

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

April 20, 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 Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, April 13, 1993. Motion carried.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Planning and Zoning portion of the March 23 meeting. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

BASE CLOSURE/CONSOLIDATION REPORT

Present: Joe Mitchell, Director, DECD
 J. Frank Raley, So. Md. Navy Alliance
 Joe Gough, Alliance

As a follow up to last week's discussion, the referenced individuals appeared before the Commissioners to present an update regarding the Base Closure/Realignment hearings. Mr. Raley indicated that the message that the County will be taking to the hearing is that the County supports the NESEA Program in St. Mary's County and supports the move of NAV-AIR from Crystal City to the County. He pointed out that there is strong mobilization in Virginia to prevent the NAV-AIR move, and that they will be stating that the schools and infrastructures in the county are not adequate.

Mr. Raley informed the Commissioners that the hearing on NESEA will be held Wednesday, April 21 and suggested that the Commissioners attend this meeting with other officials to show support.

During discussion Mr. Mitchell presented a letter addressed to the Defense Base Closure and Realignment Commission emphasizing the County's support of NESEA and requesting rejection of the Secretary of Defense's recommendation for closure of that facility. In addition Mr. Mitchell presented a Resolution ensuring that adequate public facilities, housing, schools, recreation and other support infrastructure will be available to meet the present and future needs of the DOD facilities located in the County.

Later in the meeting Commissioner Lancaster moved, seconded by Commissioner Jarboe, to sign the letter and Resolution as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) Clearinghouse Projects

The County Administrator presented the following clearinghouse projects recommending they be forwarded to the state with the comment that they are consistent with the County's plans, programs and objectives:

MD930407-0314
Greenwell State Park - Telephone Easement

MD930401-0280
HUD Low Rent Public Housing - Dakota Place (18 Units)

The Commissioners gave their concurrence.

2) Fiscal Year 1994 Budget Public Hearings

The County Administrator presented proposed agendas for the April 20 and 27 Fiscal year 1994 Budget Public Hearings.

The Commissioners approved the agendas as presented.

3) Maryland You Are Beautiful

The County Administrator presented correspondence dated April 15 from the Governor requesting the designation of a county coordinator for the Maryland You Are Beautiful seventh annual "Maryland's Most Beautiful People" Volunteer Awards. Mr. Cox recommended that Cynthia Brown, Director, Office of Community Services be so designated.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to appoint Cynthia Brown as the County's coordinator for Maryland You Are Beautiful. Motion carried.

4) Personnel

The County Administrator presented the following personnel items for the Commissioners' review and consideration:

Office on Aging
Bus Driver Position

Memorandum dated April 19, 1993 from the Personnel Officer requesting approval to change Mr. George L. Neal (bus driver) from Permanent Part Time to Intermittent Part Time because of his pension benefits.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the conversion as requested. Motion carried.

Circuit Court
Secretary

Memorandum dated April 19, 1993 from the Personnel Officer requesting the appointment of Teresa L. Yeatman be changed from Permanent Part Time to Full Time effective April 1, 1993 because of increase and complexity of duties.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the conversion as requested. Motion carried.

5) Grants

The County Administrator presented the following grants for the Commissioners' review and consideration:

Marcey House

Department of Health and Mental Hygiene Human Services Contract Proposal in the amount of \$204,696 for halfway house treatment for Fiscal Year 1994.

Board of Education

Grant Awards totalling \$10,799 which had been received and not included in the Approved Operating Budget for Fiscal Year 1993.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign correspondence to the Board of Education approving inclusion the new grants and to approve and authorize Commissioner Loffler to sign the Marcey House Grant Application. Motion carried.

6) Forfeiture Agreement

The County Administrator presented the Forfeiture Agreement between the Office of the Sheriff, the State's Attorney, and the Board of St. Mary's County Commissioners setting forth procedures for the recording and use of funds received from the sale of seized and forfeited assets and money resulting from drug enforcement cases.

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

7) Budget Amendments

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

No. 93-49

County Commissioners

Justification: To provide funds to replace copier that will be too expensive to repair (\$800)

No. 93-50

Planning and Zoning

Justification: Transfer funds to cover shortage of funds needed for four employees to travel to Baltimore to receive Arc Cad training.

No. 93-51

Planning and Zoning

Justification: Transfer funds to cover shortage of funds needed for replacement of the optical external drive which is part of the Department's PC CAD work station.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the referenced budget amendments as presented. Motion carried.

No. 93-48

Circuit Court

Justification: Funds for Cooperative Reimbursement Grant for Circuit Court through June 1993.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign Budget Amendment No. 93-48 as presented. Motion carried.

8) Z93-01

**Text Change to Zoning Ordinance to Incorporate
Critical Area Ordinance**

The Commissioners had adopted by Resolution No. Z90-02 adopting the Ordinance for the Chesapeake Bay Critical Area Program by reference into the Zoning Ordinance. A public hearing was held by the Commissioners on August 18, 1992 on proposed amendments to the Critical Area Ordinance and the Commissioners subsequently recommended approval of the amendments to the Critical Area Commission on October 20, 1992. The Critical Area Commission on March 3, 1993 approved the amended Critical

Area Ordinance. Therefore, the County Administrator presented the Resolution No. Z93-01 repealing and reenacting the Chesapeake Bay Critical Area Program Ordinance to be incorporated into the Zoning Ordinance.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. Z93-01 as presented. Motion carried.

9) Appointments

Family Assistance Center Advisory Committee

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

Mary Hansley	12/31/95
Kathleen O'Brien	12/31/95

**CABLE ADVISORY COMMITTEE
ANNUAL REPORT**

Present: Harry Gieske, Chair

Mr. Gieske appeared before the Commissioners to present the 1992 Annual Report for the Cable Advisory Committee. He reviewed the activities of the past year including: approval of franchise agreements for Jones and Simmons (now American); improved customer service by both companies; reconfiguration of basic cable services because of new FCC regulations; and tours of both cable facilities. Plans for the future include the continuation of monitoring activities of both companies and will continue to keep the Commissioners informed of any new activities.

Discussion ensued regarding areas currently not served and whether there is information as to when those areas would receive cable service. Mr. Gieske responded that the Committee would look into this.

During discussion Commissioner Loffler expressed concern regarding the public access and equipment and the quality of the access. Mr. Gieske indicated that he would check with American regarding this.

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

**COUNCIL ON CHILDREN AND YOUTH
CONTINUATION OF ANNUAL REPORT**

Present: Mary Fletcher, Chair

Jean Dean
Mary Novotny
Becky Stevens

The referenced individuals appeared before the Commissioners to continue with the presentation of the 1992 Annual Report for the Council on Children and Youth. Mrs. Fletcher reviewed problems and challenges encountered including: finding board members willing to accept more responsibility; consistent participation of board members at meetings; lack of funding by the Board of County Commissioners; and lack of distribution to the Council from the Commissioners budget requests, proposals, and programs affecting the county youth. Plans for the current year include developing a youth needs survey; submission of legislation attaching driver's license to school performance; development of a new brochure; update of adolescent services directory; monthly column in local newspapers.

During discussion Mrs. Fletcher offered the following recommendations to the Commissioners:

- o Distribute list of commissioner-appointed boards to other boards giving contact person, place and time of meeting.
- o Distribute to the Council all budgetary requests, proposals, and programs affecting youth.
- o Have each Commissioner attend various board and committee meetings once a year.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Public Works Agreements
Addendum to Public Works Agreement**

Mr. Ichniowski presented the following Public Works Agreements and Addendum to Public Works Agreement for the Commissioners' approval:

Public Works Agreements

Greenbrier, Section 2 (formerly Whaler's Creek Runn

Dated March 30, 1993 between Heritage Manor Homes of Lexington Park Inc. and St. Mary's County guaranteeing completion of Green Leaf Road and Schwartzkopf Drive by April 1, 1994. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$408,800.

**Greenbrier, Section 1, Phase 2
(formerly Whaler's Creek Runn)**

Dated March 25, 1993 between Heritage Manor Homes of Lexington Park, Inc. and St. Mary's County guaranteeing completion of Silver Slate Drive, Sunlight Court, Red Rose Court, and Lavender Place by April 1, 1994. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$408,300.

Addendum to Public Works Agreement

Summerwood, Section 2

Addendum between Wayne Wise and Board of County Commissioners extending the deadline for completion of improvements to April 1, 1994. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the reduced amount of \$90,000.

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

2) **Sedimentation Control Policy Statement**

Also Present: Al Stuart, Soil Conservation
Bill Mehaffey, McRone

As a follow up to previous discussion, Mr. Ichniowski presented the Sedimentation Control Policy Statement regarding the "as-built" drawings required by the Zoning Ordinance and Sedimentation Control Ordinance. The statement provided minimum information required regarding "as-built" drawings for storm water management. As requested by the Commissioners, Mr. Ichniowski provided additional information to the development community and received one response--from NGO reiterating previous comments.

Mr. Mehaffey expressed concern regarding conflicting requirements as to who the responsible agency is for plans review. Mr. Ichniowski responded that Public Works is responsible because that is the department that issues the grading permits. Soil Conservation receives a copy.

Mr. Mehaffey further stated that he felt the entire Ordinance should be reviewed for updating and indicated that he was concerned that making this one revision would delay that review. Mr. Ichniowski responded that DPW and SCS are looking into a comprehensive study and revision of the Ordinance.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Sedimentation Control Policy Statement as presented. Motion carried.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
CHESAPEAKE BY INITIATIVES**

Present: Richard Eskin, MDE
Thomas Burke, Chesapeake Bay Communication Office
Richard Hall, Md. Office of Planning

The referenced individuals appeared before the Commissioners to explain Maryland's initiatives regarding the restoration of the Chesapeake Bay by looking at the bay's tributaries. The approach to reaching the 40% nutrient reduction goal will be the development of region specific options for each of the ten tributaries and will include local government involvement. St. Mary's County is in the Lower Potomac tributary.

By way of a chart presentation Mr. Eskin explained the effects of pollutants in the Bay from nutrients, sediments, and toxicants and stated that nutrients are the most extensive problem. He also reviewed the trends in population and wastewater flows, sources of nutrient pollution to the Bay, reductions goals and timelines for the tributary strategies.

A public meeting will be held on April 21 in Charles County for the Lower Potomac, and Mr. Burke advised that they will return to the Commissioners at a later date to discuss options.

FERST LANDFILL OF ST. MARY'S

Commissioner Loffler advised that he received a number of telephone calls over the weekend regarding sedimentation problems in the areas of the FERST Landfill caused by the rain storm on Friday, April 16. He stated that County Administrator Cox had informed him that DNR will be conducting a meeting at the site today (April 20) to review the situation, and the County will be receiving a report.

COUNTY COMMISSIONERS/BOARD OF EDUCATION JOINT MEETING

Present: Jonathan Nelson, President, Bd/Ed
Jean Campbell, Bd/Ed
Robert Kirkley, "
Al Lacer, "
Fred Wallace, "
Joan Kozlovsky, Superintendent of Schools

1) Recognition Presentations

The Board of Education presented the following recognitions: National Library Week and National Student Leadership Week.

In recognition of National County Government Week, Dr. Kozlovsky expressed appreciation to the Commissioners for the cooperative effort between the two boards.

2) Budget Impact Statement

Also Present: Elaine Kramer, Dir., Budget/Finance, Bd/Ed

Dr. Kozlovsky and Mrs. Kramer presented and reviewed a handout setting forth the Board of Education's budget requests and goals, components of the requested budget increase, positions requested and an impact statement of the \$5.6M shortfall as proposed in the county's recommended budget. Dr. Kozlovsky reviewed the successes achieved by the public schools this year as a result of reduced class size, challenging programs, adequate funding for materials and transportation, and accessibility to adequate health and counseling resources.

Areas of discussion between the boards included the 2% increase in salaries for teachers for FY '93 (June) and its impact on FY '94, funding approval process, and impact of state reductions.

In conclusion Commissioner Loffler suggested that the Commissioners and Board of Education discuss the budget at the next joint meeting prior to finalization in May.

3) Capital Improvement Program - Great Mills High School

Also Present: Ed Fitzgerald
Jerry Himmelheber

Dr. Kozlovsky advised that the Board of Education had requested funds for site acquisition for a new Great Mills High School, which has been identified as a critical need. Mr. Fitzgerald indicated that the process is beginning and an appraisal is being done of the Henderson Park property. The next step will be to bring an architect on line.

ANNUAL REPORT AIRPORT COMMISSION

Present: George Haliscak, Chairman

Mr. Haliscak appeared before the Commissioners to present the 1992 Annual Report for the Airport Commission. He reviewed the significant activities of the past year which included: preparation of the Airport Emergency Action Plan; litigation by The Skydiving Center, airline service in start-up process, runway clear zone obstruction removal completed, condemnation procedures for runway extension clear zone.

During discussion Mr. Haliscak noted that future airport construction is dependent on availability of the sewage line and indicated that the Airport Commission has requested the Commissioners to allocate funds to run the line as soon as possible. Problems and challenges include: slow progress in getting runway extensions; need for repavement of upper aircraft parking apron, need for an airport development engineer (request to the Commissioners to fund a consultant to oversee the runway extension process); need for enlarged terminal area and access road relocated. Plans for the future include complete runway extension clear zone land acquisition, start runway and taxiway construction, building of additional "tee" hangars, start construction of aircraft painting facility.

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

PROCLAMATIONS

The Commissioners presented the following Proclamations:

Fair Housing Month

Present: Nancy Hutson
Sandra Johnson

Designating the month of April as Fair Housing Month

Big Brothers/Big Sisters Appreciation Week

Present: Joe Anderson
Melanie Mancuso
Beth Lewis

Designating the week of April 18 - 24 as Big Brothers/Big Sisters Week.

RSVP Week

Present: Gene Walters
Mary Ruth Horton
James Forrest
Jenny Page
Marie Duff

Designating the week of April 18 - 24 as Retired Senior Volunteer Week

**PUBLIC HEARING
NATURAL GAS ORDINANCE**

Present: Joe Mike Weiland, Plumbing Inspector, Planning & Zoning

(Also Present: Joe Densford, County Attorney; Charles Blain, Maryland Natural Gas; Bob Baker, Baker Heating and Air Conditioning; Mark Capezello, B Gas and Refrigeration; Jerry Gateaux, Har-Nel; Susan and Dale Dean; Kevin Cusic, Plumbing Board; Sam Hill)

The Commissioners conducted a public hearing to consider the adoption of a Natural Gas Code which includes: licensing gas fitters, permits, fees, inspections, enforcement, and testing.

Mr. Weiland explained the proposed Ordinance and explained the requirements which includes the following provisions: only Master Plumbers are eligible for taking the test for gas fitters license; there is reciprocity with Baltimore County, Baltimore City, Anne Arundel County, and Washington Suburban Sanitary Commission.

The hearing was opened to the audience with the following concerns being raised:

- o That only Master Plumbers are eligible to take the Gas Fitters test, but HVAC/mechanical contractors who work with lp installation cannot which could be those businesses in the county out of business
- o That with the reciprocity clause, individuals from outside the county with gas fitters license but not a Master Plumber's license can do work in St. Mary's County.
- o That the County should consider changing the NFPA 54 COMAR (Mr. Blain of MNG advised that the State Gas Code must be followed)
- o That there may be a conflict of having a plumbing board member oversee the code
- o That persons with plumber's license should be allowed to do the work without taking a test.
- o That violations would be a civil violation rather than a misdemeanor (Mr. Weiland explained that a misdemeanor would give a person a criminal record)
- o That other counties were less restrictive (Mr. Weiland and Mr. Cusic indicated that if that was so they were in violation of the Code.)

During discussion, the Commissioner raised the following points:

- o That clarification of the fee for conversion was needed;
- o That a survey was needed to see what other counties' practices were;

The public hearing was closed. The record will remain open for ten days prior to the Commissioners giving consideration to the Ordinance.

**DEPARTMENT OF SOCIAL SERVICES
FISCAL YEAR 1994 BUDGET**

Present: Ella May Russell, Director
Richard Buckler, Business Manager
Ellen Daugherty, Chair
Ben Bryan
Carol Esch
Mike Luginbill
Jerry McGloin, Freedom Landing
Jenny Page, Office on Aging
Carol Wells, Office on Aging
Patricia Bowles, Rock Creek Foundation

The referenced individuals appeared before the Commissioners to request reconsideration of the \$50,000 reduction in the Fiscal Year 1994 Budget for the Department of Social Services. Mrs. Russell explained the impact that the reduction would have on DSS programs which are funded by the County, specifically, the Foster Care, Foster Care Transportation Aid, and Child Support. She provided handouts setting forth revenue sources and uses, the need for services, and case histories and pointed out that elimination of those funds would put those programs in jeopardy.

During discussion, representatives from various agencies spoke to the impact of the reductions on their programs.

In conclusion the Commissioners advised that they would take the request under consideration during development of the Fiscal Year 1994 Budget.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

Minutes Approved by Board of
County Commissioners on 7/27/93

Judith C. Spalding
Recording Secretary

7:00 P. M.

**PUBLIC HEARING
CONSTANT YIELD TAX RATE
FISCAL YEAR 1994 RECOMMENDED BUDGET
(BOARD OF EDUCATION)**

The Commissioners conducted a public hearing at the Leonardtown Middle School on the Constant Yield Tax Rate and the FY '94 Recommended Budget (Board of Education).

A tape of the proceedings is on file in the Commissioners' Office.

