

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

AUGUST 24, 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

(Commissioner Loffler was not present at the beginning of the meeting.)

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, August 10, 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.

Because the Commissioners did not meet on August 17, three Commissioners were contacted for approval to pay the bills for that week. Commissioner Bailey moved, seconded by Commissioner Lancaster, to confirm the payment of the bills as approved by the majority of the Board. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Budget Amendments**

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

Budget Amendment No. 94-11

Public Works

Justification: To provide funds for Office Space Master Plan update for proposal fee from selected consultant: Probst-Mason total fee of \$51,512.59 (\$11,513)

No. 94-12

State's Attorney's Office

Justification: To provide funds to cover increased costs in pending cases (\$20,000)

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

2) **Surplus Property Auction
September Point**

Relative to the surplus property sold at auction, the County Administrator presented a Deed between Board of County Commissioners of St. Mary's County and Oliver R. Guyther for Tract "B" of Farmstead 11, containing 12 acres in September Point, Medley Neck Waterfront Estates in the amount of \$24,250.

Commissioner Jarboe moved, seconded by Commissioner Bailey to authorize Commissioner Vice President Lancaster to sign the Deed as presented. Motion carried.

3) **Sheriff's Department
Correctional Officer**

The County Administrator presented a memorandum dated August 24 from the Personnel Office advising that because of an immediate need for female Correctional Officers, Sheriff Pettit had requested a waiver of the competitive merit selection procedures and hire of Sharon Denise Gist as a Correctional Officer I effective August 16, 1993. The request had been approved by the Board of County Commissioners on August 12 under the emergency approval procedures. The County Administrator requested formal confirmation of the action to hire Ms. Gist at Grade 17, Step 1, effective August 16.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to confirm the referenced action to hire Ms. Gist as requested. Motion carried.

(Commissioner Loffler entered the meeting - 9:23 a.m.)

4) **Piney Point Lighthouse Museum and Park
Addendum to Memorandum of Understanding**

The County Administrator presented an Addendum to the Memorandum of Understanding between the County and the Department of Natural Resources relative to the Piney Point Lighthouse. The Addendum extends the completion date of the project from September 30 to December 31, 1993.

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

5) **Response Letters**

The County Administrator presented the following response letters for the Commissioners review and signatures:

Leonardtown High School Athletic Field

To John E. Brown responding to his July 22 letter and advising that the safety fencing and out-of-bounds fencing were erected by LHS and its athletic department through baseball fund raising. The return letter further indicates that the athletic department is willing to work out an arrangement with the coach for equipment drop-off and emergency access to the softball field.

FERST Landfill

To Bob Boxwell, President, St. Mary's Friends of the Chesapeake advising that the Commissioners forwarded correspondence to the Maryland Department of Environment requesting to be informed of the current status of the state's position on the quality of the product of the composting facility in Baltimore City and its permitted uses and whether the product has been transported into and applied to land in St. Mary's County.

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

6) **Clearinghouse Project No. MD9308-0780
Final EIS - Base Realignment - Dahlgren**

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that the project is consistent with the County's plans, programs, and objectives.

The Commissioners accepted the County Administrator's recommendations.

7) **Maryland's Chesapeake Bay Partnership Agreement**

The County Administrator presented correspondence dated August 10 from Governor Schaefer forwarding the *Maryland's Chesapeake Bay Partnership Agreement* for the Commissioners' approval and signatures. The Agreement will confirm joint commitment to develop Tributary Strategies responsive to local needs and to make a difference in local waterways and the Bay. The August 10 letter advised that the Agreement will be presented at the annual Chesapeake Executive Council meeting on September 15.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Maryland's Chesapeake Bay Partnership Agreement as presented. Motion carried.

8) **Letters of Support
Housing Programs**

The County Administrator presented the following two support letters addressed to the U. S. Department of Housing and Urban Development prepared by the St. Mary's County Housing Authority for the Commissioners' review and signatures:

- o Application for 25 certificates/vouchers through the Rental Voucher and Certificate Program to assist residents throughout the County.
- o Application entitled "Family Unification Program" representing a cooperative program between St. Mary's County Housing Authority and St. Mary's County Department of Social Services

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

9) **Charles County Community College Campus at St. Mary's**

The County Administrator advised that State approval has been received for the community college campus at St. Mary's at the former Academy property. The County can now move forward to acquire state funding for the project, and therefore, the County Administrator presented a Petition to the State Department of Higher Education for a grant in the amount of \$458,000.

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

10) **Veterans Day Parade**

The County Administrator presented a Memorandum dated August 9 from the Public Information Specialist requesting the Commissioners' consideration to allocate \$1500 for the Veterans' Day Parade scheduled for November 11 as requested by the Leonardtown Administrator, Tom Shea. The funds would cover the cost of food, lodging and transportation for military participants.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize the allocation of \$1500 as requested. Motion carried.

11) **Letters of Appreciation**

The County Administrator presented letters expressing appreciation to individuals and businesses for their donations and support for the annual Citizen Advisors' Appreciation Night and the Fire/Rescue Appreciation Day.

12) **Appointments
Solid Waste Advisory Committee**

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to appoint the following individuals to the Solid Waste Advisory Committee: Melva Abell, Larry C. Donmoyer, Joseph Kuhna, Dudley Lindsley, William M. Mattingly, Daphne McGuire, Daniel H. Raley, Hope Swann. Motion carried.

**PROCLAMATION
AMERICAN LEGION POST 225 BASEBALL**

Present: Representatives of American Legion Post 225

The Commissioners presented a Proclamation recognizing and congratulating the American Legion Post 225 for establishing the American Legion Baseball for the youth.

OFFICE ON AGING

Present: Gene Carter, Director

1) **Area Agency Plan**

Mr. Carter appeared before the Commissioners to present the Area Agency Plan for Fiscal Year 1994, which is the planning document prepared each year for submittal to the State Office on Aging outlining programs that are offered to the senior citizens in the County. Mr. Carter advised that it is a Supplemental Plan rather than a full Plan because the state is making an effort to reduce paperwork at the local levels by avoiding repetitious documentation. He further advised that the Plan reflects the budget reductions he had previously presented to the Commissioners.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Supplemental Area Agency Plan. Motion carried.

2) **Capital Grant Agreement**

Mr. Carter advised that last year under the Public Transportation Program he had requesting funding for the purchase of two small buses, one of which was purchased last year. The MTA delayed the acquisition of the second bus until this fiscal year; therefore, Mr. Carter presented the Capital Grant Agreement between St.Mary's County and the Mass Transit Administration providing funding from the Maryland Department of Transportation for the purchase of the second bus, 20 bus stop benches, 24 bus stop signs, and three bus shelters. Mr. Carter indicated that the acquisition of the benches, signs, and shelters should improve the visibility of the service and hopefully increase ridership.

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

**TRI-COUNTY RESIDENTIAL ALTERNATIVES FOR YOUTH, INC.
CHAPTICO RACE CLASSIC**

Present: Michael Whitson, President

Mr. Whitson appeared before the Commissioners to invite them to attend and participate in the Tenth Annual Chaptico Classic Race to be held on August 28, 8:00 a.m.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Abandonment of Public Turning and Parking Area - Gross Lane

As a follow up to the public hearing the Commissioners conducted on August 3 to consider the abandonment of the public turning and parking area on Gross Lane in Kingston Village Subdivision, Mr. Ichniowski presented a Resolution approving the abandonment of the road.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 93- approving the official closing and abandonment of the public turning and parking area on Gross Lane, Kingston Village. Motion carried.

2) Annual Department of Transportation Tour

Relative to the upcoming Annual DOT tour, Mr. Ichniowski presented a list of county prior priorities and inquired if the Commissioners had any items to add to the list. The Commissioners requested inclusion of the following items:

- o Parallel road to Route 235 (FDR Boulevard) and whether state funds would be available for the project.
- o Indian Bridge Road intersection at Route 5
- o Route 5 and Ryken intersection

3) Development Documents

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

Addenda to Public Works Agreements

Wildewood Parkway Extension Stream Crossing - Between Paragon Builders, Inc. and Board of County Commissioners extending the deadline for completion to September 1, 1994; addendum is backed by Letter of Credit with First National Bank of St. Mary's in the amount of \$79,000.

Bay Meadows (formerly St. Jerome Farm Estates) - Between W. Paul Bright and James F. Hennon, Jr., President, Ridge Valley Construction Company extending the deadline for completion of improvements to September 1, 1994; addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$171,300.

Correspondence Calling Letters of Credit

Cox's Run Subdivision - To First National Bank of St. Mary's calling Letter of Credit #A1-9-23-1992 for Public Works Agreement in the amount of \$555,900

St. George's Hundred - To Maryland Bank and Trust Company calling Letter of Credit #347-C for Public Works Agreement in the amount of \$32,000.

St. George's Hundred - To Maryland Bank and Trust Company calling Letter of Credit #375-B for Grading Permit #90-02 in the amount of \$85,600.

Tosca Townhouses, Parcel "B" - To Maryland National Bank calling Letter of Credit #672488 Grading Permit #89-29 in the amount of \$64,500.

Laurel Ridge, Section 4A - To Maryland Bank and Trust Company calling Letter of Credit #415-C for Grading Permit #91-18 in the amount of \$32,000.

Breton Bay PUD (Bunker Court) - The First National Bank of St. Mary's calling Letter of Credit #A1-9-02-92 for Public Works Agreement in the amount of \$10,000.

Acceptance of Deed and Road Resolutions
Summitt Hill Subdivision

Deed dated March 1, 1992 between Summitt Hill, Inc. and Board of County Commissioners of St. Mary's County accepting Carroll Manor Drive, Summitt Hill Drive, and Summitt Court into the County Highway Maintenance System.

Road Resolution No. R93-11 posting the following streets at 25 miles per hour: Carroll Manor Drive, Summitt Hill Drive, and Summitt Court.

Road Resolution No. R93-12 designating Summitt Hill Drive as a Stop Street at its intersection with Carroll Manor Drive.

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

EXECUTIVE SESSIONS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Sessions to discuss matters of Personnel (State's Attorney's Office and Department of Planning and Zoning), as provided in Article 24, Section 4-210(a)1 and Property Acquisition (Community College), as provided in Article 24, Section 4-210(a)11. 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 - State's Attorney's Office

Time Held: 10:30 a.m. - 11:00 a.m.

Action Taken: The Commissioners reviewed correspondence drafted by the County Administrator addressed to the State's Attorney relative to personnel and agreed to have the letter presented in open session for action.

ST. MARY'S HOSPITAL

Present: Christine Wray, Administrator
Mark W. Higdon, Pear Marwick
Sam Ketterman, Alex Brown
Charles Wade, Director of Finance

1) **1993 Project - Financial Study**

Mr. Higdon reviewed with the Commissioners the final Financial Study relative to the St. Mary's Hospital expansion project. The report included the following:

- o Financial Feasibility Study
 - Project Description
 - Project Objective
 - Sources and Uses of Funds
- o Demand Study
 - Service Area
 - Inpatient Services (population, use rates, utilization)
 - Outpatient services (growth and projections)
- o Summary of Draft Financial Feasibility Study Chart showing Utilization from 1989 (historical) through 1996 (forecasted)
- o Comparison of discharges (St. Mary's, Calvert Memorial, and Physicians Memorial)
- o Comparison of Patient Days
- o Comparison of Percentage Change in Discharges
- o Comparison of Percentage Change in Patient Days
- o Medical Staff Analysis (Chief Characteristics and Physician Views)
- o Financial Assessment - Major assumptions
- o Summaries of Historical and Forecasted Rate Changes and Net Income
- o Key Financial Ratios

2) **Public Hearing
Issuance of General Obligation Bonds**

The Commissioners conducted a public hearing regarding the proposed issuance of General Obligation Bonds in the maximum aggregate principal amount of \$6,000,000, the proceeds of which will be loan by the County to St. Mary's Hospital for the construction of a 37,000 square foot addition to the existing hospital building and for renovation of approximately 20,000 square feet of the existing hospital building.

The public hearing meets the requirements imposed by Section 147(f) of the Internal Revenue Code to the extent applicable to the bonds. Notice of Public Hearing was published in the August 6 issue of The Enterprise.

The hearing was opened for comments from the public. Hearing none the public hearing was closed.

Mr. Wade advised that the Resolution for authorization to sell the bonds will be presented at next week's meeting. The sale of the bonds is scheduled for September 14.

MEMORIAL SERVICE - JAMES C. MORGAN

The Commissioners conducted a Memorial Service for James C. Morgan, a county employee who passed away on September 20, 1992.

LEONARD HALL DRILL HALL

Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins appeared before the Commissioners to present a status report relative to the use of the Leonard Hall Drill Hall for recreational and community programs. The drill hall had been removed from the Leonard Hall lease effective July 1, and county staff has been assessing the condition of the building. Mr. Rollins advised that the assessment of the building by the Department of Public Works determined that considerable renovation was needed (\$200,000 for extensive renovations); however staff has indicated that work that must be done to meet basic National Fire Protection Association Code to meet Class "C" occupancy criteria is estimated at \$11,000. This classification would accommodate up to 300 persons.

Mr. Rollins indicated that it was staff's recommendation to do the necessary work to meet the Class "C" occupancy requirements and stated that he is working with the Director of Finance to locate a source of funds within the Department of Recreation and Parks budget.

In closing Mr. Rollins advised that he would return to the Commissioners for any necessary budgetary actions.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director

1) Comprehensive Water/Sewer Text Amendments

- a) Map Amendments
 - Tax Map 34, Block 9, Parcel 148 - Rebarchick Property
 - Tax Map 34, Block 9, Parcel 10, Lots 2,3,4,5 - Failing Systems

(Commissioner Loffler did not participate in the discussion or decision.)

As a follow up to the discussion held August 10, Mr. Grimm presented an analysis for the inclusion of the referenced parcels in the vicinity of the county's industrial park in the amendments proposed for the Comprehensive Water and Sewerage Plan. Mr. Grimm recommended that the referenced properties be included in the semiannual review of the Comprehensive Water and Sewerage Plan.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve inclusion of the referenced properties in the Comprehensive Water and Sewerage Plan. Motion carried.

2) Resolution No. W/S93-03 Semiannual Amendment to the 1993 Complete Revision of the Comprehensive Water and Sewerage Plan

As a follow up to the July 27 public hearing and subsequent discussions, Mr. Grimm presented the referenced Resolution approving the semiannual amendment to the Comprehensive Water and Sewerage Plan.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. W/S93-03 amending the Comprehensive Water and Sewerage Plan. Motion carried.

3) **Franzen Property**
Zoning of Parcel 384, Tax Map 43

As a follow up to the August 10 presentation by Mr. Franzen regarding his zoning application for the referenced property from R-1 to C-1 which had originated in 1982, Mr. Grimm presented documentation relative to the request: County Commissioners' minutes of June 15 and December 7, 1982, various correspondence, and provisions of the former CL-O zoning district

regulations. Mr. Grimm noted that his position remains the same--that the Comprehensive zoning done in 1990 superseded any action the Commissioners may have taken in 1982. Mr. Grimm indicated that Mr. Franzen has two options available: (1) Mr. Franzen's property is zoned RL which permits him to apply to the Board of Appeals for a conditional use permit for office development; (2) Mr. Franzen can formally file a rezoning petition to change the zoning of the property to Commercial.

After discussion the Commissioners did not take any action to change the zoning for the referenced property.

4) **Resolution No. 93-32**
Electrical Inspections

As a follow up to the August 3, 1993 public hearing on three alternative Resolutions relative to electrical inspections, Mr. Grimm advised that no additional comments had been received since the hearing.

Discussion ensued regarding the three resolutions and as to which one would be the appropriate one for adoption. Commissioner Loffler suggested Draft No. 2 with the addition of a provision for MDIA to forward inspection forms to the Department of Planning and Zoning for verification.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to adopt Draft No. 2 without modification. Motion carried three to two with Commissioners Loffler and Thompson voting against.

In closing Mr. Grimm indicated that MDIA has indicated a willingness to forward the inspection forms to the Department of Planning and Zoning.

EXECUTIVE SESSIONS

(Authorization for Executive Sessions for Personnel (Department of Planning and Zoning) and Property Acquisition (Community College) given in previous motion.)

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
Jon Grimm, Director, Planning and Zoning
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1
Topic: Personnel - Department of Planning and Zoning
Time Held: 2:50 p.m. - 3:07 p.m.

Action Taken: The Commissioners reviewed the Department of Planning and Zoning Reorganization proposal and agreed to present an Information Release in public session.

Property Acquisition

Present: 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
Mary Pat Pope, Administrative Officer
Judith A. Spalding, Recording Secretary

(Commissioner Loffler did not participate because of possible conflict of interest.)

Authority: Article 24, Section 4-210(a)11
Topic: Property Acquisition - Community College Site
Time Held: 3:10 p.m. - 3:25 p.m.

Action Taken: The Commissioners reviewed documentation relative to the acquisition of property for the community college site and agreed to take action in open session.

**DEPARTMENT OF PLANNING AND ZONING
REORGANIZATIONAL PLAN**

Present: Jon Grimm, Director

As a follow up to previous executive sessions, Mr. Grimm presented a Reorganization Plan and an Information Release indicating the Board of County Commissioners' approval of the reorganizational plan for the Department of Planning and Zoning including the created of a Development Services Division.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the Reorganization Plan as presented and to distribute the Information Release. Motion carried.

**STATE'S ATTORNEY'S OFFICE
CLASSIFICATIONS**

The County Administrator referred to confidential correspondence received from the State's Attorney's Office regarding the classification of certain employees in his office. In response to that request, Mr. Cox presented correspondence indicating the Commissioners have appropriately addressed the issues raised by Mr. Dorsey and explaining the process used in reaching a decision. The letter requests the State's Attorney to develop appropriate documentation to explain the needs of his department and submit the request during the Fiscal Year 1995 budget process.

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

**AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS
COMMUNITY COLLEGE AT ST. MARY'S SITE**

Present: Joe Densford, County Attorney

(Commissioner Loffler did not participate because of possible conflict of interest.)

Mr. Densford appeared before the Commissioners to present the referenced Agreement and Declaration of Restrictive Covenants between the Board of County Commissioners of St. Mary's County and the Commissioners of Leonardtown setting forth the terms and provisions relative to the development, use and management of the community college site pursuant to the Memorandum of Understanding. Mr. Densford advised that the settlement date for the acquisition of the property is scheduled for August 31. The Town has signed the agreement and has indicated that its financial contribution will be made upon full execution of the agreement.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the Agreement and Declaration of Restrictive Covenants. Motion carried.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of litigation (The Skydiving Center) as provided in Article 24, Section 4-210(a)8. 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 4-210(a)8
Topic: Litigation - The Skydiving Center
Time Held: 3:40 p.m. - 4:05 p.m.

Action Taken: The County Attorney brought the Commissioners up to date relative to the referenced pending litigation.

ADJOURNMENT

The meeting adjourned at 4:05 p.m.

**Minutes Approved by Board of
County Commissioners on 8/31/93**

Judith A. Spalding
Recording Secretary