

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JULY 13, 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 Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, July 6, 1993. Motion carried.

APPROVAL OF BILLS

Because of end-of-Fiscal Year 1993 reconciliation, there was no Check Register for the Commissioners' approval.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Grants**

The County Administrator presented the following grant-related items for the Commissioners' review and consideration:

Child Abuse and Neglect Prevention Education Program

On behalf of the Office of Community Services, Memorandum of Agreement between Children's Trust Fund/Office for Children, Youth and Families and St. Mary's County Board of Commissioners in the amount of \$4,310.

Southern Maryland Drug Task Force - Street Operations

On behalf of the Sheriff's Department, Notification of Grant Award as follows: Federal \$18,452; Local Match \$6,150; Total \$24,602.

High School Drug Abuse Resistance Education Program

On behalf of the Sheriff's Department, Notification of Grant Award as follows: Federal \$47,525; Local Match \$15,842; Total \$63,367.

Southern Maryland Drug Task Force - Alcohol Enforcement Program

On behalf of Sheriff's Department, Notification of Grant Award as follows: Federal \$36,038; Local Match \$12,012; Total \$48,050.

Federal Runaway and Homeless Youth Grant

On behalf of Walden/Sierra, Inc. Application for federal funding under the Drug Abuse Prevention Program for Runaway and Homeless Youth as follows: Federal - \$99,885; State - \$18,563; Local - \$14,757; Total - \$133,205.

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

2) **Park and Ride - Northern St. Mary's County**

The County Administrator presented correspondence addressed to Ms. Levada Mitchell in response to letter to Congressman Hoyer regarding the need for park and ride lots in the northern area of St. Mary's County. The letter indicates the Commissioners' concurrence that there is a need and advises that the State Highway Administration and the Maryland Department of Transportation have been requested to develop such a lot in the Route 5 corridor. The County has offered the use of county-owned property at the intersection of Route 5 and 6 for SHA to construct and operate such a lot.

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

3) **Resolution No. 93- 30
Public Accommodations Tax**

As a follow up to the June 22, 1993 Public Hearing and subsequent discussion on July 6, 1993 the County Administrator presented the referenced Resolution suspending the public accommodations tax until such time that the federal per diem rate is revised to be more fair to St. Mary's County, effective August 1, 1993.

In addition Mr. Cox presented Budget Amendment No. 94-2 with the following justification: To offset suspension of accommodations tax (\$160,000).

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93-30, and Budget Amendment No. 94-2, as presented. Motion carried three to two with Commissioners Loffler and Thompson voting against stating there was no justification.

4) **Personnel**

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

State's Attorney's Office

Correspondence addressed to the State's Attorney approving the reclassifications for the following positions:

Mary A. Henderson, Case Coordinator I from Grade 10 to Grade 11
Brenda A. Haden, Clerk Receptionist from Grade 10 to Grade 11
Rebecca J. Trossbach, Clerk Receptionist from Grade 10 to Grade 11

Because of correspondence received from the State's Attorney and the consultant who conducted the independent study, Commissioner Thompson moved, seconded by Commissioner Jarboe, to revisit the issue in Executive Session. Motion carried.

Later in the meeting after an Executive Session, Commissioner Thompson moved, seconded by Commissioner Bailey, to sign and forward the letter as presented. Motion carried.

Public Works - Request to Change Engineer IV to Engineer III

Memorandum dated July 13 from the Personnel Officer advising that the Director of Public Works has requested approval to change the vacant Engineer IV, Grade 21, position to an Engineer III, Grade 20, position.. This would allow the Department to find a suitable candidate, allow the individual to gain the necessary experience, and then be eligible for promotion to a higher grade.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the change from Engineer IV to Engineer III, as requested. Motion carried.

Assistant County Attorney - Pay Adjustment

Memorandum dated July 13, 1993, from the Personnel Officer advised that the Director of the Department of Social Services has requested a pay adjustment for the Assistant County Attorney, Carole J. Beck, from Grade 23, Step 2 to Grade 23, Step 4. No County funds are involved.

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

**5) Deeds of Conveyance
Property Sold at Auction**

The County Administrator presented the following deeds for the property sold at Homestead Auction on May 29, 1993:

- o Deed dated July 1993 between The Board of County Commissioners of St. Mary's County and Tri-County Sales and Auction for Lot 31, Block 42, in Point Blackiston Subdivision, Seventh Election District.
- o Deed dated July 1993 between The Board of County Commissioners of St. Mary's County and Robert C. Caldwell for Lots 7 and 8, Block 39, in Point Blackistone, Seventh Election District.

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

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

Commissioner Bailey moved, seconded by Commissioner Jarboe, to make the following appointments to Boards, Committees, Commissions with terms as indicated:

<u>Airport Commission</u>	<u>Terms to Expire</u>
Peter N. Weiskopf	06/30/96
<u>Coastal Resource Advisory Committee</u>	
Robert Tourigny (Alternate)	12/31/94/96
<u>Ethics Commission</u>	
John V. Baggett	06/30/96
<u>Family Assistance Center Advisory Committee</u>	
Becky Stevens	12/31/95
<u>Marcey House Board</u>	
Deloris Bomarc	12/31/96

**9) Open Door Bible Church
Request for Waiver of Building Permit Fee**

The County Administrator presented correspondence addressed to the Open Door Bible Church responding to July 1 correspondence requesting an abatement of the building permit fee for the construction of a new church building.

In that the project is in compliance with the County's Resolution No. 75-53, Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the letter granting the waiver of the building permit fee as requested. Motion carried.

**TRI-COUNTY COUNCIL
REQUEST FOR ADDITIONAL COUNTY FUNDS**

As a follow up to last week's action relative to Tri-County Council's request of May 17 for additional funding for salary increases, Commissioner Jarboe indicated that the amount was incorrect in that it included step increase for the Circuit Rider, which is funded by the State and towns. He requested the Commissioners to reconsider their July 6 decision and approve funds for the salary adjustments for the Agriculture Specialist and Economic Development Specialist (which were not reclassifications).

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to allow staff to develop specific amounts regarding Commissioner Jarboe's proposal in order to give consideration to the request. Motion carried.

TRANSPORTATION BOND- REFUNDING ADDITIONAL ISSUES

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to request approval of a Supplemental Resolution for the refunding of transportation bonds by adding additional issues. He stated that the Commissioners approved a Resolution on June 15 approving the refunding of specific Transportation Bonds issued by the State of Maryland and because interest rates have decreased, it would be cost effective to add the additional issues to the refunding. The refunding will reduce the County's debt service cost.

Therefore, Mr. Wade presented Supplemental Resolution No. 93-29 approving the addition of Series Nine, Ten and Eleven to the County Transportation Bond Issues and authorizing the County to enter into an Amendment to the Participation Agreement.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93-29 and to authorize Commissioner Loffler to sign the Amendment to the Participation Agreement. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

**1) Joint Service Agreement
Yard Waste Processing Equipment and Services**

Mr. Ichniowski presented a Joint Service Agreement between the Counties of Calvert and St. Mary's for the Sharing of Yard Waste Processing Equipment and Services. The Agreement sets forth a schedule for transfer of equipment and operators for the use of Calvert's windrow turning attachment and St. Mary's tub grinder. Mr. Ichniowski pointed out that this Agreement will assist in obtaining state grants as the state looks favorably upon joint use facilities.

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

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

Mr. Ichniowski advised that on May 11, 1993, the Commissioners authorized signing and forwarding a letter to the Army Corps of Engineers; however, the letter had not been received by COE. Therefore, he presented a re-write of the letter to the Army Corps of Engineers confirming the action of May 11, 1993 requesting the extension of a stone revetment through the 250 foot long North Beach Fill Area and the continuation of the investigation of the possible settlement of the stone seawall within Tall Timbers Shore Erosion District.

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

3) Secondary Scrap Tire Collection Facility License Application

Mr. Ichniowski presented a Secondary Scrap Tire Collection Facility License Application to be submitted to the Maryland Department of Environment for a facility to be located at the St. Andrews Landfill.

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

4) Public Works Agreement and Addendum

Mr. Ichniowski presented the following documents for the Commissioners' review and consideration:

Public Work Agreement
Trapp Hall Subdivision

Dated June 1, 1993 between Trapp Hall Limited Partnership and St. Mary's County, Maryland guaranteeing completion of Packer Court by June 1, 1994. The Agreement is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$76,100.

Addendum to Public Works Agreement
Chestnut Ridge, Section 5

Between Delmarva Properties, Inc. and Board of County Commissioners of St. Mary's extending the deadline for completion of improvements to June 1, 1994. The Addendum is backed by a Letter of Credit with Crestar Bank in the amount of \$92,100.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign the Public Works Agreement and Addendum to Public Works Agreement as presented. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director

1) Revised Comprehensive Plan Update Schedule

Mr. Grimm presented correspondence addressed to Governor Schaefer submitting a revised schedule for the Comprehensive Plan update. He advised that a schedule had been submitted to the Governor in November 1992 but since that time, funding has become available to assist with the preparation of various elements of the Plan which has necessitated a change in the schedule: From Coastal Zone Management for assistance in the sensitive areas element; application of funds from the Maryland Transportation Act in the amount of \$32,656 for the transportation element; and a historical resources survey in cooperation with the Maryland Historical Trust to contribute to the historic preservation element.

During discussion Commissioner Thompson emphasized the need for inclusion of the Lexington Park area planning. Mr. Grimm noted that both Lexington Park and Leonardtown will be focused on in the Plan.

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

2) **Critical Area Plan
Environmental Planning - Work Program**

Mr. Grimm presented the Work Program for Four-Year Review for the Environmental Planning Program which sets forth the items for complying with the State's requirement that within 60 days of the fourth anniversary of the adoption of the local critical area plan, the county submits to the state a four-year review. The review is intended to: cause each locality to look at the critical area plan that has been adopted to see whether it is working and make any necessary adjustments to text and maps; to update resource base; and to correct any mapping errors that have been discovered. Mr. Grimm reported that the Commissioners will be solicited for input into the update as to what specifics they believed should be focused on or included in the update. The program amendments which were submitted to the State were approved in March by the CAC, and he advised that the principal outstanding element of the program amendments is the approval by the CAC of the list of uses listed in the Zoning Ordinance.

In closing Mr. Grimm advised the Commissioners that Items One through Thirteen have now been completed and the work program is scheduled to be completed by May 1994 and the Commissioners will continue to receive updates on the progress.

3) **Electrical Permits and Inspections - Resolution No. 93-03**

As a follow up to previous discussions regarding the adoption of Resolution No. 93-03 relative to Electrical Permits and Inspections, Mr. Grimm advised that by memorandum dated June 30 he submitted to the Commissioners three draft Resolutions:

Draft No. 1

(Proposed by Mr. Grimm by memorandum dated March 9, 1993) Eliminates the references to "Building Permit Required" and "Zoning and Building Permit NOT Required" in order to eliminate confusing language.

Draft No. 2

(Proposed by Electrical Examiners Board by letter dated April 15, 1993) Reverts to the prior County code provisions and deleted references to electrical permits.

Draft No. 3

(After consultation with Chairman of Electrical Examiners Board and Mr. Rob Smith of MDIA) Is a compromise between the two sides of debate; it reverts back to the prior County Code provisions and makes the issuance of the electrical permit a function of the Department of Planning and Zoning similar to the plumbing permit.

Mr. Bill Mattingly, President of the St. Mary's County Electrical Contractors' Association presented correspondence dated July 12 recommending the repeal of Ordinance No. 93-03; repeal of any reference to electrical permit required to perform electrical work in St. Mary's County; return to the old ordinance with the exception of any reference to electrical permit; and have MDIA forward a copy of existing request for electrical inspection to Planning and Zoning for their use to stop illegal conversions.

During discussion the Commissioners considered whether to take all three drafts to public hearing for comment. Commissioner Thompson indicated she had reservations about doing this in that it would be difficult to get comments.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to present the three draft Resolutions at the public hearing to be scheduled for August 3, 1993 at 7:00 p.m. at the Carter State Office Building, Public Meeting Room. Motion carried.

EMERGENCY MANAGEMENT AGENCY

Present: Paul Wible, Director

1) **Designation of Certified Emergency Manager**

The County Administrator announced that Mr. Wible has been designated by the National Coordinating Council on Emergency Management as a Certified Emergency Manager, which is the highest honor of professional achievement available from the Council. With regard to this designation, the County Commissioners agreed to distribute an Information Release making the announcement of Mr. Wible's certification.

2) **Ordinance No. 93-31
Animal Control Ordinance**

As a follow up to the June 15 public hearing and subsequent discussion held June 29, Mr. Wible presented Ordinance No. 93-31 rescinding Resolution No. 67-3 and adopting the Animal Control Regulations dated July 13, 1993 as amended Chapter 212 of the Code of St. Mary's County.

During discussion of the revisions to the proposed regulations, the Commissioners agreed to amend the Regulations by deleting from Section 212.5A(6) the words after "necessary veterinary care"

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Ordinance No. 93-31 adopting the Animal Control Regulations dated July 13, 1993, with the referenced amendment to Section 212.5A(6), and rescinding Resolution No. 67-3. Motion carried.

3) **911 Uniform Addressing System
Ordinance and Resolutions**

Also Present: Debbie Settle, Addressing Technician
Mary Pat Pope, Administrative Officer

The Commissioners having conducted a public hearing on June 22 and held subsequent discussion on July 6, the following motions were made:

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Ordinance No. Z93-03 amending the Zoning Ordinance and Subdivision Regulations to Incorporate Regulations for Addressing Property. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. Z93-04 adopting the St. Mary's County Official Road Name List. Motion carried.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. Z93-05 adopting the St. Mary's County Road Naming and Addressing Manual. Motion carried.

GRANT AWARD - MEDICAL ADULT DAY CARE PROGRAM

Present: Gene Carter, Director, Office on Aging

Mr. Carter appeared before the Commissioners to present the Condition of Grant Award Statement and related documents for the Medical Adult Day Care Program in the amount of \$84,091 and to request authorization for Commissioner Loffler to sign the acceptance of the grant.

Mr. Carter reviewed the total program income and expenses, total participation at both day care centers and average days of care for Fiscal Years 1992 and 1993.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the acceptance of the grant from the Department of Health and Mental Hygiene for Fiscal Year 1994. Motion carried.

COUNTY COMMISSIONER TIME

Use of County Staff and Equipment

Commissioner Thompson expressed concern regarding the use of county staff and equipment for political purposes and indicated she felt that it was inappropriate.

EXECUTIVE SESSIONS

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Sessions to discuss matters of Personnel (Delozier Grievance, Circuit Court Reclassification, and State's Attorney's Office Reclassifications), 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
Charles Wade, Jr., Director of Finance
George Foster, Personnel Officer
Evelyn Wood, Personnel Assistant
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - (Delozier Grievance)

Time Held: 12:10 p.m. - 12:25 p.m.

Action Taken: The Commissioners received packets of information on the grievance and will discuss the matter on July 20.

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
Charles Wade, Jr., Director of Finance
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - Circuit Court Reclassification

Time Held: 12:25 p.m. - 12:30 p.m.

Action Taken: The Commissioners reviewed the reclassification request and directed staff to prepare appropriate correspondence.

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
Charles Wade, Jr., Director of Finance
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - State's Attorney's Office Reclassifications

Time Held: 12:30 p.m. - 12:40 p.m.

Action Taken: The Commissioners reviewed confidential correspondence and agreed to meet in open session with a decision. (See Item No. 6(a) under the County Administrator's items.)

(Commissioner Jarboe left the meeting at 12:40 p.m.)

Litigation

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
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 4-210(a)8

Topic: Litigation - The Skydiving Center

Time Held: 12:50 p.m. - 1:20 p.m.

Action Taken: The County Attorney apprised the Commissioners of what took place at the July 7 meeting and advised them of the next steps in the matter.

ADJOURNMENT

The meeting adjourned at 1:30 p.m.

**Minutes Approved by Board of
County Commissioners on 7/20/93**

Judith A. Spalding
Recording Secretary

