

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS**

July 7, 1992

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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, June 30, 1992, and the Planning and Zoning portion of the June 23 Commissioners' meeting. Motion carried.

APPROVAL OF BILLS

There were no bills for approval by the Board this week as the Office of Finance is in the process of rolling over to Fiscal Year 1993.

SOUTHERN MARYLAND NAVY ALLIANCE

Present: Joe Mitchell, Director, DECD
Joe Slater, Navy Alliance

As a follow up to last week's discussion the referenced individuals appeared before the Commissioners to request the release of the \$25,000 committed by the County for use by the Navy Alliance. Mr. Mitchell advised that the Alliance has filed with the Department of Assessments and Taxation Articles of Organization which were adopted on March 5. He stated that the Commissioners had committed \$25,000 in the Fiscal Year 1993 budget for the Alliance contingent upon funds being raised in the private sector and the development of a budget. The Budget had been submitted to the Commissioners on June 30, and \$50,000 has been raised in the private sector.

In response to concerns expressed by the Commissioners, Mr. Slater pointed out that the County funds would be used for research and the private funds would be used for representation.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the release of the \$25,000 to the Southern Maryland Navy Alliance. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) Appointment - Soil Conservation Supervisors

Commissioner Thompson moved, seconded by Commissioner Lancaster, to reappoint John Sivak to the Soil Conservation Supervisors for a term to expire June 30, 1997. Motion carried.

2) Correspondence - Director, Cooperative Extension

The County Administrator presented correspondence addressed to Ms. Jean C. Dean expressing congratulations on her appointment as County Extension Director in St. Mary's County.

The Commissioners agreed to sign and forward the letter.

**3) Information Release
State Government - Trade Fair**

The County Administrator presented an Information Release announcing that state government will be participating in the St. Mary's County Trade Fair on July 11 in order to respond to citizens' questions regarding state services.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to distribute the Information Release as presented. Motion carried.

4) **Clearinghouse Project No. MD920611-0541
Charles County Community College
Youth In The Environment Program**

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

The Commissioners agreed to accept the County Administrator's recommendation.

5) **Basic Center Grant Application - Walden Sierra
Runaway and Homeless Youth Program**

The County Administrator presented a grant application for use of unspent funding for Fiscal Year 1991 in the amount of \$25,398 to be used for the period July 1, 1992 through June 30, 1993.

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

6) **Blue Cross/Blue Shield Contract Amendment
Mail Order Prescription Service**

The County Administrator presented a memorandum from the Personnel Officer requesting approval to add an optional mail order prescription drug service to the County's Blue Cross and Blue Shield contract effective July 1, 1992.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the addition of the optional mail order prescription drug service to the BC/BS contract as requested. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Personnel. Motion carried. The Session was held from 9:30 to a.m. 9:50 a.m.

**COMMENDATION
HOLLYWOOD ELEMENTARY SCHOOL - RECYCLING PROGRAM**

Present: Principal and Students, Hollywood Elementary School

The Commissioners presented a Commendation to Hollywood Elementary School students for their efforts in initiating a recycling program.

COMMISSION FOR DISABLED - STATUS REPORT

Present: Cynthia Brown, ADA Coordinator
Gene Carter
Dennis Nicholson
Charles Ridgell

The referenced members of the Commission for Disabled appeared before the Commissioners to present a status report on compliance with the American with Disabilities Act. The Act was enacted in July, 1990 and provides civil rights protection to individuals with disabilities in the areas of employment, public accommodations, public services, telecommunications, and transportation. The Commission has been assigned the task of ensuring compliance and providing public education. Steps taken by the Commission to date to ensure compliance include: (1) Appointment of a Coordinator (Cynthia Brown); (2) Recommendation to change wording of public notices by adding a statement regarding discrimination; and (3) development of grievance policy and procedures.

Mrs. Brown stated that by July 26 the County must have in place a Transition Plan identifying how public structures must be modified to make them accessible to the disabled, which will include a time table. A public meeting has been scheduled for July 21 for the presentation of the draft of the Transition Plan. Mr. Carter explained that the Plan identifies existing areas of deficiency for access and addresses remedying those deficiencies, which will translate to expenses for county government.

Mr. Carter reported to the Commissioners that federal funding has been made available for a vehicle to support the ADA requirements in the transportation plan.

Suggestions from the Commissioners included:

To make private business aware of the ADA requirements, perhaps using the Chamber of Commerce as a vehicle.

To add language in the grievance procedures regarding return of citizen's call within 48 hours that holidays and weekends be taken into consideration.

To look into having doors with mechanism to keep doors open to allow handicapped individuals to enter.

In conclusion the Commissioners expressed appreciation to the Commission for their efforts in working towards compliance with ADA requirements.

ALCOHOL IN PARKS POLICY

Present: Phil Rollings, Director, Recreation and Parks
Pete Amole, R & P Board
Hal Bishop, "
Kenny Dement, "
Edward Elam, "
Jane Sypher, "

The referenced individuals appeared before the Commissioners to present a draft Park Policy - Standards for Authorization of Consumption of Alcohol in County Parks. Mr. Rollins advised that he and the Recreation and Parks Board has had several meetings on the issue, visited park sites, surveyed other jurisdictions, and had meetings with Alliance representatives, Alcoholic Beverage Board, and County Attorney, which has resulted in the development of the policy.

Mr. Rollins reviewed the policy with the Commissioners and advised that it sets forth guidelines for the consumption of alcohol in county parks, restricting it to certain designated areas. The policy addresses the permitting approval process including the process for groups or organizations to sell alcohol in the parks.

During discussion Commissioner Lancaster inquired whether the policy was circumventing state law regarding the consumption of alcohol in public facilities. The County Administrator referenced the state law (Article 2B, §211) which states that consumption of alcoholic beverage is illegal unless authorized by a government entity that has jurisdiction over the property.

Discussion ensued as to whether an Ordinance would be required to provide the county with authority to allow the consumption of alcohol in the parks. County Administrator Cox pointed out that the County Attorney will be requested to provide a legal opinion on this issue which will be presented to the Commissioners next week.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to empower the Recreation and Parks Board to issue permits as described in the referenced policy as an interim measure until a legal opinion regarding the necessity for an Ordinance has been received from the County Attorney. Commissioner Lancaster voted against the motion. Motion carried four to one.

**AGRICULTURE/SEAFOOD COMMISSION
STUDY OF THE APPLICATION OF SLUDGE TO ST. MARY'S COUNTY FARMLAND**

Present: Donna Sasscer, Agriculture/Seafood Coordinator
James Beaven, Agr/Seafood Commission
R. Johns Dixon, "
Dan Donnelly, "
Patrick Lloyd, "
G. Bradford Reeves, "
Steve King, Metropolitan Commission

In response to the Commissioners' written request of February 11, members of the Agriculture Seafood Commission Sludge Study Subcommittee appeared before the Commissioners to present the Study of the Application of Sludge to St. Mary's County Farmland. Mrs. Sasscer reviewed the report pointing out advantages and disadvantages of the application of sludge on farmland. She noted that included in the report were completed surveys from St. Mary's County landowners.

The Report was transmitted with a cover letter which listed several recommendations. Included in the recommendations was a suggested minimum transportation fee of \$4 per acre to be charged for sludge brought into the County from other municipalities. The fee would be used for nutrient management and would ensure proper registration.

During discussion of the possibility of a requirement for land record notations, Commissioner Jarboe noted that Senator Simpson had introduced legislation that would have required identification of property where sludge had been applied. He pointed out that two groups opposed the legislation--Maryland Department of Environment and the real estate industry, and the bill did not pass. Commissioner Jarboe suggested that Mrs. Sasser examine the testimony on this legislation to determine the reasons for these groups' opposition. Mr. Reeves suggested that the Clerk's Office could keep a register of property having sludge applied. County Administrator Cox responded that the County would need to check with the Clerk's Office to see if that was possible.

The Commissioners thanked the subcommittee members for the report and indicated they would respond to the recommendations at a later date.

**OFFICE ON AGING
AREA AGENCY PLAN - FISCAL YEAR 1993 SUPPLEMENT**

Present: Gene Carter, Director, Office on Aging
Jenny Page, Chief, Elderly Programs

The referenced individuals appeared before the Commissioners to present the Office on Aging's Supplemental Area Plan for Fiscal Year 1993. Mr. Carter advised that last year he had presented the Plan for two years (Fiscal Years 1992 and 1993), and this document is a supplement. He pointed out that reductions in last years budget had basically been restored with the exception of the senior visitation program, which will be a permanent reduction and will now be handled by the nursing homes.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Area Agency Plan Supplement for Fiscal Year 1993. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Project Status Report

Mr. Ichniowski presented and reviewed the Project Status Report of projects within the Department of Public Works in the categories of Facilities, Highways, Marine, Solid Waste, and Development, as of June 30, 1992.

Point Breeze Road - Shore Erosion Control Project

During review of the Project Status Report, Mr. Ichniowski presented the Supplemental Shore Erosion Control Project Agreement for the referenced project. The Agreement provides for an additional 90 feet and will increase the loan from the Department of Natural Resources by \$23,500.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Shore Erosion Control Project Agreement for Point Breeze Road as presented. Motion carried.

2) State Highway Projects

Mr. Ichniowski presented a memorandum dated July 7 listing the projects that have been included in the State's highway program: completion of Leonardtown Bypass; Pegg Road/Md. Route 235 intersection improvements; Md. Rt. 5 in St. Mary's City; Md. Rt. 246; preliminary planning funds for traffic study of Md. Rt. 235 from main gate to Md. Rt. 4. He referred to the October 15 letter from the Commissioners to the Department of Transportation requesting the acceleration of certain projects by the State.

During discussion of those items that had not been included in the State's program, the Commissioners requested that correspondence be forwarded to the State emphasizing the importance of the reconstruction of Md. Rt. 237 (Chancellors Run Road). Commissioner Jarboe further requested that the letter also reiterate the request for improvements to Md. Rt. 5 from Camp Brown to Point Lookout.

3) Addenda to Public Works Agreements

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

Richneck Subdivision, Section 3

Between Ripple Brothers Contractors, Inc. and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to June 1, 1993. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$18,000.

Miller Subdivision

Between Ray Miller and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to December 1, 1992. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$51,230.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Addenda to Public Works Agreements as presented. Motion carried.

STAFF MEETING

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building.

**NATIONAL REUNION OF DESCENDANTS OF MARYLAND CATHOLICS TO KENTUCKY
(STATUS REPORT)**

Present: Becky Proffitt, Reunion Committee
Doris Jones, "
Mary Pat Pope, Administrative Officer

The referenced individuals appeared before the Commissioners to present a status report on the preparations for the Catholic Reunion to be held July 24 to 26. Mrs. Proffitt advised that 407 people have registered for the weekend celebration. Mrs. Jones displayed some of the items that will be available to the participants such as T-shirts and tote bags.

The Commissioners expressed wishes for a successful event.

FOREST HALL APARTMENT PROJECT

Present: Joseph Mitchell, Director, DECD
Henry T. Waring, Applicant
Jonette D. Hahn, Md. Dept of Housing & Community Dev.
Rental Housing Programs, CDA

As a follow up to the May 12 discussion, the referenced individuals appeared before the Commissioners to discuss the financing of the referenced rental housing project. Ms. Hahn explained that in order for the applicant to obtain state financial assistance, there is a requirement for the County to participate in the funding. There is no set amount; however, it must result in reduction of rentals to the occupants. She stated that contributions can be made in several forms, such as contribution of services (i.e., acceptance of roads), or reduction in real estate taxes.

Mr. Mitchell indicated that on May 12 there was discussion regarding the possibility of the County making a loan for the Economic Impact Fee in the amount of \$224,000 to be repaid by Mr. Waring with principal and interest. He pointed out that this may not be feasible because it would impact on the county's cash flow for capital projects over the next several years.

During discussion of the requirement for local contribution, Ms. Hahn indicated that the requirement is statutory and not regulatory and, therefore, cannot be waived.

In conclusion the Commissioners agreed to take the matter under advisement and in the mean time have a work session with appropriate parties to develop a recommendation to be brought before the Commissioners at a later date.

BALTIMORE GAS AND ELECTRIC COMPANY

Present: John C. Smith, Public Affairs
Charles Cruse, Manager, Nuclear Engineering Services

1) Calvert Cliffs - Status Report

Mr. Cruse reported to the Commissioners on the status of the Calvert Cliff Power Plant stating that the plant is currently undergoing a number of major modifications, maintenance items and surveillance testing. Unit Number One was

shut down in March for routine fuel outage and should be back in operation in the third week of July. He reviewed with the Commissioners the number of operators who passed the test and received reactor licenses, the number of man hours without personal accidents, and Calvert Cliff's report card from NRC which showed an improvement over last year.

Mr. Cruse pointed out that goals for BG&E include maintaining industrial as well as nuclear safety and to guard against complacency.

2) Contribution to Marcey House

Also Present: Larry Harvey, Director, Marcey House

Mr. Smith and Mr. Cruse presented a check in the amount of \$2,500 to Mr. Harvey and offered an additional \$2,500 as a challenge if Marcey House can raise \$10,000. Mr. Harvey expressed appreciation to the representatives of BG&E for the contribution and noted his commitment to provide quality treatment at Marcey House.

COUNCIL ON CHILDREN AND YOUTH CHILDREN'S TRUST FUND GRANT APPLICATION

Present: Becky Stevens, Community Services Coordinator
Mary Fletcher, Chairperson, Council on Children & Youth

The referenced individuals appeared before the Commissioners to present the Children's Trust fund Grant Application entitled "St. Mary's County Child Abuse and Neglect Prevention Education Program" in the amount of \$4310. The grant will providing funding for education to help stimulate concern about child abuse and neglect problems and for the development of alternative resources for combatting the problem.

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

STATUS OF COUNTY FINANCES

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to discuss the status of the county's finances. He advised the Commissioners that the State is now forecasting a \$104M shortfall for 1992, \$170M for 1993, \$348M for 1994, and \$504M for 1995. Mr. Wade indicated that the County can expect across-the-board reductions from the State.

He pointed out that that the County's Fiscal Year 1993 budget was .002 more than Fiscal Year 1992; however \$3.6M came from fund balance and those funds would not be available for Fiscal Year 1994. Mr. Wade advised the Commissioners that if they agree to the 20% increase in income tax which had been authorized by state law, \$3.3 additional revenues would be generated for Fiscal Year 1994.

SOUTHERN MARYLAND WOOD TREATMENT PLANT

Clean Up Options

Commissioner Thompson reported that she attended the Wood Treatment Task Force meeting on July 1, and there appears to be an option for no clean up of the site at all. EPA has been looking at other methods of clean up, and they continue to refer to the option no treatment, but sealing it and leaving it as is. She stated that there has also been discussion of different levels of treatment.

Chairperson and Member

The County Administrator advised that a chairperson and a new member are needed to replace Dr. Garner Morgan who had submitted his resignation.

Commissioner Bailey moved, seconded by Commissioner Jarboe to appoint Tom Russell as Chairperson and to appoint Joe Anderson as the new member of the Southern Maryland Wood Treatment Task Force. Motion carried.

ADJOURNMENT

The meeting adjourned at 3:55 p.m.

7:00 P. M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting comments and questions from the audience.

Lou Eberle - Stated that if the County is going to have a Hall of Fame it should be for all volunteers (fire and rescue squads) not for softball.

Minnie Russell - Inquired whether the County would be issuing new stickers at the transfer station as the current ones expired on June 30. She stated she thought the stickers were a waste of county's money. The Commissioners explained that the stickers serve as a control for use of the facility.

Mrs. Russell referred to an individual who had a vehicle with Virginia license tags and was not allowed to bring in used oil. The Commissioners explained that if a vehicle has out-of-state tags, but the individual owns property or pays rent in St. Mary's County, he/she would be allowed to use the transfer station.

Lou Eberle - Commented on how careful the landfill attendants are at checking vehicles.

Pat White - Inquired whether the Commissioners are involved in the Public Schools Redistricting Plan.

The Commissioners indicated that the Commissioners do not have a role in the approval of the Plan.

Ms. White expressed concern about the sludge that will be coming to St. Mary's County from Blue Plains.

The Commissioners explained that the County has no control over the transfer of sludge to the County as it is regulated by the Maryland Department of Environment. Commissioner Loffler referred to the Agriculture Seafood Commission's presentation earlier in the day of its study on the application of farmland in St. Mary's. The Commission had suggested a public meeting on the subject of sludge application whereby citizens could get more information and also express concerns.

Commissioner Jarboe suggested that the County draft legislation to address the issue of identifying property that has had sludge applied to it.

Minnie Russell - Inquired about signs being permitted along road in the county (Routes 5, 235, and 4). She indicated that not everyone was being treated equitably (some people were allowed signs and others were not.)

The Commissioners explained the permitting process and stated that although inspectors do look for illegal signs, the County relies on the assistance of citizens to apprise them of any unauthorized signs.

Leonard Greess - Inquired when the Commissioners were going to hold discussion on the Zoning Ordinance amendments.

The Commissioners advised that it is scheduled for July 15.

Jack Witten - Suggested that the Commissioners may want to consider some type of disclosure by the property owner about what is on the property.

Donald DeGraves - Indicated his approval of the policy adopted for the use of alcohol in county parks. He stated that there has been a lot of progress regarding the question of use of alcohol in the parks since he discussed it with the Commissioners at the last public forum. He pointed out that he still had concern about adequate law enforcement patrol at the parks. Mr. DeGraves commended Mr. Rollins, Director of Recreation and Parks, R & P staff, and the R & P Board for their cooperation and willingness to resolve the issue.

Karen Bustard (Representing Little League) - Indicated concurrence with the policy adopted for the use of Alcohol in county parks.

The Public Forum concluded at 8:25 p.m.

Minutes Approved by Board of
County Commissioners on July 14, 1992

Judith A. Spalding
Recording Secretary

