

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 7, 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 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, August 31, 1993. Motion carried.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the revised Department of Planning and Zoning portion of the August 10 minutes (regarding California Sleep Inn). Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. 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:

94-13

Department of Public Works

Justification: To provide required up front costs for the \$200,000 interest-free shore erosion loan from the State of Maryland. Payment to the State will be due Fall 1993 (\$12,000)

94-16

Department of Public Works

Justification: To provide funds needed for airport improvements (\$1,109)

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

2) **Sludge Utilization Permit Applications**

The County Administrator presented correspondence dated August 26 from the Maryland Department of Environment forwarding sewage sludge utilization permit applications for the Sam Hertzler (SM-24) and Fisher Brother (SM-18) properties. The return correspondence from the Commissioners advises that the County will not exercise its right to request a public information meeting/hearing, but expresses the Commissioners ongoing concerns over environmental safety and land record 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) **Response Letters**

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

- o To Mr. Kurt Leonard responding to his objections to portable signs and forwarding a copy of the recently revised sign regulations.
- o To Ms. Cynthia Williams responding to her concerns regarding the availability of health care services in the county and enclosing a copy of the Southern Maryland Resource Guide.
- o To Mr. Erik Jansson, President, Potomac River Association regarding the Myrtle Point property stating that the Commissioners continue to support the current planned use of the property as a Planned Unit Development.

Because of comments in a recent newspaper article by Senator Fowler, the Commissioners directed the County Administrator to prepare correspondence to Senator Fowler advising him of the County's continued environmental and community concerns regarding the property and requesting an opportunity to discuss the matter with him.

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

4) **Land Exchange - Former Center Gardens Apartments Property**

The County Administrator presented correspondence dated August 31 from Captain Roger Hill regarding the land exchange involving the former Center Gardens Housing area. The letter advises that an environmental baseline study must be completed prior to the actual leasing of the parcel to the County. NAS Patuxent River has been granted authority to issue a one year real estate license to the County in the interim. Captain Hill's letter included the real estate license agreement which would allow the unimproved property to be utilized as a ball field by the County's Department of Recreation and Parks.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Real Estate License Agreement as presented. Motion carried.

5) **On Behalf of Local Government Housing Bond Program**

The County Administrator presented correspondence addressed to the Community Development Administration transferring to the CDA, for use in issuing housing bonds on behalf of St. Mary's County, \$1,365,647 of the Community Development Administration's total \$56,912,662 tax-exempt housing bond allocation as set forth in the 1993 allocation of the Maryland State Ceiling made by the Secretary of Economic and Employment Development.

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

6) **Criminal Justice Meeting - Follow Up Letters**

As a follow up to the August 31 Criminal Justice meeting, the County Administrator presented the following correspondence for the Commissioners' review and signatures:

- o To participants thanking them for attending the meeting and summarizing the various recidivism efforts and programs addressed at the August 31 meeting.
- o To Mr. Samuel Saxton thanking him for his presentation at the Criminal Justice meeting.

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

7) **Department of Planning and Zoning Reorganization
Personnel Actions**

As a follow up to the Commissioners' approval of the Reorganization for the Department of Planning and Zoning, the County Administrator presented a memorandum dated September 7 from the Personnel Officer requesting the Commissioners' confirmation of the following personnel actions:

- o Conversion of the vacant Chief of Inspections & Enforcement position, Grade 22, to an Environmental Planner, Grade 19 position, effective September 1, 1993.
- o Reclassification of Jill J. Branson, Planner, Permits Coordinator from Grade 19, Step 3 to Grade 20, Step 3, effective September 1, 1993.
- o Reclassification of Laura E. Clarke, Planner, Zoning Administrator, from Grade 19, Step 7, to Grade 20, Step 7, effective September 1, 1993.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the personnel actions as referenced. Motion carried.

8) **First District Community Park - Renaming**

The County Administrator presented a memorandum dated August 31 from the Director of Recreation and Parks advising that the Recreation and Parks Board on August 26 voted to recommend to the Commissioners the renaming of the First District Community Park to the Cardinal Gibbons Institute Memorial Park.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to rename the First District Community Park to Cardinal Gibbons Institute Memorial Park. Motion carried.

The Commissioners requested the County Administrator to work with the Director of Recreation and Parks in developing a proposal for their consideration for the process in renaming public parks and properties.

9) **National Volunteer Fire Council Meeting**

The County Administrator presented correspondence for the Commissioners' signatures welcoming participants in the National Volunteer Fire Council meeting to be held in St. Mary's County from September 29 to October 2, 1993.

The Commissioners agreed to sign the letter as presented.

10) **Appointments
Boards, Committees, Commissions**

Commissioner Thompson moved, seconded by Commissioner Lancaster, and motion carried, to make the following appointments:

Council on Children and Youth

Anne P. Emery

Terms to Expire

12/31/93/96

Economic Development Commission

David Seeman

06/30/94/97

Southern Maryland Wood Treatment Plant Task Force

Robert c. Davis, Jr.

No Term

11) **Information Release**
Enhanced 911 Uniform Addressing System

The County Administrator presented an Information Release announcing a general information meeting will be held on September 15, 7:00 p.m. at the Ridge Volunteer Fire Department to present information on the purpose of the addressing system, method of assigning address numbers, and the requirements for displaying address numbers.

The Commissioners agreed to distribute the Information Release as presented.

NATIONAL VOLUNTEER FIRE COUNCIL MEETING

Present: John Gatton, Jr.,
Danny Davis
Tom Mattingly

The referenced individuals appeared before the Commissioners to present a report on the status of the plans for the National Volunteer Fire Council Meeting scheduled to be held in St. Mary's County from September 29 through October 2, 1993 and to request the Board's assistance. Mr. Gatton requested the Commissioners' consideration to donate the cost of the tee shirts (at a cost of \$700 - \$800).

During his presentation, Mr. Gatton explained the participation and assistance in the event from Charles and Calvert Counties and advised that the County's assistance may be needed for additional transportation needs.

Mr. Gatton described the various activities planned for the event including tours of Naval Air Warfare Center, Sotterley, St. Mary's City, visit to St. Clements Island for the Blessing of the Fleet. and dinner at Evans Seafood Restaurant.

During discussion the Commissioners indicated willingness to work with the organizers should they need assistance with transportation.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to donate the cost of the tee shirts in the amount of approximately \$800. Motion carried.

COUNTY COMMISSIONERS' TIME

1) **Manual of Personnel Policies and Procedures**
Resolution No. 93-35

Also Present: Edward V. Cox, County Administrator
George Foster, Personnel Officer

As a follow up to previous discussions, Mr. Cox and Mr. Foster appeared before the Commissioners to present the revised Manual of Personnel Policies and Procedures and to request the Commissioners' signatures on the Foreword page of the Manual of Personnel Policies and Procedures.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to add under Chapter 2, Section 0202 - Responsibility and Authority a list of number two positions in addition to department heads that the Commissioners would be authorized to hire. Motion defeated three to two.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the Manual of Personnel Policies and Procedures and to sign the Foreword as presented. Effective date of the revised Manual will be October 1, 1993. Motion carried.

Later in the meeting Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 93-35 adopting the Revised Manual of Personnel Policies and Procedures. Motion carried.

2) **California Sleep Inn (#92-0929)**
(Residential Parcel No. 293)

Also Present: Jon Grimm, Director, Planning and Zoning
Danny Rebarchick, Applicant

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

The County Administrator presented correspondence dated August 31 from Director of Planning and Zoning Jon Grimm forwarding corrected minutes of August 10, Planning Commission minutes of August 9 and Zoning Decision Resolution No. Z78-5 regarding the referenced application. Mr. Grimm pointed out that the applicant is requesting a modification to the 1978 Zoning Amendment Resolution to allow him to use the residential parcel for internal circulation to serve the proposed hotel complex. As noted in the August 9 minutes, the Planning Commission recommended approval of the request. Mr. Grimm indicated that he also supported the request.

Mr. Grimm displayed a plat of the property pointing out that Parcel 293 contains the buffer between the commercial property and the residential area and stated that the buffer would remain between the commercial and adjacent residential properties.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the use of Parcel 293 for use for internal circulation only. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **1993 Department of Transportation State Highway Tour**

Relative to the upcoming October 26 Department of Transportation Highway Tour for 1993, Mr. Ichniowski presented correspondence addressed to Secretary Lighthizer setting forth the list of projects the Board of County Commissioners would like to discuss during the meeting.

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

2) **Resolutions**
Summerwood Subdivision, Section 1
Collection of Letters of Credit

Mr. Ichniowski advised that Letters of Credit were issued for a public works agreement for the construction of roads and for a Grading Agreement entered into with William P. Gloster, III and Gretchen G. Gloster and stated that they were not honored. Therefore, Mr. Ichniowski presented the following Resolutions for the Commissioners' review and approval.

- o No. 93-36 - Withdrawing all development rights within the subdivision in accordance with the Public Works Agreement and the rights shall be renewed upon execution of a new Public Works Agreement and sufficient surety to guarantee completion of the work.
- o No. 93-37 - Withdrawing all development rights within the subdivision in accordance with the Grading Agreement and shall be renewed upon execution of a new Grading Agreement and sufficient surety to guarantee completion of the work.

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

3) **Southern Maryland Higher Education Facility**

Mr. Ichniowski presented a Capital Project Grant Application in the amount of \$2,750,000 for the construction of a 15,000 to 25,000 square foot Southern Higher Education facility along with associated site work, utilities and furnishings. He stated that funding for the design was in a prior bond bill.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the Capital Project Grant Application as presented. Motion carried.

4) **Addendum to Public Works Agreement
St. George's Hundred (formerly Chancellors Run Estates)**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between St. Mary's One Limited Partnership and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to September 1, 1994. The Addendum is backed by a Letter of Credit in the amount of \$32,000 with Maryland Bank and Trust Company.

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

EXECUTIVE SESSIONS

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Property Acquisition, as provided in Article 24, Section 4-210(a)11 and Personnel, as provided in Article 24, Section 4-210(a)1. Motion carried.

Property Acquisition

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Joseph Densford, County Attorney
Dan Ichniowski, Director, Public Works
Charles Wade, Director of Finance
Judith A. Spalding, Recording Secretary

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

Topic: Property Acquisition

Time Held: 10:40 a.m. - 10:55 a.m.

Action Taken: The Commissioners reviewed a proposal for the acquisition of certain property and directed the County Administrator, Director, Department of Public Works, and County Attorney to proceed accordingly.

Property Acquisition

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Joseph Densford, County Attorney
Dan Ichniowski, Director, Public Works
Charles Wade, Director of Finance
Judith A. Spalding, Recording Secretary

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

Topic: Property Acquisition (St. Mary's County Airport)

Time Held: 10:55 a.m. - 11:05 a.m.

Action Taken: The Director of Public Works reviewed documentation relative to the acquisition of certain property for the St. Mary's County Airport. The Commissioners directed that appropriate documents be prepared for action by the Commissioners in open session.

(Later in the meeting the County Administrator presented the following Resolutions initiating condemnation proceedings for the acquisition of property for the St. Mary's County Airport Runway Extension.)

No. 93-38 - For obstruction and removal easement over Part of Parcel Two, Wildewood Technology Park, Sixth Election District.

No. 93-39 - For obstruction and removal easement over Part of Lot 3, Wildewood Technology Park, Sixth and Eighth Election District.

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

The Commissioners directed staff to implement Resolution No. 92-2 which authorized the commencement of condemnation proceedings of the Waldschmidt property (13.828 acres) at the Wildewood Technology Park.

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, Director of Finance
George Foster, Personnel Officer
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1
Topic: Personnel - Department of Economic & Community Development
Director position
Time Held: 11:10 a.m. - 11:35 a.m.

Action Taken: The County Administrator presented the Selection Panel's recommendation, and the Commissioners directed the County Administrator to proceed accordingly.

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, Director of Finance
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1
Topic: Personnel
Time Held: 11:35 a.m. - 12:05 p.m.

Action Taken: Mr. Cox and Mr. Wade presented information relative to personnel for the Commissioners' consideration.

STAFF MEETING

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building Public Meeting Room.

COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Bob Kirkley, Vice-President, Board of Education
Jean Campbell, "
Al Lacer, "
Fred Wallace, "
Joan Kozlovsky, Superintendent of Schools

School Construction Program

1) High School Renovation/Expansions

Also Present: Brad Clements, Director, School Facilities

As a follow up to July 27 discussion, Dr. Kozlovsky presented a Proposed School Construction Program for Fiscal Years 1995-2000. She stated that based on discussions with Dr. Stenzler of the State School Construction Program, the Board of Education has recommended the selection of Scenario No. 2 (Renovation and Expansion of high schools and improvements to middle and elementary schools).

Mr. Clements reviewed the school construction program documents indicating that the main focus should be on the improvements and expansion to Great Mills High School (Planning in Fiscal Year 1994, Construction approval in Fiscal Year 1995, and Construction to begin in Fiscal Year 1996).

After discussion the Commissioners agreed with Scenario No. 2 and that Great Mills High School project should be given priority.

2) Henderson Park Transfer

Also Present: Phil Rollins, Director, Recreation and Parks

With regard to transfer of the Henderson Park property to St. Mary's Public Schools, Mr. Rollins advised that since state and federal funds had been used to develop the property, the county would have to replace it with another site in the county. He stated it would have to be determined whether the county had existing property or whether property would have to be acquired. He pointed out that the Henderson Park property had been appraised at \$200,000 and the replacement property would have to be of equal value. Mr. Rollins advised that the County would have to apply to the Department of Natural Resources for conversion of the property, and once that was accomplished, the state would probably act quickly.

After discussion the Commissioners concurred to commit to transferring the Henderson Park property to Public Schools and to make the necessary property replacement.

**3) Transfer of Funds
St. Mary's Public Schools**

The Board of Education requested the Commissioners' approval to transfer funds in the amount of \$74,000 (\$39,000 - Great Mills Site Lighting; \$35,000 - Great Mills Fencing) to fund the architectural and engineering services (Planning and Schematic Design Phase and Site Investigation) for the Great Mills High School Addition/Renovation Project.

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

A Budget Amendment will be presented to the Commissioners at a future meeting.

ADJOURNMENT

The meeting adjourned at 4:20 p.m.

**7:00 P.M.
PUBLIC FORUM**

The Commissioners conducted the regularly monthly public forum accepting questions and comments from the audience:

Linda Bourgeois (Grand Central Video) -Reiterated her opposition to the banning of portable signs and requested the Commissioners to put a hold on the Sign Ordinance and establish a task force to relook at the Ordinance. She pointed out specifically that some real estate signs appear to be in violation. (The Commissioners explained the lengthy process taken to adopt the Regulations which included public hearings by the Planning Commission and County Commissioners. The Commissioners requested the County Administrator to request Mr. Grimm to come before the Commissioners to discuss the sign ordinance at next week's meeting).

Brad Ruby - Stated that the problem with signs was at election time when signs were not removed in a timely manner. (The Commissioners explained that there was a time requirement in the Zoning Ordinance for the removal of signs after an election).

Rae Thompson - Stated that real estate signs remain on the property until settlement.

Larry Pinto - Applauded the action of the Board of Appeals at its August 26 meeting regarding the buffer area for the FERST landfill. The Board of Appeals clarified Condition #13 that it was the intention of the Board of Appeals that there was to be an undisturbed 200 foot buffer around the perimeter of the property. Mr. Pinto stated that the FERST landfill was not in compliance with County requirements.

Larry Jarboe - Presented information regarding House Bill 1088 which included correspondence to Commissioner Bailey from the Office of the Speaker of the House addressing the "escape clause." Mr. Jarboe stated that since FERST received funding through the Maryland Energy Financing Administration, it would be exempt from House Bill 1088. Regarding the allegation at last month's public forum regarding compost from Curtis Bay being applied to land in St. Mary's County, Mr. Jarboe suggested that the Commissioners contact the Director of Environmental Hygiene who has knowledge of the property in question.

Daphne McGuire - Advised that she did not reveal the location of the property because it had been told to her in confidence.

Commissioner Loffler indicated that if material is being brought into the County, that the Commissioners should write a letter to FERST stating that transporting material across county lines is not allowed until MDE adopts regulations and the material meets those regulations.

Ken Hastings - Emphasized that since FERST is exempt from House Bill 1088, it would not have to meet requirements of being regulated. Again requested the Commissioners to rescind the October 1991 letter.

Minnie Russell - Reiterated her concerns regarding microfilming at the Record Room and requested that individuals be given an opportunity to retrieve any documents rather than having them sent to the State for possible destroying.

The Public Forum concluded at 8:50 p.m.

**Minutes Approved by Board of
County Commissioners on 9/14/93**

Judith A. Spalding
Recording Secretary