

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

MAY 25, 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 Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, May 18, 1993. 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.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1. Voting System Comparisons

Also Present: Mary Pat Pope, Administrative Officer

As a follow up to last week's discussion Ms. Pope presented a hand out setting forth cost comparisons of continuing with the Shoup voting machines against replacement with the Eagle Voting System. The comparisons showed one-time costs; Fiscal Year 1994 Annual Costs (No Elections); and Fiscal Year 1995 Annual Costs (Two Elections). Ms. Pope advised that the Supervisors of Elections indicated that acquisition of the 30 additional Shoup machines would adequately provide for voter growth until the next presidential election in 1996.

Therefore, the County Administrator presented correspondence addressed to the Board of Supervisors of Elections indicating that the Commissioners are unable to purchase a new voting system at this time, but would revisit the issue at a later time. The letter further indicates that funds have been included in the FY '94 budget for the acquisition of the 30 Shoup machines from Calvert County.

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

2. Sewage Sludge Permit Applications

The County Administrator presented correspondence from the Maryland Department of Environment forwarding Sewage Sludge Utilization Permit Applications for Israel Swarey, Sally McGrath, and Donald Gott (St. Leonard) and Tynewydd Farm (Route 6, Charles County). The return letter waives the County's right for a public information meeting/hearing, but expressed the County's ongoing concerns over environmental safety and land records notification.

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

3) **Clearinghouse Project No. MD930517-0467
Southern Maryland Electric Cooperative for Underground Services
St. Mary's County Regional Park**

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 agreed to accept the County Administrator's recommendation.

4) **Cooperative Groundwater Study Agreement**

The County Administrator presented May 17 correspondence from the Maryland Department of Natural Resources forwarding the Cooperative Agreement for the Groundwater Study in Calvert and St. Mary's County. The Agreement indicates that the County would pay \$8,865 in Fiscal Year 1994 and \$14,845 in Fiscal Year 1995.

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

5) **Certification for Cooperative Local-State Library and Programs
Fiscal Year 1993**

The County Administrator presented the referenced Certification for Cooperative Local-State Library and Programs for Fiscal Year 1993. Total County Contributions - \$695,990; State Share - \$308,944.

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

6) **Park and Ride Lot**

The County Administrator presented correspondence addressed to the State Highway Administration requesting the establishment of a park and ride lot in northern St. Mary's County to serve ridesharing commuters in the Route 5 corridor. The letter explains the need for such a lot and suggests the site of the county-owned property along Route 5 and Route 6.

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

7) **Personnel
Department of Recreation and Parks
Grounds Maintenance Foreman**

The County Administrator presented a memorandum dated May 25 from the Personnel Officer advising that the Department of Recreation and Parks is requesting approval to retain Mr. Jeffrey L. Combs, a seasonal Grounds Maintenance Foreman, as a seasonal employee for an additional year, which is an exception to the Personnel Manual. The request is being made in that the County is exploring the feasibility of contracting services for park maintenance.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the extension of the employment of the Grounds Maintenance Foreman as requested. Motion carried.

8) **St. Mary's City Historic District**

The County Administrator advised that correspondence was received from the Department of Interior regarding nomination of St. Mary's City Historic District for National Historic Landmark Designation. Therefore, Mr. Cox presented return correspondence formally endorsing the enhancement of the St. Mary's City Historic District for the designation through additional documentation.

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

9) **Letter of Appreciation - Annual Report**

The County Administrator presented correspondence expressing appreciation to the Family Assistance Center Advisory Committee for presentation of the 1992 Annual Report.

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

10) **Senior Care Grant Proposal**

The County Administrator presented the Fiscal Year 1994 Community Long-Term Care Plan and Senior Care Proposal for the period July 1, 1993 to June 30, 1994 to be submitted to the Maryland Office on Aging in the total amount of \$87,209.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Grant Proposal as presented. Motion carried.

11) **Association for Retarded Citizens
Congregate Services Housing Program**

The County Administrator presented correspondence addressed to the Association of Retarded Citizens indicating that the total funding for Fiscal Year 1994 for the ARC is \$108,081 which includes \$81,980 for the Congregate Services Housing Program.

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

12) **Budget Amendments**

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

**No. 93-58
Emergency Management Agency**

For purchase of defibrillator and related equipment as needed and had been cut from the FY '94 Budget (\$6,868).

**No. 93-59
Tri-County Council**

To fund attendance of Tri-County Council members to Warminster Information Fair in June (\$4,550).

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Budget Amendments as presented. Motion carried with Commissioner Bailey abstaining on No. 93-59 because of his possible participation in the Warminster Fair.

13) **Cedar Cove Marina - Agreement**

The County Administrator advised that in 1990 the Commissioners had agreed to a policy for the allocation of seven EDU's (equivalent dwelling units) at Cedar Cove. The Metropolitan Commission has developed an Agreement between the Maryland Department of Environment and the owner of Cedar Cove Marina and requires the Commissioners' approval.

The Commissioners deferred a decision on the Agreement until next week's meeting.

14) **Agriculture Transfer Tax**

The County Administrator presented correspondence addressed to Governor Schaefer requesting his favorable consideration in signing House Bill 1279 - Agriculture Transfer Tax which was passed by the Maryland General Assembly.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Public Hearing**
Road Name Change (Beach Road to Veras Road)

The Board of County Commissioners conducted a public hearing for the purpose of renaming a portion of **Beach Road**, County Route 30109 to **Veras Road**, from its intersection with Bay View Road, to the end, a distance of approximately 1/10 of a mile. The road is located in the Seventh Election District in Colton's Point.

Mr. Ichniowski advised that the Addressing Technician and the Director of the Emergency Management Agency indicated no objections to the road name change. He further pointed out that a petition containing five of the six residents' names was received.

The hearing was opened for public comment; however, no was present to comment.

The hearing was closed.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to direct Mr. Ichniowski to prepare the appropriate Resolution renaming Beach Road to Veras Road as requested. Motion carried.

2) **Road Resolution No. 93-05**
Evergreen Park Road

Mr. Ichniowski presented referenced Road Resolution No. 93-05 posting Evergreen Park Road at 30 miles per hour for its entire length, from its intersection with Maryland Route 235.

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

3) **Addendum to Public Works Agreement**
Pickett's Harbor

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Heritage Manor Homes and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to June 1, 1994. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust Company in the amount of \$89,300.

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

4) **Correspondence Calling Letter of Credit**
Maple Run, Section 4

Mr. Ichniowski presented correspondence addressed to First National Bank of St. Mary's calling Letter of Credit No. A1-7-15-1992 in the amount of \$219,700 for a Public Works Agreement.

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

COMMISSION ON AGING ANNUAL REPORT

Present: Norman Breslauer, Chairman
Gene Carter, Director, Office on Aging

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for the Commission on Aging. Dr. Breslauer highlighted significant programs and activities including the growth of the Garvey Senior Center, improvement of the situation at Cedar Lane, and growth of the Medical Adult Day Care program (which is self-supporting).

During discussion Dr. Breslauer and Mr. Carter indicated their concerns regarding the impact of the current poor economy on the Office on Aging programs. In addition Mr. Carter advised that official notification was received from the State regarding the impact on funding to St. Mary's County's Office on Aging because of the 1990 Census. The Census indicates a drop in proportion of the number of elderly in the county to the rest of the State, which will result in a loss of \$45,000, which will be phased in over a three-year period, and will remain until the next Census is taken.

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

RECREATION AND PARKS

Present: Phil Rollins, Director

1) Memorandum of Understanding Before and After School Care Centers

Also Present: Becky Stevens, Community Services Coordinator

Mr. Rollins and Mrs. Stevens appeared before the Commissioners to present a Memorandum of Understanding between Recreation and Parks and the St. Mary's Interagency Children's Committee. The MOU documents the details of Recreation and Parks continuing to provide before and after child care centers in the public schools.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Memorandum of Understanding as presented. Motion carried.

2) St. Mary's County Softball Hall of Fame

Mr. Rollins advised that the Commissioners had previously signed the Loan Agreement with the Softball Hall of Fame, Inc.; however, because of delays in construction, the Softball Hall of Fame requested the Commissioners to consider a revised Loan Agreement. The revisions include: changes in the repayment schedule--first payment to be due December 31, 1993 instead of December 31, 1992; and change in the amount of the loan from \$80,000 to \$55,000 because of funds raised by the Hall of Fame.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Loan Agreement as revised. Motion carried.

3) Piney Point Lighthouse

Mr. Rollins presented correspondence from Maryland Historical Trust dated November 18 forwarding a Letter of Agreement for a \$20,000 grant for restoration and rehabilitation of the Piney Point Lighthouse. In addition, he presented correspondence dated May 12 from the Attorney General for the Department of Housing and Community Development forwarding the final Deed of Easement to be executed by the Board of County Commissioners. The Deed of Easement has been revised to remove the conditional security provisions as requested by the Department of Interior.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Letter of Agreement and the Deed of Easement as presented. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Peggy Childs, Recording Secretary

1) Discussion/Decision Vested Rights

Mr. Grimm advised that at their May 24th meeting the Planning Commission, finding that a consensus could not be reached on the proposed methodology in the four weeks since April 27, 1993, recommended that:

- o The May 1, 1993 deadline should stand
- o A subcommittee be appointed to develop a vested rights methodology for consideration during the next annual Zoning Ordinance update. The subcommittee should consist of four Planning Commission members, members of the development and engineering professions, the Chamber of Commerce, an independent citizen representing the interested public, and a member of the Board of County Commissioners, if possible.

The Commissioners discussed the Planning Commission recommendation, Commissioner Loffler stating that he felt that the methodology should be presented to the Commissioners by an independent group, without a County Commissioner representative. Commissioner Loffler stated he could not support extension of the 5/1/93 deadline but that the projects should be analyzed to determine whether or not they would meet the vested rights requirements.

Mr. Grimm pointed out that, of the 21 projects, five have gone to record and possibly five of the remaining 16 would be able to provide documentation for vesting. He noted that the Commissioners could direct that the methodology could be applied retroactively to the vested rights projects, once it is developed, however until that time they would remain in limbo, under this course of action.

Following a lengthy discussion by the Commissioners, Commissioner Thompson moved that the Commissioners allow the 5/1/93 deadline to stand and that the subcommittee recommended by the Planning Commission be formed to develop a vested rights methodology within 90 days. No Commissioner representative will be appointed. The motion was seconded by Commissioner Jarboe and passed by unanimous vote.

(Judith A. Spalding resumed as Recorder.)

2) Sign Permit Appeal - Aloha Restaurant

As a follow up to April 6 discussion, Mr. Grimm presented a memorandum regarding the request from the owner of Aloha Restaurant to complete the process for an off-premise sign permit after the date of the adoption of the revised Zoning Ordinance. Mr. Grimm advised that the Commissioners took action on the Zoning Ordinance amendments (which included revisions

to sign permits) on November 10, 1992 and November 30 was the effective date. The original request from the applicant, which was during the 20-day period after November 10, was for a 6' by 12' foot sign and it was later modified to 8' x 16'.

During discussion of the application, Mr. Grimm noted that there were six other applicants in the same situation, five of which (including Aloha) were initiated after November 10.

Commissioner Thompson noted the extenuating circumstances regarding the Aloha request that should be taken into consideration (the state, by letter dated November 23 and received by applicant on November 25 advised that the application was not for both sides of the sign; when the applicant went to Planning and Zoning, the clerk was not available to assist him; and when he returned it was past the effective date.). She suggested that the other applicants be considered only if there were extenuating circumstances.

After considerable discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the sign permit for the 6' x 12' sign for the Aloha Restaurant and any other that were in the same situation. Motion carried three to two with Commissioners Loffler and Thompson voting against stating that each case should be considered individually.

3) **Wicomico Scenic River Study and Management Plan**

As a follow up to the May 11 public hearing, Mr. Grimm appeared before the Commissioners to request the Commissioners' approval of the Wicomico Scenic River Study and Management Plan. He advised that the Planning Commission and the Advisory Committee recommended approval of the Study and Plan as submitted.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the Wicomico Scenic River Study and Management Plan as presented. Motion carried.

FISCAL YEAR 1994 BUDGET

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
Martha Jones, Budget Analyst

Relative to the Fiscal Year 1994 Budget, Mr. Wade advised there were three documents that required the Commissioners' approval:

Resolution No. 93-18

1993-1994 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments fund, Recreation and Parks Enterprise fund, Wicomico Shores Enterprise Fund, Energy Tax and the County's Property Tax Rate

The referenced Resolution approves the following:

County's Operating Budget	- \$70,340,522
Capital Budget	- \$13,014,137
Recreation and Parks Enterprise Fund	- \$ 720,308
Wicomico Shores Enterprise Fund	- \$ 901,086
Special Assessment Fund	- \$ 55,173
Energy Tax Rates :	
per kilowatt hr/electricity	- \$ 0.00357
per gallon/liquified petroleum gas	- \$ 0.05850
per gallon for fuel oil	- \$ 0.05073
Property Tax Rate	- \$2.27 per \$100 of assessed valuation

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve Resolution No. 93- 18 as presented. Motion carried three to two with Commissioners Bailey and Jarboe voting against.

Resolution No. 93-19
Fire Tax

The Fire Tax is assessed on every \$100 of assessed valuation of all real and personal property effective July 1, 1993 as follows:

Election District No. 1	\$.09
Election District No. 2	\$.05
Election District No. 3	\$.06
Election District No. 4	\$.11/\$.09*
Election District No. 5	\$.09
Election District No. 6	\$.11
Election District No. 7	\$.11
Election District No. 8	\$.11
Election District No. 9	\$.05

*Those properties serviced by the Fifth District Fire Department to be taxed at \$.09 and those serviced by the Seventh District Fire Department will be taxed at \$.11.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 93-19 as presented. Motion carried.

Signing of Approved Fiscal Year 1994 Budget

Mr. Wade presented the Fiscal Year 1994 Budget for the Commissioners' approval and signatures. He stated that the revenues included in the Budget took into consideration the 60% Piggyback Income Tax Rate. The public hearing to present and explain the proposed income tax increase is scheduled for June 1 at 7 p.m. in the Carter State Office Building.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the Fiscal Year 1994 Approved Budget as presented. Motion carried three to two with Commissioners Bailey and Jarboe voting against.

Letter to Board of Education

Mr. Wade presented correspondence addressed to the Board of Education setting forth the approved appropriation by the Commissioners to the Board of Education; stating that the Commissioners are raising the Piggyback Income Tax from 50% to 60% for the specific purpose of providing funds necessary to meet Social Security costs for teachers, the retirement penalty, step increases and increases in health insurance rates. The third paragraph of the letter points out that the Commissioners recognize that pay raises were negotiated, but that it would be inappropriate in the current economy to provide funds for the pay raises.

Commissioner Loffler suggested that the letter be revised to delete the third paragraph relative to the pay raises.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the letter, to be revised by deleting the third paragraph as indicated. Motion carried three to one to one, with Commissioner Bailey voting against and Commissioner Jarboe abstaining.

Later in the meeting Mr. Wade re-presented the revised letter for Commissioners Loffler's, Lancaster's and Thompson's signatures.

EXECUTIVE SESSION

Commissioner Thompson moved, seconded by Commissioner Jarboe, to meet in Executive Sessions to discuss matters of Litigation (St. Mary's Press), as provided in Article 24, Section 4-210(a)8 and Personnel (Consideration of Appointments to Boards, Committees, Commissions) as provided in Article 24, Section 4-210(a)1. Motion carried.

Litigation

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

Authority: Article 24, Section 24, Section 4-210(a)8

Topic: Litigation - St. Mary's Press

Time Held: 1:05 p.m. - 1:20 p.m.

Action Taken: The County Attorney brought the Commissioners up to date relative to the St. Mary's Press legal matter and made recommendations which the Commissioners accepted.

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 24, Section 4-210(a)8

Topic: Personnel - Consideration of Appointments to Boards
Committees and Commissions

Time Held: 1:25 p.m. - 1:35 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations and directed staff to prepare letters of appointment for consideration at next week's meeting.

PROCLAMATION EMERGENCY MEDICAL SERVICES WEEK

Present: Gloria LeDonne, Deputy Director, EMA

The Commissioners presented the referenced Proclamation designating the week of May 23 - 29 as Emergency Medical Services Week in St. Mary's County.

DRAFT ANIMAL CONTROL ORDINANCE

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

The referenced representatives of the Emergency Management Agency appeared before the Commissioners to present the final draft of the proposed Animal Control Ordinance. Mr. Wible reviewed the draft Ordinance highlighting the specific changes stating that the Ordinance has not been updated for 25 years. He advised that the new Ordinance expands the current Ordinance in greater detail and makes it more readable.

After the review the Commissioners agreed to schedule a public hearing on June 15 on the proposed Animal Control Ordinance.

PROPOSED REVISED PERSONNEL MANUAL REVIEW

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
George Foster, Personnel Officer

The referenced individuals appeared before the Commissioners to begin the review of the proposed changes to the Personnel Manual. Mr. Foster distributed summaries of the 126 issues received regarding the proposed manual. The handout set forth current personnel manual procedures, proposed changes, comments and recommendations.

The Commissioners reviewed 18 of the issues and will continue the review during future meetings.

ADJOURNMENT

The meeting adjourned at 3:40 p.m.

Minutes Approved by the Board of
County Commissioners on 6/1/93.

Judith A. Spalding
Recording Secretary