

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

April 6, 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 Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, March 30, 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) **Appointments
County Auditor, Bond Counsel, Financial Advisor**

The County Administrator presented a memorandum dated March 25 from the Director of Finance requesting the following firms be appointed by the Commissioners to perform functions specified during Fiscal Year 1994:

County Auditor	:	Cox, Long & Askey
Bond Counsel	:	Piper & Marbury
Financial Advisor	:	Alex Brown & Sons

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

2) **Response Letters - FERST Landfill**

The County Administrator presented the following response letters regarding the FERST Landfill of St. Mary's:

- o To Norris Jay Hanks responding to March 4 letter regarding the disposing of trash from outside the County. The letter refers to provisions in the Solid Waste Ordinance and indicates that FERST must meet the requirements of MDE, Board of Appeals and Planning Commission.
- o To Lawrence J. Pinto acknowledging receipt of his March 3 letter regarding the project review system and indicating the Commissioners will keep his suggestions in mind.

The Commissioners agreed to sign and forward the letters.

3) **Starmaker Learning Center Response**

The County Administrator presented correspondence addressed to the Starmaker Learning Center responding to a request for non-public school bus transportation service to the Center. The return letter indicates the County's limitations, but would make reasonable accommodations to provide transportation services.

Commissioner Thompson requested additional information regarding authorization for private transportation.

4) **Fiscal Year 1994 Budget
Meeting with County Employees**

The County Administrator requested authorization for a meeting with county employees on April 14, 4:00 p.m. for discussion concerning the Fiscal Year 1994 Budget. Mr. Cox, therefore, presented an article to be included in The Insider inviting the employees to the April 14 meeting in order to allow an opportunity for employees to become more aware of the budget and to provide for discussion.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize placement of the article in The Insider. Motion carried.

5) **Clearinghouse Project No. MD930326-0263
Long-Range Integrated Water Quality Planning
(Potomac River Basin)**

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

The Commissioners gave their concurrence.

6) **Myrtle Point Property**

The County Administrator advised that the Director of Recreation and Parks was contacted by Department of Natural Resources officials as to whether the County had any interest in obtaining the Myrtle Point property for recreational or open space purposes. The State has no interest in the property. Mr. Cox presented correspondence addressed to the Department of Natural Resources indicating that the County supports the planned use of the property as a Planned Unit Development. Considerable infrastructure is in place and that development sensitive to environmental and community concerns is possible.

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

7) **Response Letter - Economic Planning**

The County Administrator presented correspondence Thomas N. Jones, LCDR (Retired) acknowledging receipt of his March 19 letter regarding the Navy's presence in St. Mary's County. The return letter indicates the county's support of initiatives to expand the employment base of the County and encloses the EDC's annual report and a copy of the Executive Summary of the County Strategic Business Plan for Technology Transfer.

The Commissioners agreed to sign and forward the letter.

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

Commissioner Bailey moved, seconded by Commissioner Jarboe, and motion carried, to appoint the following individuals with terms as indicated:

Family Assistance Center Advisory Committee Terms to Expire

Bertie Bowman 12/31/95

Marcey House Board

Oliver D. Stewart, Jr. 12/31/95

9) Agricultural Preservation Foundation

The County Administrator presented correspondence addressed to the Maryland Department of Agriculture submitting the following names as representatives to serve on the Maryland Agriculture Land Preservation Foundation: Sydney Moreland, Malcolm Goode, and George B. Reeves.

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

10) Women's Service Program Grants

The County Administrator presented correspondence addressed to the Women's Service Program acknowledging receipt of the letter received on March 25 extending contracts for the following programs to June 30, 1994: Rape Victims - \$61,985; Homeless Women and Children: \$51,042; and Battered Women - \$58,941.

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

**ANNUAL REPORT
MARCEY HOUSE**

Present: Larry Harvey, Director
Ken Henson, Chairman
Carol Drury
Wayne Guy

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for the Marcey House Board. Mr. Henson reviewed significant activities of the Board including fundraising. He further pointed out that the Board is active and dedicated and was pleased with staff retention. Future activities will include fundraising and looking at alternatives to alleviate the impact of state aid reductions.

A copy of the report is on file in the Commissioners' Office.

BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

Present: Paul Wible, Director, EMA
Gloria LeDonne, Deputy Director

The referenced individuals appeared before the Commissioners to explain OSHA regulations relative to bloodborne pathogens and its impact on St. Mary's County. Mrs. LeDonne explained the bloodborne pathogen, potentially infectious materials and concerns related to hepatitis and HIV. She further discussed occupational exposure and the Department of Labor requirements for employers having employees with occupational exposure.

Mrs. LeDonne advised that she has developed a Bloodborne Pathogens Exposure Control Plan that directs each department affected by this regulation to comply by developing a detailed specific plan for their employees. The departments include: Sheriff's Office/Corrections, Office on Aging, and the Substance Abuse Screening Technician. Mrs. LeDonne requested the Commissioners' approval of the Plan as submitted.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the Bloodborne Pathogens Exposure Control Plan as submitted. Motion carried.

THIOKOL - ST. MARY'S COUNTY SITE

Present: Ron Ludlow, Project Manager

Mr. Ludlow appeared before the Commissioners to present a status report on the investigation and remedies regarding the finding of ordnance on 800 acres off of Friendship School Road. He stated that Thiokol will address public safety, health and environmental risks. He reviewed activities relative to the site including completion of surface debris removal, fencing, rubble removal, and location of underground structures. Activities that are underway include: chemical contamination evaluation, location of ordnance, and removal and disposal of ordnance.

Other areas of discussion in the report included: whether children near the property should have blood lead exams, location of underground fuel tank, and removal of old building rubble.

Mr. Ludlow addressed his concerns relative to difficulties encountered with Maryland Department of Environment relative to Thiokol obtaining a permit for destruction of the ordnance. He stated that progress in obtaining the permit has been set back by a change in personnel at MDE.

In conclusion the Commissioners offered to send correspondence to MDE requesting a status report on the issuance of a permit.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Personnel (Employment Contracts), as provided in Article 24, Section 4-210(a)1. Motion carried.

Personnel

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

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

Topic: Personnel (Employment Contracts)

Time Held: 10:46 a.m. - 11:25 a.m.

(County Administrator Cox left meeting at 10:55 a.m. and returned at 10:58 a.m.)

Action Taken: The Commissioners considered a number of employment contracts and directed the County Administrator to negotiate with affected employees.

STAFF MEETING

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

**ANNUAL REPORT
MENTAL HEALTH, SUBSTANCE ABUSE AND VICTIMS ADVISORY COUNCIL**

Present: Sharon Bradley, Chair
Suzanne Lawrence
Larry Harvey

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for the Mental Health, Substance Abuse and Victims Advisory Council ("The Council"). Mrs. Bradley reviewed the report and highlighted its purpose, significant activities (including revision of by-laws to include domestic violence/sexual assault issues; implementation of mentor program, presentations, and site visits); problems and challenges. She stated that The Council will continue to assess and monitor the impact of budget reductions upon services.

A copy of the report is on file in the Commissioners' Office.

**ANNUAL REPORT
AIDS TASK FORCE**

Present: Mary Novotny
Liz Reisman

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for the AIDS Task Force. Mrs. Novotny reviewed the activities and highlights of 1992 which included various educational programs. Included in the report were statistics regarding HIV/AIDS internationally, nationally, state and locally.

A copy of the report is on file in the Commissioners' Office.

**SIGN PERMIT APPEAL
(ALOHA RESTAURANT)**

Present: Jim Kenney, Attorney for Applicant
Christine Hsiao, applicant
Garry Phipps, "
Jon Grimm, Director, Planning and Zoning

Mr. Kenney explained that the purpose of the meeting was to request the Commissioners' approval of a sign permit request by Ms. Hsiao for the Aloha Restaurant. He stated that Ms. Hsiao, after trying to locate property to lease, purchased property (Lot 7, Hebb Estates) for the placement of the sign. Mr. Kenney pointed out that because of the November 30 effective date of the new Zoning Ordinance, Ms. Hsiao was unable to get a sign permit.

Mr. Phipps stated that he had applied for the permit on November 16 and the Zoning Permit on November 18. He received correspondence dated November 23 from the State Highway Administration indicating that the application was received, but an application must be submitted for each sign.

Mr. Grimm indicated that additional material was needed from Mr. Phipps before the permit could be issued (signed state permit, sketch of site plan, and sketch of sign.), and that the additional information was not submitted until after November 30. Mr. Grimm distributed a copy of Section 58 of the Zoning Ordinance pertaining to sign regulations and pointed out the requirements for signs.

Mr. Kenney stated that Mr. Phipps was not aware of the Ordinance or the deadline, and that if he had been he would have made an effort to meet the deadline. In addition he indicated that Mr. Phipps had gone to Planning and Zoning prior to November 30, but the individual who had been working with him was not there.

During discussion Mr. Grimm noted that there were approximately nine individuals in the same circumstances. Commissioner Loffler stated that the Commissioners would need to know the impact of "grandfathering" those in process. Therefore the Commissioners requested Mr. Grimm to provide the following information prior to the Commissioners making a decision: list of those individuals who were in process prior to November 30 and verification of the effective date (whether there was adequate time to get applications in or whether the date of adoption was the effective date).

PROCLAMATION HARMONY MONTH

Present: Southern Maryland Barbershop Quartet

The Commissioners presented the referenced Proclamation designating the Month of April as Harmony Month in St. Mary's County.

ADJOURNMENT

The meeting adjourned at 4:15 p.m.

7:00 P. M.

FISCAL YEAR 1994 RECOMMENDED BUDGET PRESENTATION

Present: Charles Wade, Director of Finance

Mr. Wade distributed a handout setting forth the particulars of the Fiscal Year 1994 Recommended Budget including revenues, expenditures by departments, and capital projects.

Questions and comments were received as follows:

Mary Ann Chasen - Questioned the location of asbestos removal. (Commissioner Loffler advised that there were 15 - 20 projects involved.)

Vernon Gray - (1) Inquired as to total dollar value of step increases. (Mr. Wade responded: \$375,000 for next year; \$375,00 for this year and \$639,000 for Board of Education.) (2) Questioned county's fund balance required by rating agencies and referred to bond issues. (Mr. Wade explained the bond issue proceeds which have been allocated to various capital projects.)

Vaughn McCall - Thanked the Commissioners for listening to the public regarding the budget (no increase in taxes).

John Cummings - Questioned increases for county employees. (Commissioner Loffler explained that these were step increases which are part of an employee's contract, and not COLA's.)

Leonard Greess - Inquired whether there was a policy for establishing fees and whether fees covered costs. (Mr. Wade explained the establishment of the Revenue Task Force several years ago, which had made recommendations as to the requirement of fees in certain areas and that other areas would have no fees. Mr. Wade further explained those fees that cover 100% of costs and pointed out that the Commissioners will be revisiting the impact fee.)

Doug Ritchie - Suggested the County tax income rather than homesites.

Rae Thompson - Questioned who determines the trailer park fee and who actually pays it. (Mr. Wade responded that the individual pays the fee to the trailer park owner who in turn pays it to the County.)

Mike Johnston - Requested the Commissioners to approve the budget as recommended with no tax increases.

8:20 P. M.

PUBLIC FORUM

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

Vaughn McCall - Thanked the Commissioners and staff for giving him direction to get Planning and Zoning to help him get his problem resolved.

Mary Ann Chasen - Presented a proposed Proclamation designating the week of April 18 to 24 as Environmental Awareness Week and requested the Commissioners to adopt the Proclamation.

Leonard Gress - (1) Inquired whether the Chamber of Commerce was still included in the County's budget. (Commissioner Loffler explained that it was for a county program, keeping the tourist information center open on weekends.) (2) Inquired whether the Commissioners had alternatives for the FY '94 budget such as other reductions. (3) Suggested that improvements be made to the public hearing process.

Daphne McGuire - Referring to pink status sheet, inquired as to how inconsistencies regarding FERST Landfill were resolved. (Commissioner Loffler responded that the Board of Appeals directed the applicant to avoid the 200 foot buffer as required in the original conditions of approval; and the Planning Commission accepted an amended site plan which locates the entrance gate at 400 feet off of Route 6.) Mrs. McGuire advised that the cell is in the buffer area. Commissioner Loffler indicated that she should report this to the Department of Planning and Zoning.

Mary Doherty - (1) Referring to the pink status sheet requested a copy of the report from the Department of Public Works regarding the St. Mary's Landfill. (Staff will forward a copy to her.) (2) Inquired as to the status of the investigation of medical waste at the St. Andrews Landfill and whether corrective measures were being taken. (The County Administrator responded that the investigation and corrective action are ongoing.) (3) She requested that DPW do testing of monitoring wells and inquired whether DPW was taking extra precautions and examining loads of trash. (Commissioner Loffler responded in the affirmative.) (4) Inquired whether there was truth to the rumor that the County is purchasing the land owned by Maryland Bank and Trust for another landfill. (County Administrator Cox stated there has been no proposal and no plan.)

Bob Boxwell - Referred to letter Commissioners sent to EDC regarding land planning and management and inquired whether there would be citizen group involvement. (Commissioner Loffler responded that EDC will appoint a sub-committee which will include citizens.)

Vernon Gray - Inquired as to when public hearings would be scheduled for the Solid Waste Ordinance and for the Ethics Ordinance. (County Administrator Cox responded that a date has not been set for the Solid Waste Ordinance, and that May 4, 7:00 p.m. has been scheduled for the Ethics Ordinance.)

John Cummings - Suggested that the Commissioners adopt a budget on their own decision and not because of "mob rule."

Andrea Carbanaro - (1) Stated she did not want taxes raised, but if it was necessary that it go towards worthwhile projects (Board of Education for equipment and supplies and Sheriff's Department vehicles). (2) Regarding a report to the Commissioners earlier in the day from Thiokol regarding the St. Mary's County site, request the Commissioners to be educated about the site.

Minnie Russell - (1) Questioned the 6% step increases for county employees; (2) Questioned the fire tax (The commissioners and County Administrator Cox explained that the fire tax is established at election time by the voters of each district and is distributed by the county. (3) Questioned money in budget for fire departments (The County Administrator explained that the County agreed to purchase radio equipment outside of the fire tax consideration.)

CONCLUSION

The Public Forum concluded at 9:20 p.m.

Minutes Approved by Board of
County Commissioners on 4/13/93

Judith A. Spalding
Recording Secretary