

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, December 5, 1989

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey
 Commissioner Robert T. Jarboe
 Commissioner John G. Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

The meeting was called to order at 9:05 a.m.

(Commissioners Loffler and Bailey were not present at beginning of meeting.)

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, November 21, 1989. Motion carried.

(Commissioner Loffler entered meeting 9:10 a.m.)

APPROVAL OF BILLS

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve payment of the bills as presented. Motion carried.

DRUG FREE SCHOOLS AND COMMUNITY PROGRAM

Present: Judy Landau, Alliance Public Relations

Ms. Landau appeared before the Commissioners to present a grant application under the Drug Free Schools and Communities Program in the amount of \$150,000 to be submitted to the U. S. Department of Education. Ms. Landau indicated that a drug free school and rural community broadcast project for students 6 - 8 and their parents is proposed to be implemented. Channel 52, the new station in Leonardtown is willing to cooperate in having groups appear on television, and other programs are being planned.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

DECEMBER 26 COMMISSIONER MEETING

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to cancel the December 26, 1989. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BRETON BAY PLANNED UNIT DEVELOPMENT
ROAD AND ENTRANCE CONSTRUCTION

The County Administrator presented correspondence to the President of the Breton Bay Recreation, Inc. responding to his November 7 letter regarding review fees, grading permit fees, and county participation in correcting road and entrance construction. The correspondence indicates that the county is willing to participate in the road and entrance improvements and the details will be developed and coordinated between the Association and Department of Public Works. The letter further indicates that the County cannot approve the request to waiver or rebate fees because they are based on the principle of the users of services paying for them rather than the general public.

The Commissioners agreed to sign and forward the letter.

2) CLEARINGHOUSE PROJECT NO. MD891127-0897
EXCESS PROPERTY (LANDLOCKED) - NORTH OF PATUXENT BEACH ROAD

The County Administrator presented the referenced clearinghouse project and recommended indicating to the State that the County has no need for that property and that it can be offered for public sale.

After discussion, Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept the County Administrator's recommendation. Motion carried.

3) CAPITAL PROJECT GRANT APPLICATION
ST. MARY'S COUNTY REGIONAL PARK

On behalf of the Director of Recreation and Parks, the County Administrator presented the referenced Grant Application in the amount of \$3,000,000 based on Senate Bill No. 702 of 1989. The County will participate with the State on a 50%-50% basis.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

4) APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS

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

<u>ADULT PUBLIC GUARDIANSHIP REVIEW BOARD</u>	<u>TERM TO EXPIRE</u>
Eugene Carter	12/31/92
<u>AFFORDABLE HOUSING TASK FORCE</u>	
Gay Scott Boecker	No Term
<u>AGRICULTURE COMMISSION</u>	
Luther Wolfe	12/31/92
<u>COMMUNITY SERVICES COORDINATION COMMITTEE</u>	
Sam Bauman	No Term
Pako Blake	"
Eugene Carter	"
Allison Friedman	"
Larry Harvey	"
Joe Hess	"
Dana McGarity	"
Jean Moulds	"
Teresa Wilson	"
<u>ECONOMIC DEVELOPMENT COMMISSION</u>	
Luther Wolfe	No Term
<u>PLUMBING BOARD</u>	
John White	6/30/92

SMILE ADVISORY BOARD

Norman Breslauer	No Term
Bert Fenwick	"
Paul Gozaloff	"
Elizabeth Lockwood	"
Grace Loffler	"

JOINT COMMITTEE ON STUDENT POPULATION

Alfred Gough, Jr.	No Term
Jon R. Grimm	"
James Marsh	"
Joseph F. Mitchell	"
William C. Moyer	"
Don O'Neal	"
Stewart T. Speck	"
Charles H. Wade, Jr.	"
Jayne Sullivan	"

NOXIOUS WEED CONTROL COMMITTEE

John Ralph Abell	6/30/91
R. Johns Dixon	6/30/91
John Mattingly	6/30/91
James R. Owens	6/30/91
W. Alan Raley	6/30/91
Aloysius Raley	6/30/91
Vernon Saunders	6/30/91

5) PROPERTY MANAGEMENT PROCEDURES AND REGULATIONS MANUAL

The County Administrator presented a memorandum from the Procurement Officer forwarding the referenced procedures and regulations manual, which will be the county's inventory control process. The manual has been reviewed by the Commissioners and department heads, and no negative comments have been received.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to approval and sign the manual as presented. Motion carried.

6) BOARD OF EDUCATION
CATEGORICAL CHANGES

The County Administrator presented correspondence addressed to the Board of Education approving the following categorical changes:

	Present Authorization	Requested Authorization	Change + / (-)
02 Instructional Salaries	\$23,645,613	\$23,641,132	(\$4,481)
13 Special Education	5,067,317	5,071,798	4,481
08 Fixed Charges	5,256,814	5,244,814	(12,000)
06 Operations	4,355,907	4,367,907	12,000

Commissioner Thompson moved, seconded by Commissioner Lancaster. Motion carried.

7) GRANT AWARD
SIERRA HOUSE

The County Administrator presented the Notification of Grant Award in the amount of \$129,184 from the Alcohol and Drug Abuse Administration for the Sierra House.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Condition of Grant Award Statement and Assurance of Compliance with Title VI of the Civil Rights Act of 1964. Motion carried.

8) PROCESSING HEALTH DEPARTMENT INVOICES

The County Administrator presented a memorandum dated November 28 from the Director of Finance indicating that Dr. Marek, St. Mary's County Health Officer, has requested that the County process all of their invoices for payment. This request is made because the State's system of payment is lengthy and laborious and has caused concern to local vendors. The Director of Finance has indicated that this would not be an additional burden and recommended that the county handle the Health Department's invoices.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

9) LEGISLATIVE PACKAGE ITEMS

The County Administrator presented the following items to be added to the County's 1990 Legislative Package:

◦ Item No. 25 - Interest and Penalty - In accordance with Tax Property Article of the Maryland Annotated Code, the Commissioners adopted an Ordinance which raised the interest charge to one (1%) percent and the penalty charge to three (3%) and is now Section 267-5 of the Code of St. Mary's County. Under Section 139-2 of the County Code, the interest rate is two thirds of one (2/3 of 1%) percent. Therefore, the County Administrator presented correspondence requesting the legislators to delete Section 139-2, B since it is in conflict with Section 267-5.

◦ Item No. 26 - Eminent Domain - St. Mary's County does not have the privilege of eminent domain as do certain other counties. Delegate Bell has recommended that the County apply for that privilege during the 1990 Legislative Session. Therefore, the County Administrator presented correspondence to the legislative delegation requesting that it be included in the County's legislative package.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign correspondence regarding Item No. 25 - Interest and Penalty. Motion carried.

Item No. 26 - Eminent Domain will be held until next week's meeting.

10) BUDGET AMENDMENT NO. 90-22
COUNTY ADMINISTRATOR

The County Administrator presented the referenced Budget Amendment for funds to purchase an automatic validating machine to be used for the County Commissioners' Mail Log.

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

11) REQUEST FOR INCREASED APPROPRIATION
SOTTERLEY MANOR

The County Administrator advised that the Sotterly Foundation has requested an additional appropriation in the amount of \$13,000 from the current year's budget for preservation of the deteriorating barn at Sotterly Manor. The Director of Finance by memorandum dated November 28 advised that the County has no indication of the financial condition of the Sotterly Foundation or what actions have been taken to become self-supporting and recommended not approving the request.

After discussion the Commissioners requested that correspondence be prepared to the Sotterly Foundation requesting a clarification of how funds are being spent, costs for preservation of the barn, and an accounting of the Foundation prior to the Commissioners making a decision.

12) "INNER CAMPUS"
CHARLES COUNTY COMMUNITY COLLEGE

The County Administrator advised that correspondence had been received from Tri-County Council forwarding a proposed letter to Governor Scheafer requesting assistance in securing State funding for the construction of the "Inner Campus" of the Charles County Community College. The letter includes a caveat stating that St. Mary's County is also planning a community college structure and the state funding is not intended as a substitution.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to endorse the proposed correspondence which will be prepared by Tri-County Council for signatures of the Commissioners and Legislators of the three southern Maryland counties. Motion carried.

13) RESOLUTION NO. 89-31
BOARD OF EDUCATION CAPITAL IMPROVEMENT PROGRAM
FISCAL YEAR 1991

As a follow up to Board of Education's presentation of the Capital Improvement Program, the County Administrator presented the referenced Resolution.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 89-31 as submitted. Commissioner Jarboe voted against stating that he would not support it in that it did not use the old formula for class sizes. Motion carried three to one.

14) PERSONNEL - SHERIFF'S DEPARTMENT

(This item was presented later in the meeting when Commissioner Bailey was present.)

The County Administrator presented the following personnel items for the Commissioners' consideration:

° Crime Lab Technician

Memorandum dated November 30 from Personnel Office recommending the hiring of William A. Johnson to the Crime Lab Technician position, Grade 18, Step 4.

° Memorandum dated November 15 from Personnel Office recommending the hiring of Ronald W. Ely to the Police Services Coordinator position, Grade 14, Step 3.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the appointment of the individuals as referenced. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) SNOW REMOVAL PLANS

Also Present: Walter Wise, Supervisor, County Highways
George Jarboe, Supervisor, Building Services

The referenced individuals appeared before the Commissioners to present and review the Snow Emergency Plan for County Government Buildings and the Snow and Ice Control Operational Plan Copies of the Plans are on file in the Commissioners' Office.

Also presented was a cost summary of the November 22 snow storm which totalled \$21,747.

2) PEGG'S ROAD

Mr. Ichniowski requested approval to schedule a public hearing for the route selection for Phase Two of the Pegg's Road Project for January 3, 1990. During discussion he distributed the handout for the January 3 meeting which provides the agenda, background information and maps.

The Commissioners gave their concurrence for Mr. Ichniowski to proceed with the public hearing.

3) ISLAND CREEK - FEDERAL NAVIGATION PROJECT

Mr. Ichniowski presented a Waterway Improvement Fund Grant Application for construction of a 1200 foot stone jetty along the southern side of the Island Creek Channel. Total project cost is \$1,609,700 with costing sharing (Federal - 80%; Local \$322,000) State may pay full local share if eligible, and \$92,000 has been approved by the State and will be available after July 1.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

OFFICE OF PLANNING AND ZONING
AGRICULTURAL LAND PRESERVATION DISTRICT
ALPD #84-0702/83-1231 - OLIVER GUYTHER

Present: Vivian Marsh, Deputy Director

Mr. Marsh presented the referenced application for an ALPD which is a re-application for the sale of development rights easement which the County reviewed and approved in Fiscal Year 1986. At that time the applicant rejected the foundation's offer and now wishes to be reconsidered for the Fiscal year 1990 Acquisition Program.

Mr. Marsh indicated that the staff, Agriculture Preservation Advisory Board, and Planning Commission have recommended approval.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster to approve the application as presented. Motion carried.

(Commissioner Bailey entered the meeting during the following discussion - 10:35 p.m.)

REGIONAL TOURISM

Present: Shirley Colleary
Cindy Woodburn
Joseph Mitchell, Director, DECD

The referenced individuals appeared before the Commissioners to review certain problems that have arisen regarding regional tourism to request guidance from the Board. Mrs. Colleary indicated that the County is not getting its money's worth from this program. It has been difficult to get a quorum, and therefore, Tri-County Council staff has had to implement the program without input from the committee on many occasions. She stated that a regional tourism program and budget is due to be submitted to the County in three weeks, and because of membership difficulties in Charles and Calvert Counties, this may not be possible.

After discussion of the situation, the Commissioners requested the Committee to provide the Board with alternative solutions as well as a proposed program and budget for their consideration.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Joseph Densford, County Attorney
Joseph Mitchell, Director, DECD
Philip Dorsey, III

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matter of property property acquisition. Motion carried. The Session was held from 10:55 a.m. to 11:20 a.m.

COMMENDATIONS

The Commissioners presented the following Commendations:

Great Mills High School
Girls' Cross Country

Athletic achievements by winning Second Place - SMAC,
First Place - Region IV -3A; First Place - State 3A

Great Mills High School
Girls' Volley Ball

Athletic achievements by winning First Place - SMAC
First Place Region IV-3A, and Second Place - State 3A

Leonardtwn High School
Girls' Field Hockey

Athletic achievements by winning First Place SMAC,
First Place - Region IV-3A, and First Place 3-A

Leonardtwn High School
Girls' Cross Country

Athletic achievements by winning First - Dual and Meet
Second - Region IV-3A, and Second - State 3A

PUBLIC HEARING

DRUG FREE SCHOOL ZONES

Present: Mary Pat Agostinelli, Administrative Officer
Sheriff Pettit
Lt. Vorhaar, Sheriff's Dept.
Lt. Potts, MSP
Cynthia Brown, OCS
Judy Landau, Alliance Public Relations
Don O'Neal, Public Schools

The Commissioners conducted a public hearing on a proposed Ordinance establishing Drug Free School Zones and the adoption of maps depicting the location and boundaries of the Drug Free School Zones as being the official record of the location and boundaries of the areas.

The secretary read the notice of public hearing.

Ms. Agostinelli reviewed the maps of the proposed zones pointing out that all areas in or within 1,000 feet of public and non-public elementary and secondary schools will be designated as "Drug Free Zones." She stated that the Drug Free School Zones - Youth Protection Act adopted by the General Assembly in 1989 and its implementation was a subject of discussion on November 14 with the County Commissioners, Leonardtown Council, Sheriff's Department, Maryland State Police, public and non-public schools, Office of Community Services, Governor's Office and news media.

The hearing was closed. A decision on the Ordinance is scheduled for Tuesday, December 19.

EXECUTIVE SESSIONS

Present: Edward V. Cox, County Administrator

1) Property Disposition/Acquisition

Also Present: Capt. Donald Wright, III (NAS), NAS Public Works Representative, Charles Wade, Joseph Mitchell, Dan Ichniowski, Larry Petty, John Baggett, Dr. Burroughs, Jerry Himmelheber,

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of property acquisition and disposition. Motion carried. The Session was held from 2:30 to 3:50 p.m.

2) Personnel

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 3:55 p.m. to 4:30 p.m.

7:00 P.M.

PUBLIC FORUM

The Commissioners conducted a public forum accepting questions and comments from the audience. Participants were:

James Smith - Reason for surveying below NAS south gate;
How building restriction lines are set.

Minnie Russell - Site distance problem exiting Hardee's in Leonardtown. Other site distance problems
Status of measures taken to correction
illegal dumping on her property.

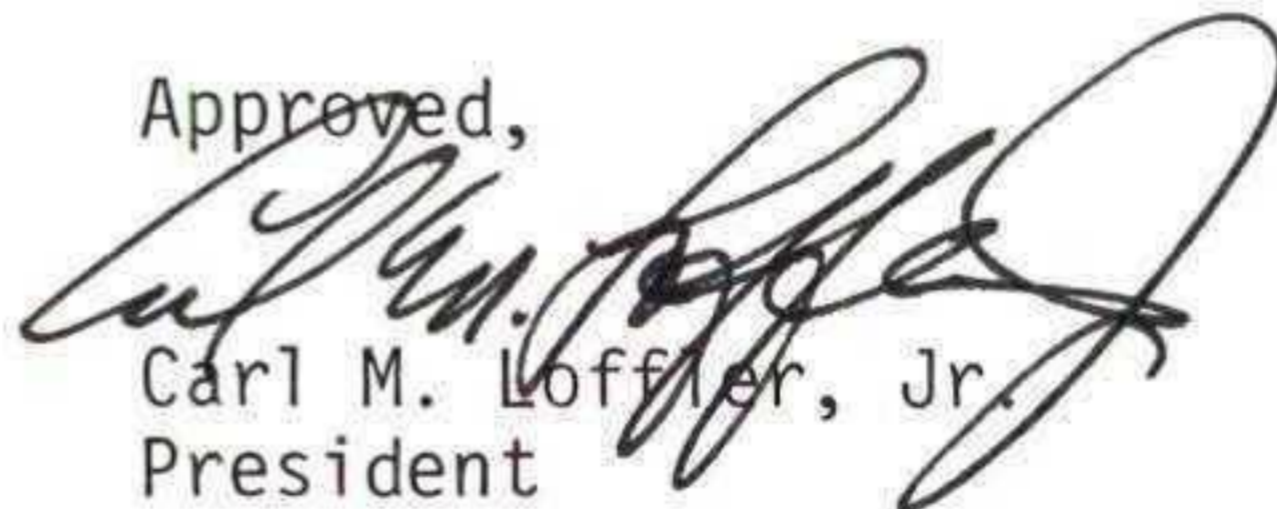
Eugene Ray - Property that is not on tax rolls. Problems
with his court case on property.

John Wharton, et al - General discussion regarding QUEST Skills
for Adolescent Training Program and other
youth-oriented programs.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Approved,



Carl M. Loffler, Jr.
President