

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
SEPTEMBER 21, 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

**ST. MARY'S HOSPITAL BREAKFAST AND GROUNDBREAKING**

The Commissioners attended a breakfast at St. Mary's Hospital followed by a groundbreaking ceremony for the expansion of the hospital.

**CALL TO ORDER**

The meeting was called to order at 11:05 a.m.

**APPROVAL OF MINUTES**

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, September 14, 1993. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **House Bill 692 - Sludge Notification**

For the Commissioners' information, the County Administrator advised that House Bill 692 has been adopted into law under Chapter 324 and requires a contract of sale of farm land to include notification regarding the application of sewage sludge and specifying that omission of the notice may not be a basis for invalidation of the contract for sale.

2) **Clearinghouse Project No. MD930907-0884  
Environmental Assessment - Medium Range Unmanned Aerial Vehicle**

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

The Commissioners concurred with the County Administrator's recommendation.

3) **Agreement - Innovative and Alternative On-Site Sewage Disposal Systems**

The County Administrator presented Innovative and Alternative On-Site Sewage Disposal System Agreements among the Health Department, Maryland Department of Environment and the following individuals for the property and amount as indicated:

- o Dated September 15 with Frederick D. and Mary A. Armstrong for property located on Sugar Hole Road, Seventh Election District in the amount of \$4,600.
- o Dated September 15 with George E. and Mary Helen Hayden for property located on State Route 242, Seventh Election District in the amount of \$4,600.
- o Dated September 15 with Guy A. and Mary Delmar Russell for property located on Grampton Road, Seventh District in the amount of \$4,450.

**Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the On-Site Sewage Disposal System Agreements as presented. Motion carried.**

The County Administrator suggested and the Commissioners concurred that the Director of Environmental Hygiene come before the board to discuss the I and A systems (how they are being used, number of systems in place, and success rate).

4) **Grant Agreement  
Control and Eradication of Noxious Weeds**

The County Administrator presented a Grant Application between the Department of Agriculture and St. Mary's County for the Control and Eradication of Noxious Weeds (Johnsongrass, Shattercane, Thistles and Multiflora Rose) for the period July 1, 1993 through May 31, 1994.

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

5) **Response Letter  
Potomac River Association - Solid Waste**

In response to September 4 correspondence from the Potomac River Association, the County Administrator presented correspondence thanking them for sharing the Association's concerns and their comments will be taken under advisement.

The Commissioners agreed to sign and forward the letter.

6) **House Bill 1517  
Motor Carrier Safety Provisions - Hours of Service - Exemptions**

The County Administrator advised that House Bill 1517, which was signed into law as Chapter 7, delegates to the Secretary of Transportation the authority to declare a transportation or utility emergency and to waive the maximum hours-of-service time limits contained in the Transportation Article. Correspondence dated July 6 was received from the Maryland DOT requesting a list of those titles who are authorized to sign the "Request for Declaration of Transportation or Utility Emergency and an Exemption from Hours-of-Service Limitation" form.

Therefore, Mr. Cox presented return correspondence designating the following positions who are authorized to sign the form: President, Board of County Commissioners; County Administrator; Director, Emergency Management Agency; Director, Department of Public Works; and Director, Metropolitan Commission.

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

7) **St. Mary's County Fair Association  
Delegation for Use or Sale of Alcohol**

The County Administrator advised that the Commissioners had requested the St. Mary's County Fair Board to review the county's policy regarding the use and sale of alcohol on public property and to develop a policy for the fairgrounds property. By correspondence dated September 19, the Fair Board submitted a proposed policy for approval by the Board of County Commissioners. Therefore, the County Administrator presented a letter indicating agreement to delegate authority to control the selling and consumption of alcoholic beverages on the fairgrounds property to the Board of Directors of the St. Mary's County Fair based on the standards contained in the September 19 letter.

**Commissioner Bailey moved, seconded by Commissioner Thompson, to sign and forward the letter to the Fair Board approving the Policy for Use and Sale of Alcohol at the County fair grounds. Motion carried.**

8) **Request for Additional Equivalent Dwelling Unites (EDU's)  
Camp Merrylande Property**

The County Administrator advised that correspondence dated September 14 was received from Mr. and Mrs. Michael Evans regarding the number of assigned equivalent dwelling units for sewer allocation for their property of Camp Merrylande. The return letter indicates that the matter has been forwarded to the Metropolitan Commission and the Department of Planning and Zoning for review and explanation of the reasons for the proposed allocation of five units. Once the explanations is received the Commissioners will determine what further consideration should be given.

The Commissioners agreed to sign and forward the letter.

9) **Appointments**

Commissioner Bailey moved, seconded by Commissioner Thompson, and motion carried, to make the following appointments with terms as indicated:

<u>Council on Children and Youth</u>	<u>Terms to Expire</u>
Kathleen Cullins	12/31/93/96
Michelle Lawyer	06/30/94
 <u>Economic Development Commission</u>	
James M. McKay	06/30/96

10) **Budget Amendments**

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

No. 94-21  
County Commissioners

To provide donation to the National Volunteer Fire Council for cost of Tee shirts (\$650).

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

11) **Agenda - Joint Meeting  
(County Commissioners/Planning Commission/Board of Appeals)**

The County Administrator distributed the agenda prepared by the Department of Planning and Zoning for this evening's joint meeting.

The Commissioners concurred with the agenda as presented.

**PROCLAMATIONS**

The Commissioners presented the following Proclamations:

**Tootsie Roll Month**

Present: Representatives of the Knights of Columbus

Designating the Month of October as Tootsie Roll Month for the Developmentally Delayed

**Voice of Democracy Week**

Present: Representatives of the Veterans of Foreign Wars

Designating the week of September 19-25, 1993 as Voice of Democracy Week

**ST. MARY'S COUNTY FAIR**

Present: John Richards, President, Fair Board  
Elwood Cusic, Vice-President

Mr. Richards and Mr. Cusic appeared before the Commissioners to invite them to attend the 1993 St. Mary's County Fair and presented each with a tee shirt and a hat.

**NATIONAL ADULT DAY CARE LUNCHEON AND PROCLAMATION**

The Commissioners attended the National Adult Day Care Luncheon sponsored by the Office on Aging at St. Andrews Parish Hall and presented a Proclamation designating September 19 - 25, 1993 as National Adult Day Care Week.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **Amendment No. 1 to Grant Agreement  
St. Mary's County Airport**

Mr. Ichniowski presented Amendment No. 1 to the Grant Agreement between the FAA and St. Mary's County which increases the maximum amount of obligation of the United States from \$247,181 to \$273,039.81 relative to the St. Mary's Airport project.

**Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign Amendment No. 1 as presented. Motion carried.**

2) **Agreement  
St. Mary's Landfill Property**

Mr. Ichniowski presented an Agreement dated June 1993 between Andy O. Yeh and Janet L. Yeh and the Board of County Commissioners of St. Mary's County which recognizes the following: location of the Yeh's apartment building adjacent to the county landfill; the 100 foot

buffer of the county's property for the future landfill; and the adequacy of the buffer considering the Yeh's set back from the landfill of 180 feet. Mr. Ichniowski indicated that the County had obtained conditional use approval in 1987 from the Board of Appeals to use the county's property, adjacent to the Yeh property, for the expansion of the county landfill. A condition of the Board of Appeals is that the County maintain a 200 foot buffer between the landfill operations and adjoining residential development.

Mr. Ichniowski advised that when the county expands the landfill operation, he will present the referenced Agreement with the Yehs indicating their concurrence with the buffer area.

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

**(Commissioner Loffler left the meeting at 1:52 p.m.)**

**3) Summerwood Subdivision, Section 1**

Mr. Ichniowski reminded the Commissioners of the Resolutions they signed withholding development rights for the Summerwood Subdivision because of default on the public works agreement and the grading agreement. (Resolution No. 93-36 - Public Works Agreement; Resolution No. 93-37 - Grading Agreement). The Commissioners had called the Letter of Credits issued by the Potomac Savings Bank; however, the Letter of Credits were not honored because Potomac Savings Bank was under receivership with RTC.

Mr. Ichniowski advised that the developer has since that time executed an addendum to the public works agreement and grading agreement and has obtained performance bonds with International Fidelity Insurance Company.

In that new agreements have been developed and proper bonding has been provided Mr. Ichniowski recommended that the Commissioners accept the public works agreement addendum, and he would sign the grading agreement. Further he requested the Commissioners to sign new Resolutions rescinding Resolution Nos. 93-36 and 93-37 which withheld development rights.

**Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Addendum to the Public Works Agreement entered into between William P. Gloster, III and Gretchen G. Gloster extending the deadline for improvements to Summerwood Subdivision, Section 1, Second Election District, to July 1, 1994. Motion carried.**

**Further Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign Resolutions No. 93-41 and No. 93-42 rescinding Resolutions No. 93-36 (public works agreement) and No. 93-37 (grading agreement) and renewing all development rights. Motion carried.**

**4) Addendum to Public Works Agreement  
Breton Bay PUD**

Mr. Ichniowski presented an Addendum to a Public Works Agreement between Cherry Cove Land Development and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to September 1, 1994.

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

**5) Correspondence Calling Letter of Credit  
Stallman Subdivision, Section 3**

Mr. Ichniowski presented correspondence addressed to International Fidelity Insurance Company calling Bond No. 873473 in the amount of \$80,000 for a Public Works Agreement.

**Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the correspondence to be forwarded if necessary. Motion carried.**

**(Commissioner Loffler returned to the meeting at 2:00 p.m.)**

**POTOMAC RIVER ASSOCIATION  
MYRTLE POINT PROPERTY**

Present: Erik Jansson, President, PRA  
Jack Witten, PRA

The referenced individuals appeared before the Commissioners to discuss the advantages of the county purchasing Myrtle Point for public use and as a public park with state open space funds.

Mr. Jansson displayed a plat of the property and pointed out the following reasons the Commissioners should consider the property for public use: tax advantages, high quality environmental area; shortage of public parks in the county; development of the property would disrupt the fishing and wildlife areas; historic sites on the property, nine of which are eligible for the national register; preservation of 100-year old trees; public beach access (the county has very little public beach access areas); development would provide little opportunity for local builders; wildland would not require much expense to the county; and development would increase competition with local home sales.

Mr. Jansson further suggested that a portion of the property along Route 4 could be sold for development to reduce the cost of purchase and the proceeds placed in a trust for future amenities on the site. He pointed out that the National Park Service leases land to concessionaires which could support the park at little cost to the County.

During discussion Mr. Witten and Mr. Jansson pointed out other jurisdictions that have welcomed the opportunity to acquire open space property and stated that with the property as a "front door" to the county as a business venture, a park would be superior to what is being proposed.

In closing the PRA's presentation Mr. Witten indicated that the PRA would like to work with the County in examining options to save the wildlands at Myrtle Point.

Commissioner Loffler pointed out that Myrtle Point project went through the appropriate county processes and questioned some of the comments made during the presentation. He suggested to the PRA members that in order to have the Commissioners consider the request, they must present factual evidence including information from Recreation and Parks concerning park land and the golf course.

In conclusion the Commissioners thanked the PRA representatives for their presentation.

**SCHOOL BUS DRIVER DRUG TESTING POLICY**

Present: Jim Haley, Procurement Officer  
Mary Duke, Adm. Support Services  
Joe Nicewarner, Supervisor, Transportation

In compliance with U. S. Department of Transportation Rules and Regulations, the referenced individuals appeared before the Commissioners to present a policy for the drug testing of non-public school bus drivers, which must be implemented in the 1993-1994 school year. The policy which must be approved by the County Commissioners, includes four types of testing: pre-employment, random, post-accident, and reasonable cause. The testing will be for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the Non-Public School Bus Driver Drug Testing Policy as presented. Motion carried.

**DEPARTMENT OF RECREATION AND PARKS**

Present: Phil Rollins, Director, Recreation and Parks

1) **Proclamation - American Heart Walk**

The Commissioners presented a Proclamation recognizing October 2, 1993 as American Heart Walk Day in St. Mary's County.

2) **Program Open Space Grant Application  
Friends Of The Museum Property**

Mr. Rollins presented a Program Open Space Grant Application in the total amount of \$110,000 (70% - State Program Open Space - \$76,250; 30% - Local Program Open Space - \$33,750) to acquire two parcels totaling approximately 23 acres adjacent to the St. Clements Museum from the Friends of the Museum. The property will provide space for an expanded parking area, natural habitat for wildlife and natural area for passive recreation. One of the parcels includes a two-story house which will provide space for exhibit and gift shop materials, work space, office space for research, meeting space and classroom space for visiting school groups.

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

**ADJOURNMENT**

The meeting adjourned at 3:20 p.m.

Minutes Approved by Board of  
County Commissioners on 9/28/93

*Judith A. Spalding*  
Recording Secretary

7:00 P. M.

**JOINT MEETING  
BOARD OF COUNTY COMMISSIONERS/  
PLANNING COMMISSION/BOARD OF APPEALS**

The Commissioners attended a joint meeting with the Planning Commission and Board of Appeals at the Carter State Office Building.

