

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS

November 12, 1991

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

CALL TO ORDER

The meeting was called to order at 9:07 A.M.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, November 5, 1991. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **MARYLAND FIRE AND RESCUE INSTITUTE
SOUTHERN MARYLAND REGIONAL ADVISORY BOARD**

The County Administrator presented correspondence addressed to the Maryland Fire and Rescue Institute formally endorsing Charles D. Davis, Jr., as St. Mary's County's alternate representative to the Southern Maryland Regional Advisory Board.

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

2) **ASSET FORFEITURE FUNDS AGREEMENT**

As a follow up to previous discussion, the County Administrator presented a revised Agreement regarding the procedures for the recording and use of funds received from the sale of seized and forfeited assets and seized and forfeited money in St. Mary's County as a result of drug related cases. More specific language was added to the previously submitted Agreement with regard to accounting procedures.

In addition in correspondence dated November 4, 1991 Lt. Phil Cooper has requested approval for the utilization of some of the awarded funds in the current fiscal year and that this approval be considered a phase-in process in order to allow purchases of essential equipment for the drug enforcement program.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Agreement as presented and further to approve the request for use of funds from the Fiscal Year 1992 budget. Motion carried.

3) **CLEARINGHOUSE PROJECT NO. MD911028-1003
EASEMENTS AT LEONARDTOWN BARRACKS**

The County Administrator presented the referenced clearinghouse project recommending that it be forwarded to the State with the comment that it is consistent with the County's plans, programs and objectives.

The Commissioners concurred in the County Administrator's recommendation.

4) **CLEARINGHOUSE PROJECT NO. MD911022-0995
SOUTHERN MARYLAND WOOD TREATMENT PLAN TECHNICAL ASSISTANCE GRANT**

The County Administrator presented the referenced clearinghouse project recommending that it be forwarded to the State with the comment that it is consistent with the County's plans, programs and objectives.

The Commissioners concurred in the County Administrator's recommendation.

5) **BUDGET AMENDMENTS**

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance with justifications as indicated:

**No. 92-21
St. Mary's Public Schools**

Justification: Funding for planning and designing of a proposed project for Fiscal Year 1992 - Leonardtown Elementary School Heating System Renovation. (\$25,000)

**No. 92-22
St. Mary's Public Schools**

Justification: Cover cost of project overrun for Esperanza Middle School Handicap Remodel. (\$1,020)

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

6) **APPOINTMENT
AGRICULTURE COMMISSION**

Commissioner Bailey moved, seconded by Commissioner Thompson, to appoint Al Watson to the Agriculture Commission for a term to expire December 31, 1994. Motion carried.

7) **HOMESHARING MONTH
DESIGNATION OF LOCAL GOVERNMENT CONTACT PERSON**

The County Administrator presented correspondence dated November 5, 1991 from the Maryland Department of Housing and Community Development declaring December as "Homesharing Month" and requesting designation of a local government contact person. County Administrator Cox recommended the appointment of Joseph Mitchell, Director, Economic & Community Development as the County's contact person.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to designate Joseph Mitchell as indicated. Motion carried.

8) **COMMUNITY SERVICES COORDINATION COMMITTEE - BY LAWS**

The County Administrator presented the by-laws for the Community Services Coordination Committee for the Commissioners' review and consideration. During discussion Commissioner Thompson raised a question concerning the paragraph relative to notification of the media of meetings and stated that this was required in the St. Mary's County Open Meetings Law. The Commissioners agreed to delete this paragraph from the by-laws.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the by-laws for the Community Services Coordination Committee as amended. Motion carried.

9) **BOARD OF EDUCATION
LAND TRANSFER**

The County Administrator presented a memorandum dated November 7 from the County Attorney regarding the conveyance of various parcels containing a total of 4.99 acres adjoining the Esperanza and Green Holly Schools and outlining the steps to be taken to effect the transfer. Mr. Cox stated it was his recommended that the Commissioners inform the Board of Education that the County has reviewed all documents and that the Commissioners agreed to the land transfer to be effected by the attorney to the Board of Education and the County Attorney.

(This will be an item of discussion at the joint meeting of the two Boards later in the day.)

**DOMESTIC VIOLENCE/SEXUAL ASSAULT BOARD
CONTINUATION OF BOARD**

Present: Robert Kirkley, Chairman
Jonathan Nelson
Robert Guest
Susan Borneman, Women's Center
Janet Hanke, Commission for Women
Cindy Bruce, St. Mary's Hospital

The referenced individuals appeared before the Commissioners to get direction as to the continuation of the Domestic Violence/Sexual Assault Board and to discuss possible reorganization of the Board as a Council. Rev. Kirkley discussed the history of the Board pointing out that Walden-Sierra was the subcontractor for the program. He reminded the Commissioners of recommendations made to the Commissioners in May by the Board to change that relationship which has not been addressed. At that time revised by-laws were submitted to the Commissioners changing the structure and organization of the DV/SA. He further pointed out that there are a number of agencies that deal with domestic violence, sexual assault, rape crisis and child sexual abuse and indicated that perhaps the DV/SA Board (or Council) could be the overseer and coordinator of this programs.

Mrs. Borneman cited the number of domestic violence, sexual assault and other related cases in the County and pointed out that the State had withdrawn funding for the shelter program at the Walden Center. She stated that each agency has statistics on cases and advised that the Women's Center would like to see the DV/SA remain to act as a central point for these statistics. Relative to the loss of state funding for the shelter, Mrs. Borneman suggested that the DV/SA could be the group to start a fund-raising program. She further suggested that the DV/SA would be the appropriate Board to provide public education regarding domestic violence.

The others present expressed concern regarding continuity of service in this area and the possibility of structuring DV/SA similar to the Mental Health Alcoholism Advisory Council (MHADAAC), which would be to oversee other agencies providing similar services.

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Ms. Hanke indicated the Commission for Women's position that the DV/SA remain in existence and that the by-laws be changed to restructure it into a Council rather than a Board.

Discussion ensued regarding whether county funds are used for the DV/SA program or whether it was all grant funded and it was noted by Ms. Hanke that \$15 from each marriage certificate is given to the County towards the DV/SA program and is part of the Walden Center's operating budget.

Commissioner Thompson pointed out that when the DV/SA presented the revised by-laws in May the Commissioners had not responded to the Board or requested to discuss the changes in them.

During discussion Commissioner Jarboe requested the County Administrator to develop a list of all agencies involved in these types of programs to determine which ones are eligible to apply for grants prior to making a decision on the continuance of the Board.

Discussion continued regarding the structure of the Board, its members and its role and Commissioner Loffler suggested that MHADAAC be requested to look into the possibility of assuming the functions of DV/SA.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to request that the Mental Health Alcoholism Advisory Council with the inclusion of the Commission for Women and the Women's Center look at the need for a Domestic Violence/Sexual Assault Council using the revised DV/SA by-laws and report back to the Commissioners by the first of January 1992. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two. Commissioner Jarboe noted for the record that he was not in favor of this motion in that he believed the Commissioners should receive information relative to other agencies having similar programs and information relative to agencies receiving grant funds.

PUBLIC HEARING

ABANDONMENT OF PORTION OF WHARF ROAD

Present: Dan Ichniowski, Director, Department of Public Works

The Commissioners conducted a public hearing on the abandonment of a portion of Wharf Road, located in the Seventh District, as a public road from the mean high waterline for a distance of approximately 588 feet (Mr. Ichniowski pointed out that the distance has been correct to 520 feet).

Mr. Ichniowski presented a plat of the area pointing out the portion that has been requested by petition to be abandoned and explained the history of how the land had been transferred to the County.

The Commissioners opened the meeting to questions or comments from the audience.

Viki Volk - inquired as to the amount of public access to the water, which Mr. Ichniowski advised was 40 feet wide.

Phil Dorsey (Representing owners of St. Margaret's Island) - Expressed concern for access to the island from that road. He stated that the owners, in an agreement, were given access in the 1960's and were allowed to use the road as a access to the island. The owner currently uses another property to keep his boat for access to the island; however, that arrangement may not always be available. Mr. Dorsey requested that the road not be abandoned.

Norman Thomas (co-owner of St. Margaret's Island) - Indicated that he would like to be able to maintain access from that public road to the island.

Ken Jeu (Property owner adjacent to Drury property) - Requested the abandonment because of property destruction, trash littering and other problems caused by undesirable visitors to the area.

Alan Kohey - Stated that he did not want it abandoned as it provided access for fishing and other boating activities. Suggested that it not be abandoned without replacing it with another public access.

Tom Drury (adjacent property owner) - Presented photographs depicting property destruction and pointed out that the areas is used for trash dumping.

Richard Kline - Requested that the road remain open for public access.

Mary Drury - Expressed support for the abandonment pointing out that it is only a 40 foot right-of-way to the water and there is no pier.

The Commissioners closed the hearing and advised that the record will remain open for ten days for written comments.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

Great American Smokeout Day

Present: Mike Dugan

Designating Thursday, September 21 as the Great American Smokeout Day in St. Mary's County.

Youth Appreciation Week

Present: Representatives from Optimist Clubs

Designating the week of November 3 - 9, 1991 as Youth Appreciation Week in St. Mary's County.

PRESENTATION TO JEREMY HOUSE

The Commissioners presented a County Seal to Jeremy House, reporter for WPTX/WMDM, who will be leaving the area.

RESOLUTION NO. 91-40 1991 BOND ISSUE PUBLIC FACILITIES BOND

Present: Charles Wade, Director of Finance

The referenced individuals appeared before the Commissioners to present a Resolution authorizing the issuance and sale of \$6,020,000 general obligation bonds to be designated as "County Commissioners of St. Mary's County Public Facilities Bonds of 1991," net proceeds of which to be used for the financing of certain capital projects in St. Mary's County: Indian Bridge Road, Pegg's Road, Multi-Use Center, Sixth District Elementary School, Lettie Dent Addition, and Green Holly Addition.

Mr. Wade noted that funding for the Sixth District Elementary School has been reinstated in the Bond Issue in case there is a problem in receiving state funding.

Mr. Diana advised that the bids will be opened for the bond sale on December 10 at 11:00 a.m. with calculations available by 11:30 a.m. A Resolution will be adopted by the Commissioners to award the bonds to the winning bidder and fixing the interest rate on the bonds.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson to approve and sign Resolution No. 91-40 authorizing the issuance and sale of the 1991 Bond Issue. Motion carried.

MARYLAND ROCK - INDUSTRIAL REVENUE BONDS

Present: Charles Wade, Director of Finance
Stuart Diana, Piper & Marbury (bond counsel)
Sam Ketterman, Alex Brown & Sons

Mr. Wade presented Maryland Industrial Revenue Bonds in the amount of \$6,000,000 which had been executed for Maryland Rock in 1982.

Mr. Diana explained that under State of Maryland law and the federal tax law, these bonds were permitted to be executed on a tax exempt basis in order to encourage economic development. Maryland Rock is responsible for the payment of those bonds, and there is no obligation of the County and no monetary liability of the County. In 1982 only the number of bonds necessary for the original purpose of the bond were signed. In that ownership of the bonds had changed, new bonds need to be signed to give to the new owner with the new owner's name.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign the reissuance of the bonds for Maryland Rock as presented. Motion carried.

**LEONARDTOWN VOLUNTEER FIRE DEPARTMENT
CLARIFICATION OF ALLOCATION**

Present: George Kalnasy, Leonardtown Fire Department
Charles Wade, Director of Finance

Mr. Kalnasy appeared before the Commissioner to get clarification of the County's policy for distribution of allocations to fire departments and rescue squads. He stated that the Leonardtown Volunteer Fire Department is purchasing a new pumper truck, and he had requested from Director of Finance Wade a lump sum payment of Leonardtown's allocation. He advised that Mr. Wade had indicated to him that payments are only made on a quarterly basis, and he could not allocate a lump sum payment. Mr. Kalnasy stated that this is a policy change and Leonardtown was not aware of this change and therefore clarification is needed.

Mr. Wade explained the impact on the budget for lump sum payments and stated that it was preferable to allocate quarterly payments. He pointed out that he was not aware of a past policy of lump sum payments.

During discussion Commissioner Loffler suggested that the Commissioners establish a clear cut policy that any organization who cannot manage with quarterly payments that it part of the county's budget process.

After discussion the Commissioners requested Mr. Kalnasy to determine if Leonardtown Fire Department has a cash flow problem and to provide this information to Mr. Wade.

BOARD OF EDUCATION - PRESS CONFERENCE

The Commissioners attended the Board of Education Press Conference regarding the Maryland School Performance Program.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel and Litigation. Motion carried. Sessions were held as follows:

Personnel

Also Present: Jon Grimm, Director, Planning and Zoning
Joe Mienert, P&Z

Held from 12:05 p.m. to 12:20 p.m.

Litigation

Also Present: Joseph Densford

Held from 12:20 p.m. to 1:05 p.m. and continued again from
2:30 p.m. to 3:00 p.m.

WEBELO PACK 793

The Commissioners recognized the leaders and scouts from Webelo Pack 793 from Lexington Park who were attending the meeting as part of the merit badge program.

COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: William Burroughs, Superintendent
Al Lacer, President, Board of Education
Jean Campbell, "
Robert Kirkley, "
Jonathan Nelson, "
Fred Wallace, "
Charles Wade, County Director of Finance

1) Current Budget Status

With regard to the Commissioners' action of November 5 relative to a 1.8% across-the-board reductions in the Fiscal Year 1992 Budget, Mr. Lacer distributed a handout setting forth a list of reductions in several areas of the Board of Education budget. He stated that the Board of Education was concerned about these reductions and the impact it will have on the educational system for the County. He pointed out that the State has announced reductions of state grants to St. Mary's County public schools in the amount of \$103,000 and addition to state reductions in social security and retirement in the approximate amount of \$294,000. Mr. Lacer stated that the 1.8% reduction in county funding would be in the amount of approximately \$550,000 and combined with the state reductions would have a disruptive effect on the planning and services that were to be provided for Fiscal Year 1992.

In light of the above, Mr. Lacer advised that it was the Board of Education's recommendation to request the Commissioners to reconsider the decision to reduce the Board of Education budget by 1.8% and that the Board would continue to work with the County in trying to build up a fund balance for Fiscal Year 1993. He further stated that he believed that cutting the budget in order to create an additional cash surplus for the County budget for Fiscal Year 1993 was inappropriate.

The Commissioners agreed to give consideration to this request at next week's meeting (November 19).

2) Hollywood Elementary School Land Transfer

County Administrator Ed Cox advised that the County has reviewed all documents relative to the transfer of the 4.99 acres adjoining the Esperanza and Green Holly schools and the transfer is now ready to be effected.

Board of Education Motion

After discussion Mr. Kirkley moved, seconded by Mr. Nelson that the Board of Education will provide certification that the property is no longer needed for school purposes and further that the Board of Education attorney will work with the County Attorney to effect the transfer. Motion carried.

3) Loveville Fuel Facility

Discussion ensued regarding the Board of Education's request for a fuel facility at Loveville. Mr. Lacer pointed out that with regard to using the County's facility at the Governmental Center it takes staff time to take the vehicle to Leonardtown for refueling. He stated that regardless of whether there will be a central office for the public schools, Loveville will always remain a maintenance center.

The Commissioners suggested that the Board of Education look at alternatives including purchasing the gasoline at the county's rate.

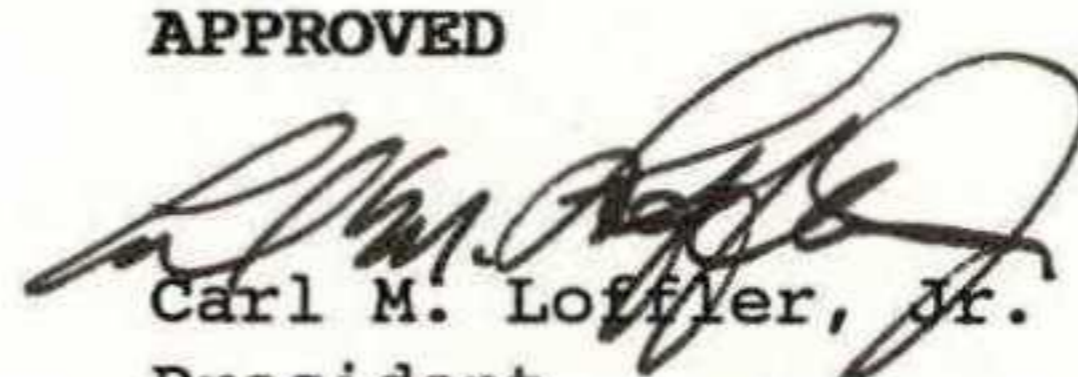
4) Great Mills (Henderson Park) Land Transfer

Mr. Lacer advised that the Board of Education is looking into the possibility of using the land at the Hollywood Elementary School site as the designated open space as required by the federal government for the transfer of the Great Mills recreational area to the Board of Education. He pointed out that there was a question of whether it can be an acre-for-acre transfer or appraised value. The Board of Education will get back to the Commissioners with a proposal.

ADJOURNMENT

The meeting adjourned at 2:00 p.m.

APPROVED


Carl M. Loffler, Jr.
President