

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

JUNE 8, 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 Bailey moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, June 1, 1993. Motion carried.

APPROVAL OF BILLS

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

**DIRECTOR, DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
RETIREMENT NOTIFICATION**

Present: Joseph Mitchell, Director, DECD

Mr. Mitchell appeared before the Commissioners to announce his plans for retirement from the position of Director of Economic & Community Development effective July 1, 1993 and expressed appreciation to the Commissioners for their support during his years of service.

The Commissioners commended Mr. Mitchell for his dedicated service to St. Mary's County and wished him well in his retirement.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **American Healthcare Systems
AmHS Care Award**

The County Administrator presented correspondence addressed to American Health Care Systems endorsing the efforts of Health Care of St. Mary's County, Inc. to be nominated for the AmHS Care Award.

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

2) **Sewage Sludge Utilization Permit Application**

The County Administrator presented correspondence addressed to the Maryland Department of Environment indicating that the County will not exercise its right to a public informational meeting/hearing relative to the sewage sludge utilization permit applications for Moore-Boice Gravel Pit at Great Mills and Harvey Zimmerman on Parsons Mill Road. The letter reiterates the County's ongoing concerns over environmental safety and land record notification.

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

Commissioner Jarboe requested the County Administrator to get a clarification from the County Attorney regarding the zoning office requirements for notification on a deed relative to sewage sludge application.

3) Response Letter - Animal Control Regulations

The County Administrator presented correspondence addressed to Mrs. Dennis England Devoe responding to her February 25 letter regarding animal control regulations. The return letter informed her of the scheduled June 15 public hearing on the revised Animal Control Ordinance.

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

**4) Council on Children and Youth
Responses to Recommendations**

The County Administrator presented correspondence addressed to the Council on Children and Youth responding to recommendations presented in the Council's Annual Report for 1992. The Council had requested:

- 1) A list of Committees and Boards and meeting dates and times. (The return letter advised the Council to contact the County Commissioners' Office for that information.)
- 2) Copy of budgetary documents affecting youth. (The return letter suggested that the Council contact the various departments including the Finance Office.

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

7) 1994 Legislative Initiatives

The County Administrator presented correspondence addressed to the President of Maryland Association of Counties in response to April 30 correspondence soliciting proposals for MACo's 1994 General Assembly Session legislative initiatives. The return letter requests that MACo make as a top priority a proposal for the State to assume funding responsibility for the various state functions imposed on the local jurisdictions. Enclosed with the letter was a chart detailing the County's funding of state functions, which in Fiscal Year 1994 is approximately \$10M.

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

8) Appointment - Commission on Aging

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to appoint Jill Knot to the Commission on Aging for a term to expire June 30, 1995/98. Motion carried.

9) Budget Amendments

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

No. 93-63
Procurement

To fund appraisal of St. Mary's Press Property (\$1,000)

No. 93-64
Planning and Zoning

To provide funds needed for two LP Gas Code Handbooks (\$152)

No. 93-65
Emergency Management Agency

To purchase necessary radio equipment deleted from FY 1994 Budget (\$43,502)

No. 93-66
Procurement

To provide additional funds for telephone for May and June 1993 (\$12,600)

No. 93-68
Planning and Zoning

To provide funds needed for installation of a telephone line status monitoring system (\$1620)

No. 93-69
Emergency Management Agency

To reimburse Company 3, Bay District volunteer Fire Department for two radios already purchased (\$3932).

No. 93-70
Public Works

To fund equipment requests not funded in FY 1994 Operating Budget (\$11,110)

No. 93-71
Board of Elections

To provide funds for purchase of voting machines (\$9,000)

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

No. 93-67
Public Schools

New Senior High School Schematic Planning Phase (\$165,000)

Because the Commissioners had questions regarding the projects for the source of funding for the budget amendment, the County Administrator indicated that he will ask public school representatives to come before the Commissioners to explained the project accounts being decreased in the budget amendment.

MANAGEMENT STUDY

Commissioner Jarboe indicated that funds (approximately \$40,000 - \$50,000) had been placed in the budget for the past two fiscal years for a management study; however, there were no funds in Fiscal Year 1994. He stated that the Commissioners should consider having such a study done. Commissioners Thompson and Loffler responded that staff was to make recommendations for a committee to look into the feasibility of a study.

PROCLAMATION FAMILY SUPPORT CENTER

The Commissioners presented the referenced Proclamation recognizing the efforts of the Family Support Center as it completes its first year of service.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director

1) Clements Estates Request to Appeal Subdivision Filing Fee

Mr. Grimm advised that Mrs. Ruth Johnson requested reimbursement of subdivision review fees in the amount of \$1,130 of the \$1,270 collected by the Department of Planning and Zoning for Clement's Estates, Lots 500-5 and 6. He stated that Mrs. Johnson's sister had submitted a proposal for two additional lots and which were under review at the time of Mrs. Johnson's submission. Her sister paid the same review fee of \$1,270. Mr. Grimm pointed out that the Department of Planning and Zoning charged the fees for a minor subdivision in accordance with the User Fee Schedule adopted by the Board of County Commissioners.

Mr. Grimm indicated that he could not support the request for reimbursement in that it was a separate application submitted as the fourth and fifth lots proposed to be subdivided off a parent parcel. He stated that even though both record plats were under review at the same time for the same property, separate applications were made by separate surveyors at different times.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to deny the request for the reimbursement requested by Mrs. Johnson. Motion carried.

2) FERST Landfill of St. Mary's Buffer Zone Area

As requested by the Commissioners Mr. Grimm appeared before the Commissioners to address the comments made by Ken Hastings at the June 1 public forum regarding a notation on the plat relative to the location of a Cell 1 within the 200 foot buffer area around the FERST for St. Mary's County Landfill. Mr. Grimm advised that a mistake had been made in the Department of Planning and Zoning in placing the notation on the site plan about the location of Cell 1 in the buffer area, and when the error was discovered, correspondence was forwarded to Mr. Pickett noting the error, indicating that a 200-foot buffer area must be maintained around the perimeter of the site, and advising that the notation would be deleted from the site plan.

Mr. Grimm advised the Commissioners that Soil Conservation must approve the revised sedimentation control plan and the Department of Public Works has been requested to withhold approval of the grading plan until all conditions have been met.

Mr. Grimm further noted that there has been discussion regarding a disturbed area in the road frontage location in that there is a stockpile in the buffer area, and this concern has been relayed to Mr. Pickett.

In closing Commissioner Loffler indicated to Mr. Grimm that it was important in the interest of Mr. Pickett and the citizens to ensure compliance of the conditions through periodical monitoring.

SUMMER RECREATION-PREVENTION CAMPS FOR YOUTH

Present: Walt Biscoe, Alliance for Alcohol/Drug Abuse Prevention Coordinator
Joe Dick, Executive Director, Alliance
Phil Rollins, Director, Recreation and Parks
Judy Pedersen, Public Information Specialist

The referenced individuals appeared before the Commissioners to announce the results of the fund raising efforts for the establishment of five additional summer recreation-prevention camps for youth. Mr. Dick advised that grant funding totaling \$56,500 has been awarded from the Alcohol & Drug Abuse Administration, Department of Economic and Employment Development and the Governor's Drug and Alcohol Abuse Commission. Publicity about the camps has been provided through Recreation and Parks Program Schedules distributed to the schools, news releases, and flyers. The camps, for children between the ages of 6 - 12, will be offered June 21 through August 13 at Carver Elementary School, Great Mills at Henderson Park, Lexington Park Manor, St. Peter Claver, St. Peter Hall, and St. Joseph's Community Center.

Mr. Dick pointed out that the Program will offer job opportunities for disadvantaged youth between the ages of 14 - 21 and community service opportunities for volunteer high school youth.

In conclusion the Commissioners gave their concurrence for the distribution of an Information Release announcing the fund raising results and the establishment of the summer camps.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Resolution No. 93-23**
Wilderness Cluster Subdivision

Mr. Ichniowski advised the Commissioners that a Public Works Agreement had been entered into with Rosebank Brothers, Inc. on May 6, 1992 guaranteeing the completion of roads in Wilderness Cluster, Section 3. The Agreement was backed by a Letter of Credit issued by Potomac Savings Bank in the amount of \$138,600, and because the work had not been completed by the expiration date, the County attempted to collect on the Letter of Credit. Potomac Savings Bank has been taken over by RTC and did not honor the Letter of Credit. Mr. Ichniowski presented copies of documents relative to this matter (public works agreement, letter of credit, correspondence calling letter of credit), including a proposed Resolution stating that all development rights within Wilderness Cluster Subdivision, Section 3 are hereby withdrawn in accordance with the Public Works Agreement. The development rights will be renewed upon execution of a new Public Works Agreement and sufficient surety to guarantee the completion of the work to be performed.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 93-23 , as referenced. Motion carried.

2) **Resolution No. 93-22**
Road Name Change
Beach Road to Veras Road

The Commissioners having conducted a public hearing on May 25, Mr. Ichniowski presented Resolution No. 93- renaming Beach Road (County Route 30910) located in the Seventh Election District to Veras Road, from its intersection with Bay View road to the end, a distance of approximately 1/10 of a mile.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93-22 as presented. Motion carried.

3) **Easement Agreement
Hickory Hills**

Mr. Ichniowski presented an Easement Agreement among the Board of County Commissioners, Southern Maryland Electric Cooperative, and Mayjack, Inc. granting access across the railroad right-of-way in the area of Chancellors Run Road in California for the purpose of constructing a water line and sewer force main.

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

4) **Addenda to Public Works Agreements**

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and signatures:

Avenmar Subdivision, Section 2

Between Avenmar Limited Partnership and Board of County Commissioners extending the deadline for completion to December 1, 1993. The Addendum is backed by a reduced letter of Credit with First National Bank of St. Mary's in the amount of \$67,000.

Maple Run Subdivision, Section 4

Between Guenther Construction Company and Board of County Commissioners for St. Mary's extending the deadline for completion to June 1, 1994. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$219,700.

Hayden's Runn

Between Swarey Builders, Inc. and Board of County Commissioners of St. Mary's County extending the deadline for completion to June 1, 1994. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust Company in the amount of \$409,400.

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

5) **Correspondence Calling Letters of Credit**

Mr. Ichniowski presented the following correspondence calling Letters of Credit for the Commissioners consideration:

Patuxent Park West, Section 2, Parcel E

Letter to Maryland Bank and Trust Company calling Letter of Credit #429-B in the amount of \$9,000 for Grading Permit #91-26.

Laurel Ridge, Section 4A

Letter to Maryland Bank and Trust Company calling Letter of Credit #436-A in the amount of \$187,000 for Public Works Agreement.

St. Mary's Industrial Park, Lot 7, Section 2

Letter to First National Bank of St. Mary's calling Letter of Credit #A1-7-16-92 in the amount of \$15,570 for Grading Permit #92-41.

St. Mary's Industrial Park (Commerce Avenue), Lot 7, Section 2

Letter to First National Bank of St. Mary's calling Letter of Credit #A2-7-16-92 in the amount of \$4,800 for Construction Permit #CP 06/92 ROW-03.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the correspondence calling letters of credit, to be forwarded if necessary. Motion carried.

**6) Lease and Operating Agreement
St. Mary's County Airport**

Mr. Ichniowski presented a Lease and Operating Agreement between GBW Partnership and St. Mary's County Commissioners for the lease of approximately 8,560 square feet adjacent to the ten-unit "T" hangar built and operated by the St. Mary's Hangar Association, and south of the approach end of Runway 11.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign the lease as presented; however, Commissioner Thompson requested an opportunity to review the document and that it be re-presented next week.

Commissioner Jarboe moved, seconded by Commissioner Thompson to table consideration of the lease until next week. Motion carried.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Personnel (consideration of appointments to Boards, Committees, and Commissions), as provided in Article 24, Section 4-210(a)1 and Litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8. 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 (Consideration of appointments to Boards, Committees, Commissions)

Time Held: 11:20 a.m. - 12:30 p.m.

Action Taken: The Commissioners reviewed the current status sheet and list of terms to expire June 30 and directed staff to prepare letters of appointment for consideration at next week's meeting.

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 Densford, County Attorney
Bill Chen, Attorney, LGIT
Judith A. Spalding, Recording Secretary

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

Topic: Litigation - The Skydiving Center

Time Held: 1:00 p.m. - 2:40 p.m.

Action Taken: Mr. Densford and Mr. Chen brought the Commissioners up to date relative to The Skydiving Center legal matter and requested direction. The Commissioners directed them to proceed as recommended.

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 continue review of the proposed changes to the Personnel Manual beginning with Issue No. 38 and continuing through No. 64 and a revisit to Issues 3, 4, 5, and 6. The remaining issues will be reviewed at a later meeting.

ADJOURNMENT

The meeting adjourned at 5:05 p.m.

**Minutes Approved by Board of
County Commissioners on 6/15/93**

Judith A. Spalding
Recording Secretary