

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

January 26, 1993

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

(Commissioner Lancaster was not present.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, January 19, 1993. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Forest Conservation Act Joint Meeting with the Planning Commission held November 24, 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) Higher Education Facility - Steering Committee

The County Administrator presented a memorandum dated January 5 from the Director of Economic and Community Development advising that the Technology Council has volunteered to assist the County in the design for the requirements of the higher education facility. He stated that the Technology Council will be meeting on February 1 to discuss this and the Commissioners are invited to attend.

2) Extended Day Care Program Contract

On behalf of the Community Services Coordinator the County Administrator presented a contract between St. Mary's County Commissioners and Tri-County Youth Services Bureau for the delivery of services for portions of the St. Mary's County Collaborative Child Care Proposal.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Contract as presented. Motion carried.

**3) Recreation and Parks Department
Seasonal Employees**

The County Administrator presented a memorandum dated January 26 from the Personnel Officer advising that the Recreation and Parks Director is requesting approval to convert three seasonal Golf Course Greens/Ground Maintenance positions to full time. Because of increased activity at the golf course and increased need for year-round facility maintenance, the Personnel Officer requested the Commissioners' approval to:

- a. Convert the three current seasonal employees (Joseph L. Bridgett, David M. Oliver, and Robert E. Oliver) to full time merit status in lieu of using the competitive selection process;
- b. To make an exception to the county's employment of relatives policy.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the two requests as referenced above. Motion carried.

4) Local Government Insurance Trust

The County Administrator presented correspondence addressed to the Chairperson of the Local Government Insurance Trust, Julia Gouge thanking her and other LGIT representatives for meeting with the Commissioners on January 5. The letter indicates the county's understanding that the legal defense has been transferred and that the firm selected by LGIT will be totally responsible for the defense of the case. The letter further requests from LGIT repayment to the County at a rate approved by LGIT for hours expended on the suit up to the time of transfer.

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

5) Correspondence to Maryland Office of Planning

The County Administrator presented correspondence prepared by the Director of Planning and Zoning demonstrating the County's compliance with the 1992 Planning Act. The Act requires each jurisdiction to annually certify that the Capital Improvement Projects approved for the current Fiscal Year meet the requirements of the County's adopted Comprehensive Plan and are in accordance with the Planning Act.

Commissioner Thompson moved, seconded by Commissioner Jarboe, to sign and forward the letter to the Maryland Office on Planning as presented. Motion carried.

**6) Water and Sewer Plan Amendment
Metropolitan Commission Community Sewer Projects
(Airedele Road, Tall Timbers/South Potomac Shores,
St. George Island (SPEC #91-0121))**

The County Administrator presented the referenced Resolution modifying Resolution No. W/S92-01 regarding the referenced sewerage projects and establishing Equivalent Dwelling Unit (EDU) allocations and allocation criteria for each project.

Discussion ensued regarding Mr. Alfred Marmor's June 9 appearance before the Board requesting two additional EDU's for his property on Airedele Road.

The Commissioners agreed to defer a decision on the Resolution in order to allow time to review Mr. Marmor's request.

**7) Resolution No. W/S 93-01
St. Mary's County Comprehensive Water/Sewerage Plan
1993 Complete Revision**

As directed by the Board of County Commissioners on January 19 and on behalf of the Department of Planning and Zoning the County Administrator presented the referenced Resolution approving and adopting the complete revision to the St. Mary's County Comprehensive Water and Sewerage Plan as required by the Annotated Code of Maryland.

During discussion Commissioner Thompson stated that it was her understanding that the Water Section was being amended to parallel the Sewerage Section and that the water section did not include the language that the financing would "ultimately" be financed by the user.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. W/S93-01 as presented with the understanding that the Plan will be amended as referenced. Motion carried.

In addition County Administrator Cox presented correspondence addressed to the Maryland Department of Environment forwarding the complete revision of the St. Mary's County Comprehensive Water and Sewerage Plan.

The Commissioners agreed to sign the letter as presented.

8) **Appointments**
Boards, Committees, Commissions

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

<u>Commission on Aging</u>	<u>Terms To Expire</u>
Monalea C. Potter	6/30/94/97
<u>Council on Children and Youth</u>	
Mary Novotny	12/31/93/96
<u>St. Mary's Interagency Children's Committee</u>	
Abby Coombs	12/31/96
Mary J. Hunt	12/31/96
Nancy S. Luginbill	12/31/96
Sharon M. Morgan	12/31/96
<u>Recreation and Parks</u>	
Jane Sypher	12/31/94/98
<u>Social Services Board</u>	
Ben Bryan	6/30/94/97
Robert F. Woody	6/30/96

9) **Senate Bill 117 - Power Plant Sites**

The County Administrator presented correspondence addressed to the Economic and Environmental Affairs Committee formally expressing support for SB 117 -Power Plant Sites. A site located in St. Mary's County is the Elms Property.

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

PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION ORDINANCE

Present: Charles Wade, Director of Finance

The County Commissioners conducted a public hearing to present and explain the requirements to increase the Fiscal Year 1993 Budget as a result of Senate Bill 1, which reduced state assistance to the St. Mary's County Board of Education by \$2,176,149, the St. Mary's County Library by \$45,524 and Charles County Community College by \$43,036 for a total of \$2,264,709. The County Commissioners are required to pay these amounts to the State to pay the Social Security Tax for certain personnel.

The Public Hearing was opened for public comment. Hearing none the hearing was closed. The record will remain open for ten days, after which the Commissioners will take action on the Ordinance.

**1992 BOND ISSUE
CAPITAL PROJECTS**

Present: Charles Wade, Director of Finance

As a follow up to previous discussions Mr. Wade presented the list of projects to be included in the 1992 Bond Issue. The list set forth those projects and amounts included in the in FY '93, '92, and '91 budgets, and also includes two options (to include or not include Indian Bridge Road).

During discussion Mr. Wade pointed out that the \$300,000 for the Charlotte Hall Water System will require a budget amendment. He stated that since the St. Andrews Landfill project is being deferred until next year's budget, he recommended that a budget amendment be prepared. He further pointed out that once the Commissioners make a decision about the Community College site, a budget amendment may also be necessary for that project.

Discussion ensued regarding whether Indian Bridge Road should be a part of the 1992 Bond Issue or deferred until the December 1993 Bond Issue.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey to accept Option No. 2, which includes the Indian Bridge Road Project (reduced from \$2,036,400 to \$1,036,400 for this bond issue, with the \$1M to be included in future funding), and further to include the Community College property, if necessary. Motion carried three to one with Commissioner Loffler voting against.

**METROPOLITAN COMMISSION
GENERAL OBLIGATION BONDS**

Present: Larry Petty, Director

(Commissioner Bailey left meeting - 10:45 a.m.)

Mr. Petty appeared before the Commissioners to present the Metropolitan Commission's proposal to join the county in its February Bond Issue as requested in correspondence received January 22. The bond in the total amount of \$8,841,350 would include:

- o Refunding of 1988 bond issue - \$7,000,000
- o Funding to cover projected increase in the cost of the Wicomico Sewer and Water projects - \$950,000
- o Funding to cover local share of Tall Timbers, St. George Island, and Airedele Road sewer projects - \$741,350

Commissioner Thompson moved, seconded by Commissioner Jarboe to approve the inclusion of the Metropolitan Commission in the County's 1992 Bond Issue. Motion carried.

(Commissioner Bailey returned to the meeting - 11:00 a.m.)

**FACT-FINDING COMMITTEE
"STANDING" ISSUE - FERST OF ST. MARY'S LANDFILL**

Present: Edward V. Cox, County Administrator)
Joe Densford, County Attorney)Fact-Finding
Jon Grimm, Director, Planning and Zoning)Committee

As requested by the Board of County Commissioners the referenced Fact-Finding Committee presented a memorandum dated January 25 setting forth the Committee's findings regarding whether or not the Community Preservation Coalition of St. Mary's, Inc. had the necessary legal standing to take an appeal from the Planning Commission's decision of November 9, 1992 approving the site plan for the FERST landfill in Charlotte Hall.

Mr. Densford advised that the Committee met with Coalition representatives on January 21 at which the standing issue was discussed. County Attorney Densford reported that based on research the Committee found the following:

- o The Coalition has not demonstrated a specific property interest which has been adversely affected, and therefore does not appear to meet the legal standard for standing.
- o Although it appears that the individuals seeking to join the appeal are aggrieved parties and would have legal standing, they were not joined in the appeal until after the expiration of the 30-day appeal period.
- o The failure of a party with legal standing to bring the appeal within the 30-day appeal period renders the appeal null and void. Once the appeal period has expired, the appeal cannot be reinstated by amending it to join parties with standing.

Commissioner Thompson suggested that the Coalition be given an opportunity to come before the Commissioners to discuss their concerns.

Discussion ensued as to whether the Planning Commission's decisions were in conflict with the Board of Appeal's conditional uses.

After discussion the Commissioners agreed to allow the Coalition to come before the Board at a future meeting in order to present evidence supporting its belief of inconsistencies between decisions made by the Planning Commission and Board of Appeals. Mr. Pickett of FERST will be invited to attend and speak to the issues discussed. The discussion would be limited to the record with no new information presented.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in two Executive Sessions to discuss a matter of Property Acquisition (Community College Site) as provided in Article 24, Section 4-210(a)11. Motion carried.

Property Acquisition

Present: W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Charles Wade, Director of Finance
Mary Pat Pope, Administrative Officer
Judith A. Spalding, Recording Secretary

(Commissioner Loffler did not participate.)

Authority: Article 24, Section 4-210(a)11

Topic: Property Acquisition - Community College Site

Time Held: 11:58 a.m. to 12:55 p.m.

Action Taken: Reviewed the following: confidential correspondence from Leonardtown Commissioners, details concerning a site, and steps required by state for community college sites.

Property Acquisition

Present: John G. Lancaster, Vice-President
W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Dan Ichniowski, Director, Public Works
Joe Mitchell, Director, DECD
Charles Wade, Director of Finance
Mary Pat Pope, Administrative Officer
Jim Densford, Leonardtown Mayor
Jay Battle, Leonardtown Commissioner
Paul Ludwig, "
Becky Proffitt, "
Wayne Vincent, "
Tom Shea, Town Administrator

(Commissioner Loffler was not present.)

(Commissioner Lancaster entered the meeting at 7:10 p.m.)

(Messers. Battle, Ludwig and Norris entered the meeting at 7:20 p.m.)

Authority: Article 24, Section 4-210(a)11

Topic: Property Acquisition - Community College Site

Time Held: 7:00 p.m. to 8:10 p.m.

Action Taken: Reviewed the Town's January 22 confidential correspondence, details concerning a site, and steps required by state for community college sites. Discussed proposed locations of the college. Leonardtown Commissioners will respond to County Commissioners regarding college site.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Minutes Approved by Board of
County Commissioners on February 2, 1993

Judith A. Spalding
Recording Secretary