

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
FEBRUARY 27, 1996**

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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
 Mary M. Langley, Recorder

CALL TO ORDER

The meeting was called to order at 10:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, February 20, 1996 as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe 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) **Correspondence**

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

- a. To the Coastal Zone Management Division supporting the Grant Application of the St. Mary's County Watermen's Association.

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

- b. To the League of Women Voters confirming the county's participation in the "Know Your County" program.

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

- c. To Governor Glendening concerning the county's priority infrastructure needs (as amended from the Commissioners' 2/20/96 meeting). The Commissioners pledged to provide \$20,000 as the county's share of the costs associated with the FDR Boulevard master planning effort.

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

2) **Budget Amendments**

- a. #96-30 - Department of Recreation and Parks - \$5,393
 To supplement the budget of the department for the additional costs of snow removal.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign Budget Amendment #96-30. Motion carried.

- b. #96-31 - Department of Public Works - \$189,470
To supplement the budget of the department to finance additional snow removal costs.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign Budget Amendment #96-31. Motion carried.

- c. #96-32 - Department of Public Works - \$20,500
To transfer appropriation authority between projects in the capital budget for the County Office Building HVAC Improvement project.

Commissioner Chesser moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign Budget Amendment #96-32. Motion carried.

3) Resolution - Boards, Committees, Commissions

The Commissioners considered Resolution 96-09 which will replace Resolution 95-06 concerning boards, committees, and commissions in line with the County Attorney's advise concerning Public Information Act requirements.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and sign Resolution 96-09. Commissioner Jarboe opposed. Motion carried 4 to 1.

COUNTY COMMISSIONERS' TIME

- Referencing the VisionQuest proposal, Commissioner Thompson noted that the Doncaster Boot Camp, a juvenile facility in Charles County financed by the state, was closing due to budget cuts. Although they experienced a few problems in the beginning, the program was going well and the community was behind it.
- Commissioner Thompson noted that over 200 employees have signed up for direct deposit. It is a great convenience for county employees and will have no fiscal impact.
- Commissioner Brugman requested that the Efficiency Task Force be invited to work with the Board of Education during the Public Schools Efficiency Study. The County Administrator will draft a letter to the Task Force for the Commissioners' consideration on March 5.

BOARD OF EDUCATION

FUNDING PROPOSAL FOR SCHOOL SYSTEM EFFICIENCY STUDY

Also Present: Julie Randall
Reverend Robert Kirkley
Fred Wallace
John Roth, Jr.
Shanaysha Furlow
Dr. Joan Kozlovsky
Joseph Lavorgna

Ms. Randall provided an update on the process used by the Board of Education in selecting vendors to perform five categories of tasks associated with an efficiency study of the school system. Jim Haley, County Procurement Officer, assisted in the process. The tasks were prioritized as follows and would be awarded individually contingent upon funding:

- | | | |
|----|---|------------|
| 1) | Task 1 - Performance Audit of Central Administrative Organization | \$55,570 |
| 2) | Task 3 - Performance Audit of Operations and Maintenance Depts. | \$31,917 |
| 3) | Task 4 - Position Classification Study | \$41,305 |
| 4) | Task 5 - Salary Study | \$30,400 |
| 5) | Task 2 - Performance Audit of Transportation Office | re-compete |

During discussion Ms. Randall indicated that tasks 1 and 3 would be the areas that would gain the most efficiency. In view of the fact that school employees have negotiated salaries for FY97, the Commissioners agreed to hold off on considering tasks 4 & 5. Jim Haley will contact the vendors to determine the length of time they would be willing to extend their proposals.

Commissioner Brugman moved, seconded by Commissioner Eagan, to commit funds to perform Tasks 1 and 3 - Performance Audits of Central Administrative Organization and Operations and Maintenance Departments - in the amount of \$87,487. Commissioner Jarboe opposed. Motion carried 4 to 1.

EFFICIENCY TASK FORCE SECOND INTERIM PROGRESS REPORT

Also Present: Robert Harper, Chair
Joseph Gardner
Leonard Greess
Lawrence Schadegg
Marie Underwood

Robert Harper presented the Second Interim Report of the Efficiency Task Force covering recommendations formulated for the period of December 7, 1995 through February 1, 1996. The members provided an overview of the recommendations made which included: use of county vehicles during non-working hours; non-pursuit of privatization of the Detention Center; training and certification of contracting officer representatives; realignment of the office of the County Attorney; restructuring of the Department of Economic and Community Development; retention of the 40-hour work week for employees; and recommended actions concerning commissioner-appointed boards and commissions. The chair indicated that the Task Force would like some idea from the Commissioners as to what their future plans are for the group, stating that there was a general consensus among the group that the focus should be shifted from the task force arrangement to an administrative arrangement. The Task Force will report again to the Commissioners once review of the consultants' reports for the computer automation and wage/classification studies have been completed.

EXECUTIVE SESSION

Motion was made by Commissioner Chesser, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Personnel (Sheriff's Department), as provided in Article 24, Section 4-210(a)1. Motion carried.

Sheriff's Department - Request for Change of 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
Sheriff Richard Voorhaar
Capt. James Raley
Mary M. Langley, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 12:35 p.m. to 12:45 p.m.

Action Taken: The Commissioners reviewed the Sheriff's request to upgrade a position within the Corrections Division. The Commissioners agreed to take action in open session.

Sheriff's Department - Request for Training Instructor 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
Sheriff Richard Voorhaar
Capt. James Raley
Mary M. Langley, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 12:45 p.m. to 1:00 p.m.

Action Taken: The Commissioners reviewed the Sheriff's request to establish a Training Instructor position. The Commissioners agreed to take action in open session.

OPEN SESSION (FOLLOW UP TO EXECUTIVE SESSIONS)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize the change of a Correctional Officer III position to that of a Correctional Officer IV Lieutenant with the Correctional Division of the Sheriff's Department. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize the establishment of a full-time civilian Training Instructor position with the Sheriff's Department. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Daniel Ichniowski, Director of Public Works

1) Vehicle Use Policy

Also Present: George Jarboe, Supervisor, Construction & Inspection

Mr. Ichniowski noted that the recent Vehicle Use Policy adopted by the County Commissioners requires all county-owned vehicles, except for emergency-equipped vehicles, to remain at the work site. He asked the Commissioners to consider extending the exception to Public Works inspection vehicles, and Mr. Jarboe presented comparative cost data based on 1995 activities to show the savings to be gained by doing so. Over-time costs to cover the time the inspectors arrived at Public Works to pick up their vehicles and drove to the job site were estimated to be \$8,577 compared to \$2,053 mileage costs saved by allowing inspection vehicles to be driven home. **The Commissioners indicated they would like to review the request further and make a decision at a later date.**

2) Calvert County Solid Waste Proposal

Also Present: George Erichsen, Supervisor, Engineering Services

Mr. Ichniowski provided a review of the Calvert County RFP Addendum #1 and noted several options available for the Commissioners' consideration. The costs associated with the various alternates were reviewed. Mr. Ichniowski indicated that the present landfill will require capping; as of January 1 it had a design life of .35 years which will be reached by May 1996. Should St. Mary's enter into an Agreement with Calvert County, the county will still have to cap the old landfill area (\$7,010,000) and pay off past bonds. He indicated that Calvert County will be receiving bids on two proposals this week -- one for the Calvert County operation alone and one to include St. Mary's County. The Director of Public Works, the Director of Finance and the County Attorney will participate in a meeting to review the bids. Mr. Ichniowski will bring back the results for the Commissioners' consideration.

3) **Quit Claim Deed**

The Director of Public Works presented a Quit Claim Deed from William Wood and Evelyn Larsen, Co-Personal Representatives of the Estate of Thomas Edgar Wood.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize the acceptance of the Quit Claim Deed. Motion carried.

4) **Public Works Agreement Addendums**

Mr. Ichniowski presented the following addendum agreements for the Commissioners' consideration:

- a) Pine Lake Partnership (\$133,000)
- b) Johnson Farm Estates (\$331,500)
- c) Persimmon Hills, Phase 1 (\$204,180)
- d) Hickory Hills, Phase 3A (\$12,400)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the above addendum agreements. Motion carried.

PROCLAMATIONS

1) **American Red Cross Month of March**

Also Present: Don Brown
John Zimmerman

The Commissioners presented a proclamation to the above noted individuals, which was read by Commissioner Eagan, proclaiming the month of March to be American Red Cross Month.

2) **National Association of Retired Federal Employees' Week**

Also Present: Bernard Goldsborough
Margaret Myers
Edsel Potter

The Commissioners' presented a proclamation to the above individuals representing St. Mary's County Chapter 969 of the National Association of Retired Federal Employees (NARFE), read by Commissioner Thompson, designating the week of February 26 through March 3, 1996 as NARFE week.

PUBLIC HEARING

ZONE #95-2591 - J. J. MAILING EXPANSION

Present: Jon Grimm, Director, Planning and Zoning
Peggy Childs, Recorder

Application to rezone the RPD portion of Lot 6 to I-1, based on mistake in 1990 zoning maps. The property contains 4.9 acres, is zoned RPD/I-1, and is located on the west side of Commerce Avenue, approximately 400 ft. north of Airport View Drive; Tax Map 34, Block 1, Parcel 548, Lot 6.

Owner: Hollywood Enterprise, Inc.
Present: Cindy Carlson and Jay Hobson, of McCrone, Inc., Agent
Art Smith, of J. J. Mailing, Inc.
Attorney George Sparling, representing applicant

Legal Ad published in The Enterprise on 2/7/96 & 2/14/96
#A-1 - Certified Receipts of notification to contiguous property owners

Mr. Grimm verified that staff has posted the property and submitted the application file and 2/22/96 Staff Report into the record. Applicant has filed a rezoning application according to §4.05(a) of Article 66B and §70.5 of the Zoning Ordinance, on the basis that there was a mistake in the zoning of a portion of the property.

Ms. Carlson stated that Lot 6 and, in fact, the existing J.J. Mailing building is split by the boundary line between the RPD and I-1 zoning districts. The zoning boundary was established by the 1974 Zoning Ordinance; Lot 6 was subdivided in 1975 and in 1976 building permit #76-502 was issued and the bulk mailing facility was constructed. Neither the applicant nor DPZ was aware at that time that the boundary line bisected the building.

Mr. Grimm stated that there was a site plan and building permit that shows proper approval of the building and he thinks two things happened: (1) the building is located where it was approved; and (2) the level of detail in 1974 was such that the scale of the map beyond Lawrence Hayden Road and the detail of the site plan did not show that the zoning boundary bisected the building. Now there is a physical survey and the zoning map does show that the building is bisected by the zoning line. The mapping rules for the 1990 rezoning stated that all I-1 classifications were to be carried forward; therefore the mapping error was duplicated in the 1990 rezoning process.

In 1994 there was a request by a property owner, Doug Green, to rezone two lots owned by him to I-1 during the Zoning Ordinance review process. The two lots were located one on either side of the J. J. Mailing property but, since Mr. Green's request was made outside of the annual review process, only his two parcels were rezoned to I-1 and the property in the middle was not addressed. Now J. J. Mailing has purchased those two lots from Mr. Green and is seeking rezoning for the middle piece of property.

Ms. Carlson's rezoning report provides background, chronology, definition of the neighborhood, and bases the request on mistake in the original zoning. Also provided is information to support findings of fact, including: population change; availability of public facilities; present and future transportation patterns; compatibility with existing and proposed development; relationship to the Comprehensive Plan; fiscal impact on government; and the suitability of the property for the existing and proposed zoning classification. It is particularly noted that the property is served by water and sewer and that the building and the proposed expansion will be sprinklered, except that there is a question as to whether sprinklers will be required for the existing offices. Additional fire hydrants will be provided by MetComm for exterior fire control.

Staff agrees with everything in the report except the definition of the neighborhood. Staff believes that the residential property on the other side of Lawrence Hayden Road should not be included in the I-1 neighborhood because, according to the Comprehensive Plan, Lawrence Hayden Road is the boundary line for the Lexington Park Development District. Applicant concurs with that change to the neighborhood definition.

On January 22, 1996, the Planning Commission held a public hearing and recommended approval of the requested rezoning to I-1 based on staff's recommendation, the information provided in the 11/17/95 Rezoning Report and the following findings of fact:

- (1) That a mistake was made in the comprehensive rezoning and mapping of this property in 1990 and that Lawrence Hayden Road should have been the boundary line between the Industrial Park and the Lexington Park Development District in accordance with the Comprehensive Plan.
- (2) The fact that in 1994 the Board of County Commissioners rezoned property on either side of Lot 6 to I-1.
- (3) The fact that this property is surrounded by industrial properties designated I-1.

The Commissioners were aghast that the mapping mistake could have gone undetected for such a long period of time. Mr. Smith stated what is hurting him are the filing fees for the Planning Commission and County Commissioners to review his rezoning request. Mr. Grimm replied that he

has told Mr. Smith that, should the Commissioners approve the rezoning request based on mapping error, he would have no objection to refunding the fees.

Commissioner Thompson opened the hearing to public comment. Doug Ritchie asked why the zoning mistake was not picked up on J.J. Mailing's tax bill? Mr. Smith replied that the property has always been taxed as commercial.

Since there were no other comments, Commissioner Thompson closed the hearing to public comment.

Commissioner Brugman moved to instruct staff to prepare the rezoning resolution, based upon the Planning Commission's recommendation and findings of fact. The motion was seconded by Commissioner Chesser and passed by unanimous vote. Staff will bring the prepared resolution back for approval as soon as possible.

A second motion was made by Commissioner Brugman to refund the filing fees of \$2,400 expended by Mr. Smith for this rezoning request. Seconded by Commissioner Chesser and passed by unanimous vote.

The hearing was closed at 4:43 p.m.

THE SKYDIVING CENTER LEASE APPLICATION

Also Present: Douglas Durkin, County Attorney
James Haley, Airport Manager
Glenn Gardiner, Airport Commission Chair
Court Reporter

Commissioner Thompson opened the discussion at 2:30 p.m. (The hearing continued until 4:00 p.m. and reconvened at 4:45 p.m.) The County Attorney stated that a Public Hearing on The Skydiving Center (TSC) Lease Application was conducted on February 13, 1996 at which time public comment was taken. The record was held open for ten days to allow for the submittal of written comments from the public. After the record was closed on February 23, several transmittals were received from TSC and one from a citizen. The County Attorney asked if the Board would accept the documents with the understanding that they might not be part of the discussion due to their late arrival.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to accept the letters based on the understanding that they have not been read and would not be considered in the discussion. Commissioners Thompson, Eagan and Chesser opposed. Motion failed 2 to 3.

For the record, Commissioner Thompson and Commissioner Chesser noted that citizens had offered comments to them concerning The Skydiving Lease Application after the Public Hearing on February 13, and they advised the citizens to submit any comments they had in written form to be entered into the record.

The County Administrator served as a facilitator for the discussion and posted comments received on easel charts bearing three headings, "Business Related," "Minimum Standards" and "Other Information." During discussion, any comments which were offered that were not part of the official record were not accepted and were ordered stricken from the transcript. The County Attorney will prepare a list of findings based on the discussion for consideration by the Commissioners as well as a transcript of the discussion. He recommended that the Commissioners postpone a decision on the lease application until March 5 to allow for a review of the findings. **The Commissioners were agreeable to delaying a decision until March 5, 1996.**

As TSC's current temporary operating agreement expires on February 27, decision ensued as to whether to renew the lease through March 5, 1996. Concern was expressed about TSC's lack of insurance to protect third parties. The County Attorney advised tort claims against the county are limited and that the county would be at greater risk if a civil rights claim for wrongful eviction were filed by The Skydiving Center.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to provide a seven day temporary operating agreement extension to The Skydiving Center to expire at 5:00 p.m. on March 5, 1996. Commissioner Chesser opposed. Motion carried 4 to 1.

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Minutes Approved on 3/5/96
by Board of St. Mary's County Commissioners

Mary M. Langley
Recording Secretary