

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
FEBRUARY 13, 1996**

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
Mary M. Langley, Recorder

CALL TO ORDER

The meeting was called to order at 11:10 p.m.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Personnel (Sheriff's Department – Police Services Coordinator position and Annual Leave Carryover Request, and the Airport Manager position) as provided in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Property Disposition (Southern Maryland Higher Education Center - Deed Options) as provided in Article 24, Section 4-210(a)11. Motion carried.

Personnel - Sheriff's Department (Police Services Coordinator Position)

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
George Foster, Personnel Officer
Mary M. Langley, Recorder

Authority: Article 24, Section 4-210(a)1.
Time Held: 11:15 p.m. - 11:30 p.m.

Action Taken: The Commissioners discussed a personnel issue relative to the Sheriff's Department, gave direction to the Personnel Officer and agreed to take action in Open Session.

Personnel - Sheriff's Department (Annual Leave Carryover Request)

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
George Foster, Personnel Officer
Mary M. Langley, Recorder

Authority: Article 24, Section 4-210(a)1.
Time Held: 11:30 a.m. - 11:50 a.m.

Action Taken: The Commissioners discussed a personnel issue relative to the Sheriff's Department, gave direction to the Personnel Officer, and agreed to take action in open session.

Personnel - Airport Manager Position

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
George Foster, Personnel Officer
Steve Welkos, Finance Director
Mary M. Langley, Recorder

Authority: Article 24, Section 4-210(a)1.
Time Held: 11:50 p.m. - 12:30 p.m.

Action Taken: The Commissioners discussed a personnel issue relative to the Airport Manager position, gave direction to the Personnel Officer, and agreed to take action in Open Session.

Property Disposition (Southern Maryland Higher Education Center - Deed Options)

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
Mary M. Langley, Recorder

Authority: Article 24, Section 4-210(a)11.
Time Held: 12:30 p.m. - 12:50 p.m.

Action Taken: The Commissioners discussed the particulars of deed options concerning the Southern Maryland Higher Education Center, gave direction to the County Attorney, and agreed to take action in Open Session.

OPEN SESSION

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the appointment of Walt Biscoe as Police Services Coordinator for the Sheriff's Department, to defer consideration of an annual leave carryover request by an employee of the Sheriff's Department, and to authorize the preparation of necessary paperwork related to the Airport Manager position. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize the County Attorney to send a proposed deed to convey the Higher Education Facility to the Board of Governors of the Southern Maryland Higher Education Center. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to authorize the County Attorney to respond to the three settlement letters offered by The Skydiving Center and its attorney discussed in executive session on February 12, 1996. Motion carried.

APPROVAL OF MINUTES

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, February 6, 1996 as corrected. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS / DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe to accept the agenda for February 13, 1996 as amended to provide for an executive session to discuss a matter of litigation concerning The Skydiving Center, and to discuss proposed legislation by Ford Dean during County Commissioners' time. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

1) Correspondence

The County Administrator presented the following correspondence for the Commissioners' review and consideration.

- To Elizabeth Dufresne, Chair of the Charles County Community College Building Committee regarding phase out of the Building Committee after completion of current construction project;
- To Emily Stevens regarding Myrtle Point;
- To Ford Dean regarding suggested legislative solution to "illegal subdivision" issue.

Commissioner Brugman moved, seconded by Commissioner Jarboe to approve and sign the above letters as presented. Motion carried.

2) St. Mary's County Annual Report

As a follow-up to a previous discussion, the Commissioners considered three options for reproduction of 1,000 copies of the annual report (copy center - \$2,300; commercial printer - \$1,100; *The Enterprise* - \$48/1,000 or \$768/full run and distribution).

Commissioner Eagan moved, seconded by Commissioner Chesser to go with the option of \$768 for a full newspaper run and distribution. Commissioner Jarboe requested that the costs associated with distribution in the *St. Mary's Today* be investigated for future consideration. Motion carried.

3) Local Government Investment Report

Also Present: Steve Welkos, Finance Director
Joseph Suchinsky, Finance Officer

The Director of Finance provided an overview of the purpose and summary of the Local Investment Report of St. Mary's County for the period ending December 31, 1995 to be sent to the Maryland State Treasurer as required by the provisions of Senate Bill 86.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the Investment Report as presented and to authorize Commissioner President Thompson to sign the report certifying that it has been received and accepted by the governing body. Motion carried.

4) Board of Education FY96 Grant Awards

The County Administrator presented a request from the Superintendent of Public Schools to include new grant awards totaling \$23,000 in the Board of Education FY 1996 budget.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the request for distribution of the new grant awards in the FY96 budget. Motion carried.

5) **Office on Aging - Transportation Grant Renewal for FY97**

Also Present: Gene Carter, Director of the Office on Aging

As a follow up to last week's meeting, the Commissioners considered the Fiscal Year 1997 Transportation Program Grant Renewal Application which provides funding for the coordination of the county's transportation program.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the application as presented. Motion carried.

**ST. MARY'S ANIMAL WELFARE LEAGUE, INC.
REQUEST FOR ESTABLISHMENT OF LOCAL ANIMAL SHELTER**

Also Present: Dick Myers, Board of Directors
Lorraine Greenleaf, Vice President
Kathy Delozier, Member

Mr. Myers presented a proposal to the County Commissioners for the establishment of an animal shelter in St. Mary's County to be constructed on county-owned land and leased to the St. Mary's Animal Welfare League (SMAWL). Funds for construction and operation would be provided by county contributions and SMAWL fund-raising efforts. Mr. Myers indicated that St. Mary's and Calvert counties are the only two counties in Maryland that do not currently have local shelters; however Calvert County is in the process of establishing one. Ms. Greenleaf and Ms. Delozier provided a description of the proposed facility which will be modeled after one they visited in Salisbury, Maryland.

After discussion, the Commissioners thanked the SMAWL representatives for their presentation and indicated they would keep their comments in mind.

COUNTY COMMISSIONERS' TIME

Commission for Women

Commissioner Brugman commented on correspondence received from the Commission for Women outlining the issues the commission would be working on this year. He recalled that they had actively pursued public money for abortions in the past, stating that he did not personally feel abortions should be funded by taxpayer dollars. Commissioner Thompson indicated that as a result of the annual report, the Commission for Women is more sensitive to this issue. They have written to the Commissioners advising them of their planned activities, and lobbying for public-funded abortions is not included.

Elected School Board

Commissioner Brugman noted that Delegate Slade has requested the Commissioners' input on the upcoming Bill for an elected Board of Education. Commissioner Brugman asked if the same rules concerning executive sessions that now apply to the appointed board would apply to the elected board. The County Administrator will request information concerning this and will also obtain a copy of the latest proposed version of the Bill. Commissioner Eagan requested a copy of the proposed Bill pertaining to the contract for the Superintendent of Schools.

Parcel of Record - Legislation

At the request of the Commissioners, Jon Grimm, Director of Planning and Zoning, and Douglas Durkin, County Attorney, provided comments on the proposed legislation of Ford Dean concerning "parcels of record" in St. Mary's County. Mr. Grimm and Mr. Durkin recommended that the Commissioners support a modification of Mr. Dean's suggestion to simplify its application and to coincide with the county's last Comprehensive Rezoning and Critical Area statute. The deadline for submittal is February 22, 1996.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to direct staff to draft correspondence to the Southern Maryland Delegation for the Commissioners' signature today incorporating the recommendation of the Planning Director and County Attorney. Commissioner Eagan requested that the Planning Director contact Mr. Dean to advise of the proposed changes. Motion carried.

Later in the meeting the Planning Director and County Attorney presented the referenced correspondence for the Commissioners' consideration.

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

Vision Quest

Commissioner Thompson presented a draft information release concerning the Board of Appeals meeting regarding Vision Quest. The release states that the Commissioners have no role in the process at this juncture and, at the advise of County Attorney Douglas Durkin, the Commissioners have attended but not participated in any public hearings or meetings of the Board of Appeals since this could be construed as improper conduct aimed at influencing the decision outcome and a potential violation of the St. Mary's County Ethics Ordinance. The Commissioners' directed staff to incorporate a few minor changes, and resubmit the release for their final approval later in the meeting. The County Administrator will draft a letter to the Board of Appeals and Planning Commission advising that the Commissioners' attendance should not be construed as exerting pressure in their decision-making process.

PUBLIC HEARING - Tax Equity Financial Revenue Act ST. MARY'S HOSPITAL REFUNDING BONDS OF 1996

Also Present: Steven E. Welkos, Director of Finance
A. Samuel Ketterman, Senior VP, H.C. Wainwright and Co., Inc.
Paul M. Barber, VP for Finance, St. Mary's Hospital

In accordance with Internal Revenue Code requirements, a public hearing was conducted relative to county plans to refinance the St. Mary's Hospital Refunding Bonds of 1986. Mr. Welkos explained that 1996 refunding bonds will be issued to redeem \$11,935,000 of the 1986 bonds. A refunding analysis prepared by the county's financial advisor, H. C. Wainwright and Co., Inc., projects a net present value savings to St. Mary's Hospital of \$970,261 over the next ten years.

DEPARTMENT OF PUBLIC WORKS

Also Present: Daniel Ichniowski, Director of Public Works
George Erichsen, Supervisor of Engineering Services, Public Works

1) Capital Project Status Report

Mr. Ichniowski presented a status listing of capital projects. George Erichsen provided an overview of the major engineering, highway, and solid waste projects.

2) State Highway Administration Correspondence

The Director advised that the Highway Administration has notified him of their intent to implement a detour for MD 584 to allow for redesign intersection improvements to the MD 5 / MD 584 intersection as a "T" (90°). St. Mary's City, St. Mary's College and the Trinity Church have given verbal approval.

3) Maryland Conservation Corps Correspondence

The Corps has requested the county's permission to stencil storm drains for the Chesapeake Bay Foundation to remind people that they drain into the Bay. The spray paint used will be environmentally sensitive and the service would be free of charge. The Corps would like to borrow traffic control devices from Public Works for the days the work would be done.

The Commissioners gave their concurrence.

4) **Indian Bridge Road**

The Maryland Department of Natural Resources (DNR) has advised by correspondence of January 19, 1996 that it considers the Indian Bridge Road project (as modified) to be in compliance with Maryland's Nongame and Endangered Species Conservation Act. Mr. Ichniowski presented correspondence addressed to DNR for the Commissioners' consideration which forwards a request that the areas previously agreed to be added as exemptions to the wildland designation.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letter to DNR with copies to the Southern Maryland Delegation and to include a copy of earlier correspondence (September 1995) forwarded concerning wildlands. Motion carried.

5) **Taxing District Public Informational Meetings**

The Director presented documents concerning Public Information Meetings scheduled for special taxing districts for the subdivisions of Great Mills Farm (February 20) and Mallard Creek (February 27).

6) **Development Documents**

- a. Cedar Cover, Section, IV, Grading Permit #90-01- Calling Letter of Credit - \$236,200
- b. Great Mills Center, Grading Permit #89-42 - Calling Letter of Credit - \$598,750
- c. Bay Ridge Estates Utility Road, Grading Permit #90-37 - Calling Letter of Credit - \$31,000
- d. Stallman Subdivision, Section 4, Public Works Agreement - \$82,500
- e. Chestnut Hills, Section 3, Public Works Agreement - \$261,700
- f. Persimmon Hills, Section 2, Public Works Agreement Addendum - \$380,100
- g. Queen Arbor, Section 1, Public Works Agreement Addendum - \$10,000

Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize Commissioner President Thompson to sign the above noted documents. Four Commissioners voted in favor with Commissioner Eagan abstaining.

OPEN MEETINGS LAW / PUBLIC INFORMATION ACT DISCUSSION

Also Present: Douglas Durkin, County Attorney

The County Attorney stated that the county is governed by both Maryland's and St. Mary's County's Open Meetings Laws and, where they differ, the county must follow whichever provides greater access to public information. Mr. Durkin provided an overview of the laws and noted areas where the Open Meetings Law for Maryland and St. Mary's did not mesh. He advised that requiring an applicant for board membership to sign a disclaimer granting permission to release personal information protected under the public information act would constitute coercion.

The Board discussed whether consideration of applicants for board and commission membership could be done in open session. Commissioner Brugman and Commissioner Jarboe indicated that they would continue to vote against executive sessions for consideration of appointments to boards. Various options related to providing information on the mail log without violating individuals' right to privacy were considered; the Commissioners concurred on leaving the current mail log system "as is."

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss a matter of Litigation (Parcel of Record), as provided in Article 24, Section 4-210(a)8. Motion carried.

Parcel of Record

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
Mary M. Langley, Recorder

Authority: Article 24, Section 4-210(a)1.
Time Held: 5:55 p.m. - 6:40 p.m.

Action Taken: Staff brought the Commissioners up to date relative to the referenced legal matter including settlement discussions. The Commissioners authorized the Board President and County Attorney to proceed to the settlement conference with Judge Fisher, but stated that they did not have authority to accept the counter offer of February 12, 1996.

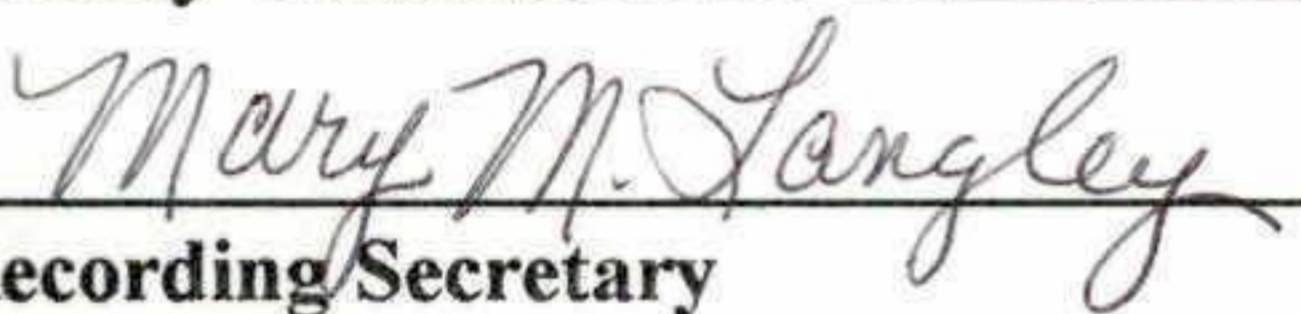
PUBLIC HEARING - The Skydiving Center Lease Application

The Commissioners conducted a public hearing on the Skydiving Center Lease Application. Following opening remarks provided by Board President Barbara Thompson, County Attorney Douglas Durkin presented the agenda package explaining that the public version had certain portions deleted in accordance with the requirements set forth in the Public Information Act. He noted the purpose of the public hearing and the minimum standards a lease application must meet. Presentations were made by Acting Airport Manager James Haley, Chairman Glenn Gardiner of the Airport Commission who reviewed the Commissions' Report, and the Cindy Gibson of the Skydiving Center. The Commissioners asked questions, and following the presentations opened the floor for public comment. In closing, Board President Barbara Thompson indicated that the record would be held open until February 20 to allow for the acceptance of written testimony, and a decision on the topic is scheduled for the County Commissioners' meeting of February 27, 1996. A transcript of the meeting and an audiotape of the proceedings are on file in the County Attorney's Office.

ADJOURNMENT

The meeting adjourned at 11:05 p.m.

**Minutes Approved by the Board of
County Commissioners on 2/20/96**



Recording Secretary