

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

**February 2, 1993**

**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 Thompson moved, seconded by Commissioner Bailey, to approve the minutes of the Commissioners' meeting of Tuesday, January 26, 1993. 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) Alliance for Alcohol/Drug Abuse Prevention  
Policy Council Meeting**

The County Administrator presented correspondence addressed to Community Leaders announcing the St. Mary's County's Alliance for Alcohol/Drug Abuse Prevention Policy Council meeting is scheduled for Tuesday, February 23, 1993 at the Carter Building Public Meeting Room.

The Commissioners agreed to sign and forward the letter.

**2) Patuxent River Demonstration Project**

On behalf of the Department of Planning and Zoning the County Administrator presented the following documents relative to the Patuxent River Demonstration Project:

- o Correspondence to Maryland Office of Planning forwarding grant application in the amount of \$50,000 for Phase II of the project
- o Correspondence to Maryland Office of Planning with an amendment to the Memorandum of Understanding for Phase I of the project which allows the pass through of funds to the Soil Conservation District

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

**3) Response Letters**

The County Administrator presented the following response letters for the Commissioners' review and signatures:

- o To Marie B. Hurry regarding her suggestion that the Academy property be used for a community college.
- o To Gary W. Thomas regarding a county ordinance for the control of barking dogs.

The Commissioners agreed to sign and forward the letter.

**4) Higher Education Facility - Program Plan**

The County Administrator presented correspondence addressed to the Higher Education Commission and to the Department of Budget and Fiscal Planning requesting assistance in the review of the recently submitted Facilities Program Plan prepared by the Consultant, MGT of America.

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

**5) Budget Amendments**

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

**No. 93-28**

**County Commissioners**

To provide funds for Charlotte Hall Water System - \$300,000

**No. 93-29**

**County Commissioners**

To provide funding for the Roof Top Circle and Miles Drive Special Taxing Districts - \$98,170

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

**6) Alcohol Beverage License Application  
Wicomico Recreation Complex**

The County Administrator presented an Alcohol Beverage License Application for a D Class License for the Wicomico Recreation Complex.

**Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the License Application as presented. Motion carried.**

**7) Culvert at Gunston and Spruce - Town Creek**

As a follow up to Mr. Phil Conti's concerns expressed at the January 5 Public Forum regarding a deep culvert at the intersection of Gunston and Spruce in Town Creek, the County Administrator presented a response for the Commissioners' review and signatures. The letter indicates that the Department of Public Works is aware of the problem and is in the process of correcting it.

The Commissioners agreed to sign and forward the letter.

**8) Coastal Zone Management Grant Funding.**

On behalf of the Department of Planning and Zoning, the County Administrator presented correspondence addressed to the Department of Natural Resources requesting funding for the preparation of components of the County's comprehensive plan update. The components relate to the requirements of the "Maryland Economic Growth, Resource Protection and Planning Act of 1992."

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the correspondence to the Department of Natural Resources as presented. Motion carried.**

**9) Resolution No. W/S 93-02  
Water and Sewer Plan Amendment  
Metropolitan Commission Community Sewer Projects  
Airedele Road, Tall Timbers/South Potomac Shores,  
St. George Island (SPEC #91-0121)**

As a follow up to last week's discussion the County Administrator re-presented the referenced Resolution which amends the St. Mary's County Comprehensive Water and Sewer Plan for the referenced projects and establishes Equivalent Dwelling Unit (EDU) allocation and allocation criteria for each project.

In response to the Commissioners' questions of January 26 regarding the requested EDU's on Airedele Road for Mr. Marmor, the County Administrator advised that the Director of Planning and Zoning has indicated if the Commissioners grant Mr. Marmor the requested EDU's, they would have to enact a policy that would affect many other properties.

Mrs. Thompson pointed out that most properties on Airedele Road are LDA's and Mr. Marmor's property, which is on the other side of the road, is in the RCA category. She stated that his problem evidently is with the original delineation of the critical areas.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. W/S93-02 as presented and if additional EDU's become available for the Airedele Road project that priority be given to family transfers. Motion carried.**

**10) Clearinghouse Project No. MD930122-0071  
FY '93 Federal Aid Highway Program  
(St. Mary's County - Route 235 Resurfacing)**

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

The Commissioners gave their concurrence.

**11) Technology Council Steering Committee for Higher Education Facility  
Resolution No. 93-06**

The County Administrator presented a Resolution that the St. Mary's Technology Council developed which establishes a Steering Committee for the purpose of providing direction to the St. Mary's County Building Authority in determining the requirements for the design and construction of the Higher Education Facility. The Committee would be comprised of the Board of Directors of the St. Mary's County Technology Council and a representative from the Building Authority Commission. County Administrator Ed Cox was designated as the Building Authority's representative to the Steering Committee.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93-06 as presented. Motion carried.**

The Commissioners noted that the Steering Committee will be subject to the County's Open Meetings Law in that it was County Commissioner appointed committee.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

**1) State Agency Fee Bills**

Mr. Ichniowski presented a handout listing current house bills in which several state departments propose fees to cover costs of application, processing, licenses, permit and management costs. He stated that MACo and the County Engineer's Association have opposed the five natural Resources and Environmental bills. Mr. Ichniowski pointed out several concerns relative to the bills; e.g., fairness of fee schedules among the jurisdictions, the counties would be collecting money for state agencies, and no reporting requirements to the state legislature.

During discussion Mr. Ichniowski recommended that he draft correspondence for the Commissioners' signatures to the House Ways and Means Committee opposing the legislation with copies to be sent to the county's legislative delegation.

The Commissioners gave their concurrence and requested that the letter be presented at next week's meeting for their review.

**2) Happy Land Road**

Mr. Ichniowski reminded the Commissioners of the January 5 meeting wherein there was discussion about placement of No Parking signs on Happy Land Road. The Commissioners had at that time requested that the parking situation on Happy Land Road be monitored for a month before making a decision about the placement of those signs. Mr. Ichniowski indicated that it has been a month, but in fairness to the owner of the Happy Land Club, he would like to defer discussion until he could be present as well as a representative from the Sheriff's Department.

The Commissioners gave their concurrence to schedule a meeting with those individuals at a later meeting.

**3) Meadow Wood Subdivision  
Acceptance of Deed  
Road Resolutions**

Mr. Ichniowski presented the following documents relative to the Meadow Wood Subdivision:

**Deed**

Dated June 8, 1992 between Harvest Homes, Inc. and Board of County Commissioners of St. Mary's County accepting Meadow Wood Drive, Hummingbird Court, Morning Dove Court, and Whippoorwill Court into the County Highway Maintenance System.

**Road Resolution No. 93-01**

Designating the following as Stop Streets:

Meadow Wood Drive as it intersects with Tin Top School Road;  
Hummingbird Court as it intersects with Meadow Wood Drive;  
Morning Dove Court as it intersects with Meadow Wood Drive;  
Whippoorwill Court as it intersects with Meadow Wood Drive.

Commissioner Jarboe moved, seconded by Commissioner Thompson to accept the Deed, approve the Road Resolutions, and to authorize Commissioner Loffler to sign the documents as presented. Motion carried.

**COUNTY COMMISSIONER TIME**

**1) Privatization - Sixth District Elementary School**

Commissioner Jarboe referred to October 2 correspondence from Director of Finance Wade regarding privatization for certain services for the new Sixth District Elementary School.

The Commissioners agreed to place this item on the February 9 joint meeting agenda.

**2) Road Tours**

Commissioner Jarboe suggested that the Commissioners reinstate the monthly road tours of each election district on the third Tuesday beginning with the March 16 meeting.

The Commissioners gave their concurrence.

**3) Community Preservation Coalition Meeting  
with Commissioners**

Commissioner Bailey indicated that it was important to make sure that next week's meeting with the Coalition was not interpreted as being an appeal of the Planning Commission's decision regarding the site plan for FERST of St. Mary's Landfill.

County Administrator Cox pointed out that he is forwarding correspondence to the Coalition stating that the purpose of the meeting was to provide the Coalition an opportunity to present evidence of perceived discrepancies between the Board of Appeals' decision and the Planning Commission's decision and not an appeal.

(County Attorney Joe Densford entered the meeting - 10:05 a.m.)

Discussion ensued regarding the suit filed against the County by the Coalition, property owners and residents in the vicinity of the proposed landfill. The suit is an injunction to stop any further action to develop the property until proper hearings have been held. Mr. Densford stated that the meeting next week would be allowable if it is not treated as a hearing, but a meeting with the Commissioners and Coalition.

The Commissioners discussed with Mr. Densford whether the Board should make a decision on the "standing" issue prior to next week's meeting. Mr. Densford indicated that it would be procedurally preferred to resolve the issue of standing and decide on the appeal issue before the meeting with the Coalition. If the Commissioners decide the Coalition does not have standing, then the Board could dismiss the appeal on that basis.

In conclusion the Commissioners agreed to make a decision on February 9 on the standing issue and whether to have an appeal hearing prior to the meeting with the Coalition.

**FISCAL YEAR 1994 BUDGET**

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance

Messrs. Cox and Wade appeared before the Commissioners to present staff's proposal for the Fiscal Year 1994 budget. Mr. Wade reviewed the General Fund projected revenues (\$69,166,909), and requests (\$78,550,957) which results in a \$9,384,048 deficit. He further reviewed proposed guidelines to increase the county's available funds which will require decisions by the Board of County Commissioners. Other areas reviewed were the Board of Education Budget, and General Fund Increases (expenditures and revenues).

The Commissioners will review the information provided and discuss it in further detail during the development of the Fiscal Year 1994 Budget.

**EXECUTIVE SESSION**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session 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: Commissioner John G. Lancaster, Vice-President  
Commissioner W. Edward Bailey  
Commissioner Robert T. Jarboe  
Commissioner Barbara R. Thompson  
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: 11:30 a.m. - 12:10 p.m.

Action Taken: Reviewed confidential correspondence from the Commissioners of Leonardtown and discussed possible sites for the community college. The County Administrator was directed to prepare a response letter to the Commissioners of Leonardtown.

### **STAFF MEETING**

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

### **INTRODUCTION OF COLLEGE INTERNS**

Present: Dennis Nicholson, Deputy Director, DECD  
Mark Hoffman, Intern  
Michelle Ready, "  
Tad Winchester, "  
(Jennifer Gerred, Intern, was not present.)

Mr. Nicholson introduced the referenced interns from St. Mary's College, three of whom will be working in the Department of Economic and Community and one in the Office of Community Services.

The Commissioners welcomed the interns to St. Mary's County Government and wished them success in their endeavors.

### **THREE OAKS HOMELESS SHELTER**

Present: Rona Harding, President  
Sue Gelrud, Vice-President  
Dennis Nicholson, Secretary  
James Kaiser, Treasurer  
Bill Saul, Board Member  
Ella May Russell, "  
Jane Hunter, Action Committee  
Bill Mchaffey, member-at-large

The referenced individuals appeared before the Commissioners to present a status report on the Three Oaks Homeless Shelter. Rev. Harding introduced the members and explained that plans are underway for the extensive renovation of the buildings provided by the county for the homeless shelter, and that the community response has been very positive. Mrs. Russell advised that Three Oaks has applied for a \$182,000 grant from the Department of Human Resources for the improvement to the three buildings in Lexington Park. Rev. Harding pointed out that the group is also looking at other funding sources, particularly churches, for the facility.

In closing the Commissioners expressed appreciation to the Three Oaks group and requested to be kept informed of its progress.

(Commissioner Loffler left the meeting at 3:20 p.m.)

#### **PRESENTATION OF DRAFT MANUAL OF PERSONNEL POLICIES AND PROCEDURES**

The Commissioners attended the presentation by the Personnel Office of the draft Manual of Personnel Policies and Procedures and received comments on the Manual from county employees. The next session on the Manual will be held February 16.

#### **ADJOURNMENT**

The meeting adjourned at 5:50 p.m.

7:00 P. M.

#### **FISCAL YEAR 1994 BUDGET STATUS REPORT**

Present: Charles Wade, Director of Finance

Mr. Wade presented a status report of the Fiscal Year 1994 budget. He reviewed projected revenues, total requests, mandated expenditures, and estimated deficit.

Questions were received from the audience on the following topics:

- o Tracking of budgets by departments
- o Guidelines given to departments in developing their budgets
- o Departmental requirements
- o Information regarding proposed tax increases provided earlier in the day was not included in the handout
- o Operation of landfill funded through landfill revenues
- o Illegal hauling of trash out of county and into the County thereby causing loss of revenue to the County
- o Recycling

#### **PUBLIC FORUM**

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

**Keith McGuire** - Raised several questions regarding the county's awareness of certain items relative to the FERST of St. Mary's Landfill (compost, municipal solid waste, clarification of earthen material, research of environmental uniqueness of area)

**Melva Abell** - Concerned about proposed rubble landfill on St. Andrews Church Road on property owned by Maryland Bank and Trust; that the rezoning request was withdrawn and applicant has now applied for a PUD. She cited an article from Reader's Digest about the problems with rubble landfills.

**Brad Ruby** - Because of the stump dump, rubble landfill, and Skydiving issues, inquired whether the Commissioners had made an effort to see what departments are doing. (Relative to the stump dump, which is an allowed use, Commissioner Thompson advised that the county departments enforce the

Ordinance. She stated that the Commissioners do not interfere with decisions made by Planning Commission and Board of Appeals.)

**L Wayne Smith** - Expressed concern about the 120 condominium project proposed for Myrtle Point. He stated that there are four areas of concern: environment, density, accountability and fit (whether the proposed development fits in with the present homes at that location).

**Martin Barley** - Expressed concern about the proposed condominium development for Myrtle Point (displayed photographs of the area showing the area to be developed including piers)

**Dale Cropper** - Expressed concern about the proposed condominium development and its impact on the waters, particularly the oyster crop.

**Charles McLendon** (and Marian Frank) - Expressed concern regarding FERST landfill on Route 6. He pointed out that he had difficulty finding the appropriate people to talk to about the project.

**Kay Rogers** - Expressed concern about the proposed Myrtle Point project.

**Walter Burch** - Expressed concern about health hazards from EMF's (from SMECO power line going through Town Creek). Indicated doubt about accuracy of reports from SMECO (distance of closest house, results of health studies)

**Ken Hastings** - Expressed appreciation to Commissioners Loffler and Thompson to ensure that citizens are not deprived of their rights to express themselves (Community Preservation Coalition coming before the Commissioners regarding the FERST landfill)

**Viki Volk** - Inquired why the Commissioners during this morning's meeting agreed to send a letter to the State opposing the State Agencies Fees Bill. Commissioner Jarboe explained that the county would be required to collect the fees for the state. It would give the appearance to the community that it was an additional fee that was being collected for the county.

**Oran Wilkerson** - Advised that the Hanover Run property will be up for sale and suggested that the County make some effort to obtain the property for a park or education center. (The Commissioners indicated that it would be too costly to the county to purchase it.)

**Leonard Greess** - Advised that Jack Witten has done research on the Hanover property and that county staff could do additional research.

**Jim O'Donnell** - Supported the suggestion that the Hanover property be purchased by the county in order to preserve it and to prevent the developers of the proposed condominium project from acquiring it.

**Brad Ruby** - Inquired why there were two county-owned properties on the list of owing back taxes. (The Commissioners advised that it was two properties at the Airport Industrial Park that were used by a business, but were in the county's name.)

The Public Forum concluded at 9:35 a.m.

Minutes Approved by Board of  
County Commissioners on February 9, 1993

Judith A. Spalding  
Recording Secretary