

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

MAY 11, 1993

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

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, May 4, 1993. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) **Office on Aging
Retired Senior Volunteer Program
Notification of Grant Award**

The County Administrator presented correspondence dated April 20 from ACTION announcing the Notification of Grant Award for the Retire Senior Volunteer Program (RSVP) in the amount of \$36,851.

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

- 2) **Meeting with Leonardtown Council - Agenda**

For the Commissioners' information, the County Administrator presented the list of agenda items for this evening's meeting with the Leonardtown Mayor and Council.

- 3) **Response Correspondence**

As a follow up to the April 27 Public Hearing on the Fiscal Year 1994 Recommended Budget, the County Administrator presented response correspondence to Mr. J. Richard Harris and Mr. Vaughn McCall.

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

4) **Sludge Utilization Permit Applications**

The County Administrator presented the standard correspondence advising the Maryland Department of Environment that the County will not exercise its right to request a public informational meeting/hearing relative to sewage sludge permit applications for Larry Hill (Drayden Cherryfield Road); Joseph Lloyd (Morganza/Turner Road); and Roy Norris (Great Mills/ Norris Road).

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

5) **Response to League of Women Voters
Public Access - County Commissioners' Meetings**

In response to May 3 correspondence from the League of Women Voters, the County Administrator presented a return letter indicating the Commissioners' willingness to work with the League in improving public access to county government activities.

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

6) **Open Meetings Law**

The County Administrator presented correspondence addressed to Mr. Jack Schwartz of the Attorney General's Office advising that the County has implemented procedures to comply with the provisions of the amended Open Meetings Act, forwarding a copy of those procedures, and requesting his review and comments.

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

7) **Southern Maryland Wood Treatment Plant Task Force**

The County Administrator advised that the Chairman of the referenced Task Force, Tom Russell, will be undergoing surgery, and the Task Force has requested the appointment of Ralph Guenther as interim chair until Mr. Russell's return.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter appointing Mr. Guenther as Interim Chair as requested. Motion carried.

U.S. SENATE PRODUCTIVITY AWARD FOR MARYLAND

Commissioner Thompson advised that a request was received from Senator Sarbanes requesting a nomination of a company to be honored for making significant gains in improving productivity, quality, and working life³. She suggested that the Commissioners submit the firm of PRB Associates.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson to submit PRB Associates to Senator Sarbanes. Four Commissioners voted in favor with Commissioner Jarboe abstaining stating that he did not think that one company should be singled out when there may be others who qualify. Motion carried.

**ANNUAL REPORT
RESOURCE, CONSERVATION AND DEVELOPMENT BOARD**

Present: Don White, Coordinator

Mr. White appeared before the Commissioners to present the 1992 Annual Report for the RC&D Board. He explained the purpose of the group, appointment of members, staffing, funding sources, and the Board's goals. During his presentation Mr. White distributed handouts setting forth grants received for various projects, Navy projects update, and additional RC&D projects since adoption of the 1993 Plan. Mr. White gave a slide presentation showing the various RC&D projects in the Southern Maryland counties.

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

**ANNUAL REPORT
HUMAN RELATIONS COMMISSION**

Present: Cynthia Brown, Director, Office of Community Services
Loraine Tyska, Chair

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report of the Human Relations Commission. Mrs. Brown reviewed significant activities of the Commission including complaint processing, community relations and education, and growth and development. During discussion of problems and challenges, Mrs. Brown stated that the County may want to in the future consider subpoena powers, which would require legislation. Mrs. Tyska mentioned that the answering machine was getting a lot of hang ups, but once the message changed to indicate that all information would remain confidential, more complete messages are being left.

The Commissioners thanked Mrs. Brown and Ms. Tyska for the report.

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

**ANNUAL REPORT
NURSING CENTER BOARD**

Present: Loretta Davis, Interim Director
Rose Slade, Chair
Wilmer Bowles
Jerry Cheseldine
Frank Lawrence
Judy Raley
Bruce Jennings, Financial Officer

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for the Nursing Center Board. Mrs. Slade reviewed the purpose of the group, significant activities, which included plans for the nursing center expansion project.

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

ASSOCIATION FOR RETARDED CITIZENS - FISCAL YEAR 1994 BUDGET

Present: Connie Thompson, President
Kate Rolison, Executive Director
Kim Gscheidle
Marion Sterling

The referenced representatives of the Association for Retarded Citizens appeared before the Commissioners to request reinstatement of the \$13,000 that had been reduced from the ARC's Fiscal Year 1994 Budget. Mrs. Thompson stated that the loss of those funds directly affects the family services program and indicated that money spent in that area is cost-effective.

After discussion the Commissioners agreed to give consideration to the request during the finalization of the FY '94 Budget.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

Nursing Center Week

Designating the week of May 9 - 14, 1993 as Nursing Center Week

Older Americans Month

Designating the Month of May 1993 as Older Americans Month

NATURAL GAS ORDINANCE - DECISION DISCUSSION

Present: Joe Mike Weiland, Plumbing Inspector

As a follow up to the April 20 public hearing on the draft Natural Gas Ordinance, Mr. Weiland reviewed the changes made to the draft Ordinance. As a result of the April 20 discussion, Mr. Weiland stated that a paragraph was added indicating that individuals with licenses from the State of Maryland as heating and air conditioning contractors will not be required to obtain a Master Gas Fitters License to perform service, repair, replacement or installation of natural gas appliances.

During discussion, Mr. Weiland stated that he did a telephone survey of other jurisdictions to determine how they handle the regulation of natural gas and that four counties have their own Ordinance. Eastern Shore is exempt because they do not have natural gas.

During review of the fee schedule, the Commissioners requested Mr. Weiland to remove "fixture replacement - \$30" because it would be an expansion rather than a replacement and the fee would be paid for installation.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign the Ordinance as corrected. Motion carried.

SOLID WASTE MANAGEMENT PLAN

Present: Dan Ichniowski, Director, Department of Public Works
Tim Bratton, consultant
George Erichsen, Deputy Director
Ann Germaine, DPW

As a follow up to the presentation on April 27, the referenced individuals appeared before the Commissioners to discuss and get direction regarding the Solid Waste Management Plan.

Areas of discussion included:

Errors, missing pages and outdated information

Use of the words "municipal solid waste" to be changed to "rubble"

Questions about MRF's (material recovery facility)

Proper method of handling private landfills (through the Solid waste and/or the Zoning Ordinance)

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to direct the Director of Public Works to make the corrections to the Solid Waste Management Plan and forward it to the State for comments prior to conducting a public hearing. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Tall Timbers/Herring Creek Shore Erosion Mitigation Project**

Mr. Ichniowski presented correspondence addressed to the Corps of Engineers requesting the Corps to perform needed subsequent maintenance on the referenced revetment project (detailed site inspection and survey to determine extent of settlement and extension of stone revetment approximately 250 feet north).

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter to the Corps of Engineers as presented. Motion carried.

2) **St. Mary's County Airport Grant Amendment**

Mr. Ichniowski presented a grant amendment deleting the erection of two obstruction-lighted towers and decreasing the amount of the U.S.'s obligation from \$343,260 to \$324,495.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Grant Amendment as presented. Motion carried.

3) **Correspondence Calling Letters of Credit**

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

Landings at Piney Point

To Second National Federal Savings Bank calling Letter of Credit #341 in the amount of \$25,000 for Grading Permit #89-21

Laurel Ridge, Section 4A

To Maryland Bank and Trust Company calling Letter of Credit #415-B in the amount of \$20,000 for Grading Permit #91-18.

Hayden's Runn

To Maryland Bank and Trust Company calling Letter of Credit #495 for Public Works Agreement

Wilderness Cluster Subdivision, Section 2

To Potomac Savings Bank calling Letter of Credit #91-338-12 in the amount of \$130,000 for Grading Permit #90-03.

Laurel Glen

To First National Bank of St. Mary's calling Letter of Credit No. A1-7-17-92 in the amount of \$192,900 for Public Works Agreement.

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

4) **Declaration of Restrictive Covenant
St. Mary's River State Park - Adult Day Care Center**

Mr. Ichniowski presented the referenced Declaration of Restrictive Covenant which indicates that if the adult day care center ceases to function and the County disposes the property, the state would be entitled to recover its amount of participation in the project (45%).

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Declaration of Restrictive Covenant as presented. Motion carried.

EXECUTIVE SESSIONS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Property Acquisition (St. Mary's Landfill), as provided in Article 24, Section 4-210(a)11 Personnel (Attendance at legal conference), as provided in Article 24, Section 4-210(a)1, and Personnel (St. Mary's Nursing Center) . Motion carried.

Property Acquisition

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
Dan Ichniowski, Director, Public Works
Judith A. Spalding, Recording Secretary

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

Topic: Property Acquisition (St. Mary's Landfill)

Time Held: 12:30 p.m. - 12:55 p.m.

Action Taken: The Commissioners reviewed with Mr. Ichniowski the particulars of the property in question and directed that it be pursued further.

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
Joseph Densford, County Attorney
Judith A. Spalding, Recording Secretary

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

Topic: Personnel (Attendance at Legal Conference)

Time Held: 12:55 p.m. - 1:05 p.m.

Action Taken: The County Attorney requested one or two Commissioners to attend a conference regarding The Skydiving Center legal matter and the Commissioners agreed that one of them would attend.

COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Joan Kozlovsky, Superintendent of Schools
Jonathan Nelson, President, Bd/Ed
Jean Campbell "
Robert Kirkley, "
Fred Wallace, "
Chris Servello, Student Member

1) Fiscal Year 1994 Budget

Also Present: Elaine Kramer, Director, Budget and Finance

Mrs. Kramer distributed a handout outlining level of services (to maintain current level and expanded with additional items), revenues from federal, state and county government and reviewed the shortfalls within the various categories of the Board of Education Budget.

Areas of discussion included: class size, funding levels by categories, social security and retirement payments, new computer system using insurance premium refund, and the impact of the \$5.6M shortfall in the budget.

After discussion the Commissioners agreed to give consideration to the Board of Education budget requests during finalization of the Fiscal Year 1994 Budget.

2) Naval Air Warfare Center - Base Realignment Update

Also Present: Joe Mitchell, Director, DECD

By way of overhead slides, Mr. Mitchell presented an update relative to the impact of base closures and realignment on St. Mary's County. He stated that taking BRAC '91 and BRAC '93 and the 20% Department of Defense reduction, the overall net increase of jobs for 1998 appears to be approximately 2500.

ANNUAL REPORT NOXIOUS WEED COMMITTEE

Present: Mark Smith, Md. Dept. of Agriculture

Mr. Smith appeared before the Commissioners to present the 1992 Annual Report of the Noxious Weed Committee. He reviewed the functions of the Committee, activities, and level of service. Mr. Smith pointed out that eradication of Johnsongrass is a primary concern and it is most serious in St. Mary's County.

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

ANNUAL REPORT RECREATION AND PARKS BOARD

Present: Phil Rollins, Director, Recreation and Parks
John P. Harden, Chair, R & P Board
Pete Amole, "
Felton Rothwell, "
Jane Sypher, "

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report of the Recreation and Parks Board. Mr. Harden reviewed the 1992 achievements including the opening of the regional park, establishment of a county park alcohol usage policy, increased participation in R&P programs. Focus for 1993-94 includes implementation of

recommendations in the Land Preservation and Recreation Plan, lighting of soccer field, update of irrigation for golf course, and new gymnasium center.

Mr. Harden reviewed issues of the Board including program affordability for low income families; additional funding for youth programs, additional professional staffing needs, and financial commitments for facility development.

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

**PUBLIC HEARING
WICOMICO SCENIC RIVER STUDY AND MANAGEMENT PLAN**

Present: Jon Grimm, Director, Planning and Zoning

Also Present: Bob Reed, President, So. Md. Saltwater Sportfisherman's Assoc.
Bill Bailey, member, "
Joe Mitchell, Director, DECD

The Commissioners conducted a public hearing on the Draft Wicomico Scenic River Study and Management Plan. Mr. Grimm reviewed the objectives of the Plan

- A. Identification, protection and maintenance of natural and cultural resource of the watershed .
- B. Maintenance and enhancement of water quality
- C. Conservation of agricultural lands in current condition
- D. Encouragement of appropriate economic and recreational uses of the river consistent with other goals
- E. Protection of private property rights while allowing for the continued public use and enjoyment of the Wicomico River and Zekiah Swamp.
- F. Development of multi-jurisdictional cooperation and coordination with respect to the management and protection of the Wicomico-Zekiah Swamp.
- G. Providing for a reference of resource information about the Wicomico River watershed for local, state and federal government agencies, elected officials and local citizens.
- H. Increase of public awareness about the Wicomico River, Zekiah Swamp and their related resources.

The twelve recommendations in the Plan are as follows:

- A. Need for sensitive land planning tools, including stream corridor conservation (zoning, easements, other)
- B. Intensify enforcement and coordination of existing storm water management controls with local, state and federal efforts for new project development.
- C. Preserve agricultural land uses with properly managed agricultural techniques
- D. Control point source discharges
- E. (Charles County recommendation only)
- F. Maintain and protect forests for water quality and habitat resource
- G. Fisheries and wildlife management and conservation
- H. Water quality monitoring
- I. Boating
- J. Architectural and historical resources
- K. Conduct public education campaign
- L. Form permanent Wicomico River Conservation Advisory Board.

During discussion Mr. Grimm indicated that staff recommended to the Planning Commission acceptance of the Plan without modification, and the Planning Commission reviewed and recommended that it be approved as submitted.

The Hearing was opened for public comment.

Mr. Reed stated that the Association is in complete agreement with the Plan and recommended that the Commissioners approve the Plan without modification.

Mr. Mitchell presented a letter from the Economic Development Commission supporting the Plan but requesting assurance that the Plan will not foreclose the option for industrial development in the north end of the County. EDC recommended that consideration be given to providing a reservation for a Village or Town Center in the area.

Mr. Bailey urged the Commissioners approval of the Plan as submitted.

The public hearing was closed. The record will remain open for ten days for any additional written comments, and the Commissioners will give consideration in two weeks.

**CRITICAL AREA COMMISSION
GROWTH ALLOCATION
STSP #89-1551 - CALVERT ESTATES AND CHESAPEAKE INDUSTRIAL PARK**

Present: Jon Grimm, Director, DPZ

Mr. Grimm presented correspondence addressed to the Critical Area Commission requesting approval for a map amendment to the County's Critical Area Program using growth allocation for the referenced project. The amendment request is in the amount of 9.25 acres. Mr. Grimm stated that this project had been approved in 1991 by the Board of County Commissioners, but rejected by the CAC, and the project is being resubmitted with improvements recommended by the CAC.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the letter as submitted.

FISCAL YEAR 1994 BUDGET DISCUSSION

Present: Charles Wade, Director of Finance
Marty Jones, Budget Analyst

Mr. Wade distributed the following handouts for the Commissioners' review and consideration during finalization of the Fiscal Year 1994 Budget: General Fund Revenues which have been adjusted to current figures, St. Mary's County Direct State Aid (showing amounts for Fiscal Years 1993 and 1994 and dollar and percentage differences); changes to the Capital Budget (showing advanced funding for Park Hall - \$1,861,000 and projects to use the Transfer Tax - Airport, Landfill, MetComm Aquifer Study, and Senior Activity Center); Available Funds (sources and amounts totaling \$514,863); and Recommended uses (DSS-\$50,000; ARC-\$13,051; Developmental Center-\$33,064; and Tri-County Youth Services-\$23,609).

The Commissioners will review these recommendations during finalization of the FY '94 Budget.

MEETING WITH LEONARDTOWN MAYOR AND COUNCIL

Present: Jim Densford, Mayor
Jay Battle, Council Member
Becky Proffitt, "
Tom Shea, Town Administrator
Travis Clark, Circuit Rider
Dan Ichniowski, Director, DPW

1) **Tax Differential**

The County Administrator advised that State Law - Tax Property Article requires the governing body of the county to meet annually and discuss with the governing body of any municipal corporation in the county the tax rate for the municipality. Section 6-306(e) indicates

that instead of imposing a tax rate, the county could make a payment to the municipal corporation, which is what the County has chosen to do. Mr. Cox referred to the County's Recommended Budget page showing the payment of the tax differential in the amount of \$42,468 to the Town, and he recommended that the Commissioners approve the payment of that amount to Leonardtown.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to include the amount of \$42,468 in the Fiscal Year 1994 Approved Budget. Motion carried.

2) Community College

Mr. Ichniowski brought the County Commissioners and Leonardtown Council up to date with regard to the progress of the new Charles County Community College to be located at the Academy/Rose Hill site in Leonardtown. He stated that the feasibility study is nearing completion and that June 1 is the date for the funding request to the state for construction.

3) Memorandum of Understanding

As a follow up to the Memorandum of Understanding prepared and forwarded to the Leonardtown Council in February, the Leonardtown Council distributed a revised MOU. Discussion ensued regarding the changes including the method of payment of the Town's contribution of \$350,000, repayment to the Town if the project is not completed by a certain date, sharing of any possible profits with the Town, and participation by the Town in the approval process.

Concerns were expressed by the Commissioners regarding the need for the Town's contribution up front in order to meet the June 1 deadline for commitment of funding.

After discussion the County Commissioners and Town Council agreed that the County Administrator and Town Manager work together to develop an agreement acceptable by both parties.

4) County Space Needs Study /Parking

Mr. Ichniowski advised that the original study was done in 1988-1989, and decisions were made in 1989 to remodel the courthouse rather than build a new one. Because of recent events (addition of juvenile/family master, legislative request for third judge, sheriff's and EOC's request for additional space, etc.), the Commissioners had agreed to move forward with an updated office space needs study. Interviews will be held on May 27 with work to begin by the end of June.

Mr. Ichniowski pointed out that there were several concerns that will need to be addressed including funding availability and parking in Town. Discussion ensued as to possible ways of alleviating the parking problem, e.g., satellite parking with shuttle service, relocating of certain departments or a parking garage.

In conclusion it was agreed that the town and county would provide input into the space needs and parking study.

5) Forest Conservation Memorandum of Understanding

The Town Council distributed a Memorandum of Understanding between the Town of Leonardtown and St. Mary's County to allow funds collected through the Leonardtown Forest Conservation Program to be forwarded to the St. Mary's County Forest Conservation Fund.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the Memorandum of Understanding as presented. Motion carried.

EXECUTIVE SESSION

(Authorization given in previous motion earlier in the meeting.)

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
Joseph Densford, County Attorney
Dan Ichniowski, Director, DPW
Judith A. Spalding, Recording Secretary

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

Topic: Personnel (Nursing Center)

Time Held: 8:25 p.m. - 8:45 p.m.

Action Taken:: The Board of County Commissioners accepted the resignation Mr. George Smith as Administrator of the St. Mary's Nursing Center and authorized the President of the Board to execute appropriate documents.

ACCEPTANCE OF RESIGNATION

Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign appropriate documents relative to the resignation of Mr. George Smith as Administrator of the St. Mary's Nursing Center as discussed in Executive Session. Motion carried.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Minutes Approved by Board of
County Commissioners on 7/18/93

Judith A. Spalding
Recording Secretary