested that the Commissioners discuss the County Attorney's workload as to relates to various matters of Litigation. Mr. Durkin requested that the discussion be held in executive session to discuss his assignments as it relates to enforcement litigation cases.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel/Litigation (County Attorney's assignments and enforcement cases), as provided in Article 24, Section 4-210(a)1 and 8. Motion carried.**

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

**Litigation -County Attorney**

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  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8  
Time Held: 4:30 p.m. - 4:55 p.m.

Action Taken: The County Attorney reviewed with the Commissioners various matters of litigation involving enforcement issues and received direction from the Board as to how to proceed..

**Personnel (Recreation and Parks)**

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  
Phil Rollins, Director, R&P  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 4:55 p.m. - 6:20 p.m.

Action Taken: The Director of Recreation and Parks presented a proposal relative to personnel for the Commissioners' consideration and received direction from the Board.

**Personnel (Consideration of Appointments to Board, Committees, Commissions)**

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)1  
Time Held: 6:20 p.m. - 6:50 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations, and directed staff to contact the individuals and prepare appropriate letters of appointment for consideration at a later meeting.

## **FOLLOW UP TO EXECUTIVE SESSIONS**

As a follow up to the referenced executive sessions Commissioner Thompson announced the following:

- With regard to the County Attorney and Litigation, the Commissioners directed the County Attorney to proceed with litigation as discussed.
- Relative to the session regarding Recreation and Parks personnel, the Commissioners gave guidance to the County Administrator and Director of Recreation and Parks.
- Regarding Boards and Committees, the Commissioners made nominations and if they agree to serve, formal appointments will be made at a later meeting.

## **PUBLIC FORUM**

The Commissioners conducted the regular monthly public forum accepting comments and questions from the audience as follows:

**Vaughn McCall** - (1) Reiterated his inquiry as to how the \$10M requested bond issue would be used; (2) Questioned when SMARTCO was going to put the computers into the schools; (3) Inquired as routine drug testing for school employees in light of a recent charges against an employee.

(1) Commissioner Thompson referred to the Director of Finance's handout of last month which listed the balance remaining in the current bond authorization and the list of project using that balance in addition to the new authorization, if approved by the General Assembly. (2) Dr. Richardson, Director of Instruction for Public Schools, indicated that SMARTCO is working as quickly as possible to rebuild the computers for placement in the schools. She advised that the schools are also looking for computers that will handle the new software. (3) Relative to the personnel issue, Dr. Richardson referred Mr. McCall to the Director of Human Resources.

**Emily Jackson (County Council of PTA's)** Expressed the need for adequate resources beyond the Maintenance of Effort funding for the school system in light of the anticipated increased enrollment due to the new families expected in the County.

**Pat White:** Pointed out the need for adequate lighting in the parking lot of Great Mills High School.

**Bob Thompson:** Requested the Commissioners to give consideration to increasing the impact fee as much as 50% because of the lack of state or federal funding to support the expected growth. He suggested that this issue be addressed by the Efficiency Task Force after it completes its current task.

**Minnie Russell** - Advised that the 1st and 2nd districts will be reassessed in '96; however, instead of the assessor coming in April or May of '96, he was there in September (nine months early). Mrs. Russell requested an investigation regarding this process.

**Daphne McGuire** - Expressed concern about the large number of wells failing in the northern end of the County and because of new development in the area, this issue should be seriously addressed.

**Leonard Greess** - Briefed the Commissioners on the Parcel of Record issue, Potomac River Association's legal action against the county challenging the validity of a 1991 amendment to the County's Zoning Ordinance, and the various correspondence relative to negotiations for settlement. He referred to November 14 correspondence from the County and PRA's response of November 28 relative to a proposed Consent Order. Mr. Greess expressed concern relative to the



implications and inferences in the County's November 14 letter, explained the PRA's motives in bringing the suit against the County which was to make the County conform to Article 66B and the Subdivision Regulations, and requested a retraction and an apology for the comments made in the County correspondence.

**ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

**Minutes Approved by Board of  
County Commissioners on 12/15/95**

*Judith G. Spalding*  
**Recording Secretary**

