

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
November 24, 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

(Commissioner Thompson was not present at the beginning of the meeting.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, November 17, 1992. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey 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) SMECO Power Line - Response Correspondence

The County Administrator advised that letters have been received from citizens expressing concern regarding the SMECO 230 KV transmission line that is going through Town Creek. He, therefore, presented correspondence advising that there will be a public hearing on December 8 at Town Creek Elementary School.

The Commissioners agreed to sign and forward the letters as presented.

2) St. Mary's County Health Department - Program Conversion to Nonprofits

The County Administrator presented correspondence responding to November 17 letter from Dr. Marek, St. Mary's County Health Department regarding the Alcohol Addictions Program and the Mental Health Program which will be converted to non-profit corporations as of January 1, 1993. The return letter approves for the remainder of Fiscal Year 1993 the transfer of the balance of the FY '93 county allocations to the non-profits and the continued use at no cost of county government-owned space in the Health Department building.

Commissioner Loffler requested that prior to signing the letter that Dr. Marek appear before the Commissioners to provide details regarding the conversion. The Board gave its concurrence to this request.

3) Information Releases

The County Administrator presented the following Information Releases for the Commissioners' review and approval for distribution:

- o Announcing that the Department of Planning and Zoning has been awarded a \$14,500 grant from the Maryland Historic Preservation Grant Program for Fiscal Year 1993.
- o Announcing a scheduled conference call with Environmental Protection Agency, Maryland Department of Environment, the Southern Maryland Wood Treatment Plant Task Force, members of the Environmental Awareness Coalition, the media and other interested parties on December 16 at 11:15 a.m.

The Commissioners agreed to distribute the Information Releases as presented.

**4) Community College Advisory Board
Approval of By-Laws**

The County Administrator advised that the Community College Advisory Board has made several revisions to its by-laws which include reorganization of the articles; clarification of duties and responsibilities; provision for a recording secretary furnished by the Commissioners; a reduction from two years to a one-year term for officers; and an increase from four to six regular meetings per year. Mr. Cox indicated that the revised by-laws are in compliance with Resolution No. 88-03.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the by-laws as presented. Motion carried.

5) Office on Aging Activity Coordinator Position

The County Administrator presented a memorandum dated November 19 from the Director of Office on Aging requesting the re-establishment of the Activity Coordinator position at the Ripple Center as a permanent full-time position. The part-time temporary employee is leaving county government and because of the growth at the Ripple Center, Mr. Carter has requested that it be a Permanent Full-Time position.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the request as presented on the condition the position is contingent on program revenue. Motion carried.

(Commissioner Thompson entered the meeting at 9:25 a.m.)

6) Sewage Sludge Utilization Permit

The County Administrator presented correspondence to the Maryland Department of Environment responding to November 17 correspondence which forwarded Sewage Sludge Utilization Permits for J. Frank Raley and Charles E. Wolf, Jr. properties, both located in the First Election District. The return letter indicates that the County will not exercise its right for a public information meeting/hearing but does continue to have concerns about the environmental safety and about land record notification.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the letter as presented. Motion carried four to one with Commissioner Jarboe voting against.

7) Response Letter - FERST Land Clearing Debris Landfill

The County Administrator presented correspondence addressed to Mr. Kenneth Hastings responding to his November 7 letter regarding the FERST Land Clearing Debris Landfill and enclosing the letter the Commissioners sent to the Maryland Department of Environment requesting clarification of several issues regarding to the permit application.

The Commissioners agreed to sign and forward the letter as presented.

8) Response Letter - Beechwood Subdivision Drainage Problem

The County Administrator presented correspondence addressed to Mary Roland in response to her September 11 and October 22 letters regarding the drainage situation at Beechwood Subdivision and San Souci. The return correspondence indicates that Department of Public Works is looking at alternatives in the solution of the problem and clarifies issues raised in Mrs. Roland's letters.

The Commissioners agreed to sign and forward the letter.

9) Human Relations Commission - Appointment

Commissioner Bailey moved, seconded by Commissioner Thompson, to appoint Bella H. Marmer to the Human Relations Commission for a term to expire June 30, 1996. Motion carried.

10) St. Mary's County Public Schools - Grant Awards

The County Administrator presented correspondence responding to November 12 correspondence from St. Mary's Public Schools requesting permission to incorporate new grant awards that have been

received but not included in the approved budget for FY '93. The return correspondence approves the request to include the Grant Awards totalling \$34,680 in the Board of Education FY '93 Operating Budget.

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

11) Conference Room Sound System

The County Administrator presented a memorandum advising that concerns have been raised concerning the quality of the County Commissioners' Conference Room sound system. RCI, the firm that did the Carter Building public meeting room sound system, evaluated the system and gave a cost estimate to improve the system. The itemized list indicates a total of \$8,000 for complete renovations, however, Mr. Cox recommended that the Commissioners replace the microphones (5 @ \$252.34 = \$1,261.70) and repair the wall jacks used by the news media and at a later date make an evaluation as to whether additional improvements would be needed.

The Commissioners discussed whether it was necessary to replace the microphones in that they had been replaced a couple of years ago.

After discussion the Commissioners requested that the County Administrator return next week for the Commissioners' decision.

**PROCLAMATION
NATIONAL HEALTH HOME CARE WEEK**

The Commissioners presented the referenced Proclamation designating the week of November 29 to December 5 as National Home Health Care Week in St. Mary's County.

**STATE BUDGET REDUCTIONS
IMPACT ON ST. MARY'S COUNTY BUDGET**

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present the State of Maryland Budget Reductions as contained in Senate Bill 1 passed by the Maryland General Assembly on November 20, explain its impact on St. Mary's County's Budget, and to request approval of a proposal to handle these reductions.

Mr. Wade stated that the law requires permanent transfer of responsibility for the employers' contribution to Social Security for St. Mary's Public Schools, community colleges, and libraries. The impact to St. Mary's is \$2,264,709, and Mr. Wade pointed out that the County, in making adjustments to handle this reduction, may not reduce more than the proportional share of the local appropriation, may not eliminate any classroom position, and may not reduce instructional materials and equipment.

Mr. Wade proposed that in order to offset the state reductions of \$2,264,709, the County use one half of the undesignated fund balance (\$1,426,000). The other half would be shared by general county government (\$419,354) and the three affected agencies (Board of Education - \$419,354; Library - \$8,890; Community College - \$8,974). Mr. Wade indicated that this method would continue the operation of county government without taking drastic actions.

During discussion Mr. Wade advised the Commissioners that although this would take care of Fiscal Year 1993, there will be a problem in Fiscal Year 1994 because these are permanent reductions. He suggested that the Commissioners keep this in mind during their FY '94 deliberations.

Commissioner Loffler indicated that the county's share in picking up the Social Security payments for St. Mary's Public Schools should be counted towards the county's contributions toward education and that the state should not receive credit for county funding.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize the Director of Finance to proceed with the proposal to implement the state budget reductions to St. Mary's County including the setting of a supplemental budget public hearing, if required. Motion carried.

**DEPARTMENT OF RECREATION AND PARKS
SCHOOL COMMUNITY CENTER PROGRAM**

Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins appeared before the Commissioners to explain the impact of reduced funding from the state on the School Community Center Program. He stated that the original intention of the 20-year old program was to provide use of local schools for community and recreational use. In the last two years the county has had a reduction of approximately \$25,000 in this program with \$7,000 reduced in Fiscal Year 1993. Funding for the program has provided activities in the areas of arts and crafts, basketball and volleyball, homework centers, sign language, tumbling, etc.

Mr. Rollins pointed out that the impact of these reductions will be either elimination of the programs or use of user fees. He stated that establishing a user fee may prohibit lower income families from participating in the programs, which is of concern to his department. Mr. Rollins advised that he would like to develop a plan in the future that would subsidize lower income families' participation.

In closing Mr. Rollins indicated that he would return at a later date with specific action to handle the state reductions in the School Community Centers Program.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Sandgates Road Revetment Project

Mr. Ichniowski presented correspondence addressed to Shore Erosion Control Program, Department of Natural Resources requesting the Sandgates Road Revetment project be processed on an emergency basis because of active shore erosion.

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

**2) Easement Agreement - Utility Corridor
Maryland Manor Mobile Home Park**

Mr. Ichniowski presented an Easement Agreement among County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc. and Maryland Manor Mobile Home Park Partnership granting access across the utility corridor (former railroad right-of-way) in the area between Maryland Route 235 and the Mazel Subdivision, Eighth Election District.

Commissioner Lancaster moved, seconded by Commissioner Bailey to approve and authorize Commissioner Loffler to sign the Easement Agreement as presented.

**3) Acceptance of Deeds
Road Resolutions**

Mr. Ichniowski presented the following Deeds and Road Resolutions for the Commissioners' review and consideration:

o Heard's Estate Subdivision

Deed dated October 24, 1990 between Quality Built Homes, Inc. and the Board of County Commissioners for St. Mary's County accepting the Norris Road widening and realignment; Clipper Drive, and Schooner Court into the County's Highway Maintenance System.

Road Resolution No. R92-30 posting Clipper Drive and Schooner Court at 25 miles per hour.

Road Resolution No. R92-31 designating the following streets as Stop Streets: Clipper Drive as it intersects with Norris Road; Schooner Court as it intersects with Clipper Drive.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Deed and Road Resolutions for Heard's Estate Subdivision. Motion carried.

o **Charlotte Hall Business Park**

Deed dated December 9, 1991 between SBC Development Company and the Board of County Commissioners of St. Mary's County accepting Market Drive, Business Center Drive, Killpeck Creek Court into the County's Highway Maintenance System.

Road Resolution No. R92-32 posting Business Center Drive, Market Drive, and Killpeck Creek Court at 25 miles per hour.

Road Resolution No. R92-33 designating the following as Stop Streets: Market Drive as it intersects with Golden Beach Road; Killpeck Creek Court as it intersects with Golden Beach Road; Business Center Drive as it intersects with Market Drive and Killpeck Creek Court.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Deed and Road Resolutions for Charlotte Hall Business Park. Motion carried.

4) **Correspondence Calling Letters of Credit**

Mr. Ichniowski presented the following correspondence calling Letters of Credit as indicated:

- o **Mulberry North Subdivision - Lot 9**
To First National Bank of St. Mary's calling Letter of Credit No. A1-12-9-1991 in the amount of \$500 for Driveway Entrance Permit #89-1632-2215.
- o **Mulberry North Subdivision - Lot 12**
To First National Bank of St. Mary's calling Letter of Credit No. A2-12-9-1991 in the amount of \$500 for Driveway Entrance Permit #89-1631-2213.
- o **Miller Subdivision**
To First National Bank of St. Mary's calling Letter of Credit #A1-8-2-90 in the amount of \$51,230 for Public Works Agreement.
- o **Wildewood - Smoke Hill, Cottonwood Parkway**
To Maryland Bank and Trust Company calling Letter of Credit #294-C in the amount of \$27,000 for Public Works Agreement.
- o **Hickory Hills, Phase 1**
To Fidelity & Deposit Company of Maryland calling Bond No. 30424241 in the amount of \$109,300 for Public Works Agreement.
- o **Hickory Hills, Phase 1**
To Fidelity & Deposit Company of Maryland calling Bond No. 30424242 in the amount of \$135,000 for Grading Permit #91-29.
- o **St. George Hundred (formerly Chancellor's Run Estates)**
To Maryland Bank and Trust Company calling Letter of Credit #359-B in the amount of \$10,000 for Grading Permit #86-01.
- o **84 Lumber Company - Rt. 6**
To St. Paul Mercury Insurance Company calling Bond No. 400JF 6069 in the amount of \$26,300 for Grading Permit #92-15.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the correspondence as presented, to be forwarded if necessary. Motion carried.

5) **Public Works Agreement**
Addendum to Public Works Agreement

Mr. Ichniowski presented the following documents for the Commissioners' review and consideration:

- o **Sycamore Hollow-Wildewood**
Public Works Agreement dated November 12, 1992 between Paragon Builders, Inc. and St. Mary's County, Maryland guaranteeing completion of Sycamore Drive and Mimosa Court by November 1, 1993. The Agreement is backed by a Letter of Credit in the amount of \$57,000 with Maryland Bank and Trust Company.
- o **Landings at Piney Point**
Addendum to Public Works Agreement between Piney Point Landing Partnership and St. Mary's County extending the deadline for completion to November 1, 1993. The Addendum is backed by a Letter of Credit with Second National Federal Savings Bank in the amount of \$424,000.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Public Works Agreement and the Addendum to the Public Works Agreement as presented. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director

- 1) **Ordinance No. 92- 31**
Adoption of Building Code
Supersedes Ordinance No. 90-04

The Commissioners having conducted a public hearing on October 22, 1992 and continued the hearing on October 29, Mr. Grimm presented Ordinance No. 92-31 establishing minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of certain buildings and structures; providing for the issuance of permits, receipt of construction drawings, making of inspections, issuance of certificates of use and occupancy as required, and the collection of fees; providing for the penalties for the violation thereof; to be known as the St. Mary's County Building Code.

Points of discussion included:

- o Whether the cost to hook up to natural gas would warrant the savings realized through using natural gas.
- o Whether Planning and Zoning staff will be able to handle the additional inspection responsibility relative to natural gas installations. (Mr. Grimm indicated that there would be no need to hire additional staff.)

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Ordinance No. 92-31 as presented. Motion carried.

- 2) **Comprehensive Water and Sewer Plan Update**

Mr. Grimm presented the draft Comprehensive Water and Sewer Plan Update for the Commissioners' review. He stated that the Department of Planning and Zoning has been working with several agencies in drafting the plan and it has been reviewed by the Planning Commission and recommended that the Commissioners accept it as the 1992-1993 document. Mr. Grimm, therefore, requested the Commissioners' authorization to proceed with the public hearing process on the draft Water/Sewer Plan.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the Director of Planning and Zoning to proceed with the public hearing to be scheduled for Tuesday, December 15, 2:00 p.m., Carter State Office Building. Motion carried.

- 3) **Forest Heights Sewer Project**

Also Present: Steve King, Metropolitan Commission

With regard to a petition previously submitted to the Commissioners by Mr. Elam for the installation of a sewer system in Forest Heights, Mr. King appeared before the Commissioners to request approval to apply for a grant for this project. He stated that the Maryland Department of Environment has set aside \$420,000 for sewer line projects in St. Mary's County, and that this project is estimated to cost approximately \$200,000. Mr. King pointed out that the Planning Commission is in the process of gathering information regarding this project as required under HB 601.

During discussion Mr. King requested approval from the Commissioners for the Metropolitan Commission to apply for the grant now, while the Planning Commission is gathering the information, in order to keep the process moving.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize the Metropolitan Commission to apply for the grant for the Forest Heights sewer line project. Motion carried.

4) **Maryland Economic Growth, Resource Protection and Planning Act of 1992**

Mr. Grimm presented a memorandum to the Commissioners outlining the deadlines established by the Maryland Economic Growth, Resource Protection and Planning Act of 1992. The first deadline requirement is for the establishment of procedures for review of local construction projects by December 1. The review process is intended to ensure compliance with a locally adopted comprehensive plan or to detail "extraordinary circumstances" for projects which may not comply with an adopted plan. The second deadline requirement is for the adoption of a schedule to amend all local comprehensive plans to bring them into compliance with the referenced Planning Act of 1992.

During discussion Mr. Grimm pointed out three areas that the county's plan lacked in order to be in compliance with the Planning Act:

- o Adoption of the seven visions of the 2020 Report to the Governor's Commission on Growth in the Chesapeake Bay region.
- o Adoption of a sensitive areas element (endangered species element).
- o Establishment of a process for how project approvals can be streamlined to make sure development goes where the Comprehensive Plan says it should be.

Mr. Grimm included in his handout a January 21, 1992 letter from the Planning Commission to the Board of County Commissioners regarding FY '93-'98 Capital Improvement Program, priority classification chart, and draft schedule for updating the Comprehensive Plan and compliance with the 1992 Planning Act.

In addition Mr. Grimm presented correspondence prepared for the Commissioners' signatures addressed to Governor Schaefer forwarding St. Mary's County's schedule for implementing the Economic Growth, Resource Protection, and Planning Act of 1992.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter to the Governor as presented. Motion carried.

5) **Patuxent River Demonstration Project
Soil Conservation District**

Mr. Grimm advised that the Commissioners had approved a contract with Tri-County Council to do some work under the Patuxent River Demonstration Project grant that the state has passed through to the County from EPA. He reminded the Commissioners that he had indicated the constraints accepting the funding would place on his department, particularly with staff time.

Mr. Grimm pointed out that as the project is moving forward, his department has not been able to respond to some of the requests that the grant project is making and requested the Commissioners' approval to enter into a similar contract arrangement with the Soil Conservation District to pass through some of the funds so that they could do some of the required work in order to meet the obligations of the grant. He advised that the completion of the project is the end of March 1993 and without the contract with Soil Conservation, the deadline could not be met.

Mr. Grimm indicated that if the Commissioners approve, he would work with the County Administrator and Director of Finance to amend the Scope of Work for the Patuxent River Demonstration Project, which will be brought before the Board for approval.

The Commissioners gave their concurrence.

**JOINT MEETING
BOARD OF COUNTY COMMISSIONERS/BOARD OF EDUCATION**

Present: St. Mary's County Government:

All Commissioners
Edward V. Cox, County Administrator
Charles Wade, Jr., Director of Finance

St. Mary's Public Schools:

Joan Kozlovsky, Superintendent of Schools
Jonathan Nelson, President, Board of Education
Jean Campbell, "
Robert Kirkley, "
Al Lacer, "
Fred Wallace, "

1) State Reductions in Financial Assistant to Education

The two Boards discussed the advisability of conducting an executive session to discuss strategy and collective bargaining. The Board of Education indicated its reluctance to meet in executive session relative to items involved in the negotiations with the associations because of the direct relationship the board has with the negotiation process and the perception of breach of faith. The Commissioners agreed not to continue the request for an executive session and called on county staff to present as much information as possible, eliminating those items that should be reserved for executive session.

Director of Finance Wade presented documents explaining the latest reductions effected by the Maryland General Assembly in special session and also the proposal by which the County will respond to the reduction. Copies were distributed to all board members, and a copy is on file in the County Commissioners' Office.

In summary the State reduction is caused by eliminating state payment of Social Security for board of education employees in the amount of \$2,264,709, and the proposed county response is a shared obligation among county government, board of education, community college and library.

The Commissioners authorized county staff to proceed to carry out the terms of the proposal scheduling any public hearings required.

2) County Government Financing and Fiscal Year Projections

Director of Finance Wade distributed documents describing known financial obligations for Fiscal Year 1994 and projected revenues for Fiscal Year 1994 demonstrating shortfall in revenues to meet known obligations. He also explained the use of unappropriated fund balance in Fiscal Year 1993 and the amount available in Fiscal Year 1994.

The Board of Education thanked the Commissioners for this information and indicated it would be helpful in its preparation of the Fiscal Year 1994 Budget.

3) Revised Capital Improvement Program

On December 1 the Commissioners will be requested to approve by Resolution the proposed Capital Improvement Program for the Board of Education which has already been submitted to the State Interagency Committee for School Construction for informal review. The deadline for formal submission is December 7.

The Board of Education staff presented each request describing the funding mechanisms and time tables for start/completion. The County Commissioners indicated that because of the timing for submission to IAC they would not delay the process by too detailed questioning. However, the Commissioners requested in the future that the Board of Education clearly delineate proposed construction elements that represent policy changes such as air conditioning for year-round school attendance, renovation to create equality of facilities, square footage to reduce class size.

Staff was directed to prepare documents for final approval on December 1.

4) Future Meeting

The Commissioners requested at a future meeting of the two boards a presentation on the alternative school proposal for Hollywood Elementary School and an explanation of the use of Bethune.

EXECUTIVE SESSIONS

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss matters of Litigation (The Skydiving Center), as provided under Article 24, Section 4-210(a)8. and Personnel (Consideration of Appointments to Boards, Committees, Commissions), as provided under Article 24, Section 4-210(a)1 Motion carried. Sessions were held as follows:

Litigation

Present; All Commissioners

Edward V. Cox, County Administrator
Joseph Densford, County Attorney
Dan Ichniowski, Director, Public Works
Charles Wade, Director of Finance

Authority: Article 24, Section 4-210(a)8, Maryland Annotated Code

Topic : Litigation (The Skydiving Center)

Time Held: 3:30 p.m. - 4:15 p.m.

Action Taken: Discussion of confidential correspondence from Local Government Insurance Trust. The Commissioners will meet with the Airport Commission on Tuesday, December 1 to discuss alternatives.

Personnel

Present; All Commissioners

Edward V. Cox, County Administrator

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

Topic : Personnel (Consideration of Appointments to Boards, Committees, Commissions)

Time Held: 4:15 p.m. - 4:55 p.m.

Action Taken: To direct staff to contact nominees to determine if they would accept appointment and to prepare appointment letters for the Commissioners' signatures for 12/1/92.

ADJOURNMENT

The meeting adjourned at 4:55 p.m.

Minutes Approved by Board of
County Commissioners on 12/1/92

Judith A. Spaulding
Recording Secretary