

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

**CALL TO ORDER**

The meeting was called to order at 10:05 a.m.

**APPROVAL OF MINUTES**

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

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Public Information Release  
County Government Offices (Holiday Schedule)**

The County Administrator presented a Public Information Release announcing that County Government Offices, other than essential services, will be closed on Friday, December 24 and Friday, December 31 in observance of Christmas and New Year's Day holidays.

2) **Baltimore Sun Article  
St. Mary's County**

Also Present: Judy Pedersen, Information Specialist

The County Administrator presented an article from the December 5 Baltimore Sun regarding growth and expansion of St. Mary's County as it relates to the base alignment and stated that it presented an unfavorable image of St. Mary's County. Mrs. Pedersen presented a letter to the Business Editor inviting the reporter to return to the County for a tour of the County in order to better reflect the real image of the County. She stated that she has spoken with the reporter and he was agreeable to a return visit.

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

3) **Southern Maryland Wood Treatment Plant  
Environmental Protection Agency Meeting**

Also Present: Judy Pedersen, Information Specialist

The County Administrator advised that at the last Southern Maryland Wood Treatment Task Force meeting a very informative presentation was made by the Environmental Protection Agency regarding the progress under the Emergency Removal Action at the Hollywood Superfund Site. He stated that Mrs. Pedersen had suggested that EPA make that presentation to the Commissioners at the January 4 Public Forum.

**Commissioner Thompson moved, seconded by Commissioner Bailey, to sign and forward a letter inviting EPA to make the slide presentation to the Commissioners on January 4. Motion carried.**

4) **Walden Counseling Center/St. Mary's Developmental Center  
Loan Agreements**

The County Administrator reminded the Commissioners of the presentation by the Director of Finance regarding the advance funding, because of emergency need, for three passenger type vans for Walden. He therefore, presented a proposed Loan Agreement indicating that the loan would be paid back to the County over a period of time with interest.

In addition County Administrator Cox presented a Loan Agreement with the St. Mary's Developmental Center for a loan of \$7300 to drill a new well because of problems with the well supplying water to the facility.

During discussion the Commissioners questioned language in the Agreements relative to the loan payback and interest rates.

Later in the meeting Mr. Wade appeared before the Commissioners to explain the language in the Agreements and pointed out that the interest rate charged would be the current rate of interest at the time of each payment and that each payment would be calculated.

**After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Loan Agreements for Walden and the Developmental Center as presented. Motion carried.**

5) **States Attorney - Request for Extension of Temporary Employment**

The County Administrator presented a memorandum dated December 21 from the Personnel Office advising that State's Attorney Dorsey is requesting the extension of David Bailey's temporary employment, as Special Investigator, for three additional months (through April 1, 1994). The request is based on the move to the Guyther Building and the heavy court scheduled for December and January.

**Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the request as presented. Motion carried.**

6) **Thiokol Corporation - Letter of Commendation**

As a follow up to last week's presentation and public meeting regarding proposed remedial efforts at the Friendship School property, the County Administrator presented correspondence addressed to Mr. David Burroughs, Project Leader of the Thiokol clean up project. The letter commends him and Thiokol for efforts made in continuously and effectively keeping the community informed relative to this project.

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

7) **Sewage Sludge Utilization Permit Application**

The County Administrator advised that MDE has notified the County that the company that was going to do the sewage sludge land application on the Swarey and Hertzler properties has been purchased by another company. The return letter indicates that although there is a new opportunity to review the application, the County will continue to not exercise its right to request a public informational meeting/hearing.

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

8) **Response Letter (Vernon Gray)  
Land Application of Sludge**

In response to November 29 correspondence from Vernon Gray, the County Administrator presented a letter addressing his comments and recommendations relative to the land application of sludge.

**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 stating he was opposed to the paragraph indicating that it was inappropriate for the County to adopt a policy to discourage the use of sludge.**

9) **Budget Amendment No. 94-38  
Department of Economic & Community Development**

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with justification as indicated: Printing of County Visitors' Guide needed due to outreach to Trenton and Warminster Navy employees (\$2,249)

**Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign Budget Amendment as presented. Motion carried.**

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

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

<u>Metropolitan Commission</u>	<u>Terms to Expire</u>
William J. (Billy) Fitzgerald (Reappt.)	12/31/96
<u>St. Mary's Interagency Children's Committee</u>	
Janet Kellam (Reappt.)	12/31/96
Nancy H. Klentzman	12/31/95/98
<u>Tri-County Youth Services Bureau</u>	
Diane T. Shoemaker (Reappt.)	12/31/95
<u>Wicomico Recreation Complex</u>	
James M. Banagan (Reappt.)	12/31/97
H. Harold Bishop (Reappt.)	12/31/97

**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT  
 CHILD DAY CARE GRANT CLOSEOUT**

Present: Aleck Loker, Director, DECD  
 Nancy Hutson, Loan Officer, DECD

The referenced individuals appeared before the Commissioners to present the 1987 Close Out Grant for the Sunshine Child Day Care Center located on the St. Mary's Hospital grounds. Mrs. Hutson noted the success of the project and advised that it is in its third year of operation.

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

**COUNTY COMMISSIONERS**

**Undesignated Fund Balance**

Also Present: Charles Wade, Director of Finance

As a follow up to previous discussions relative to the use of the Undesignated Fund Balance, Commissioner Bailey moved, seconded by Commissioner Jarboe, that there not be a Supplemental Budget and to direct staff to include the following in the preparation of the Fiscal Year 1995 Budget:

o	3.5% COLA - County Employees, Library, Tri-County Council (7/1/94)	\$ 568,677
o	1.5% COLA - Teachers	660,000
o	Property Tax Reduction - \$.08	<u>\$1,115,684</u>
	<b>Total</b>	<b>\$2,344,361</b>
	Funds Available for FY '95 Budget Decisions	\$3,255,639

During discussion of the motion, Commissioner Lancaster submitted the following counter proposal, which included a Supplemental Budget for the Board's consideration:

o	3.5% COLA - County Employees, Library, Tri-County Council (1/1/94)	<b>FY '94</b> \$284,039	<b>FY '95</b> \$ 568,677
o	1.5% COLA - Teachers	330,000	660,000
o	Two Days - Bd/Ed	466,500	466,500
o	Property Tax Reduction (\$.04)		557,824
o	Computers - Bd/Ed*		
	<b>Total</b>	<u>\$1,080,539</u>	<u>\$2,253,001</u>
	Forecast Available		\$5,600,000
	Net New Money for FY '95		\$2,266,460

\*The computer proposal for the Board of Education should be resolved during the FY '95 budget process. Mr. Lancaster is committed to the amount necessary to reasonably respond to this demonstrated need.

During further discussion the following points were made relative to the referenced proposals:

- o Commissioner Loffler indicated he supported Commissioner Bailey's proposal and indicated that there were other requests for funds from the Undesignated Fund Balance and that staff should review those requests for possible inclusion in the FY '95 budget.
- o Commissioner Thompson expressed support for Commissioner Bailey's proposal, but indicated she was hesitant to rule out a supplemental budget stating that the Commissioners should address some of the requests from other departments that would not be recurring expenses (e.g., library books). Commissioner Bailey suggested that those departments should look within their budgets for required funding.
- o Mr. Wade pointed out that he believed that the Sheriff's Department and the Department of Public Works had funds available in their FY '94 budgets for their requested items.
- o Commissioner Jarboe expressed support of Commissioner Bailey's proposal but suggested that staff look at reducing a combination of taxes (piggyback and property), rather than just the property tax rate.
- o Commissioner Loffler suggested that the Deputy Director of Finance position be consider in FY '94

**A vote was taken on the motion. Motion carried four to one with Commissioner Lancaster voting against stating he was only voting against not having a supplemental budget.**

In closing Commissioner Loffler requested Mr. Wade to prepare a review of the FY '94 budget to determine if there are fund shortages or excess, do an analysis of budget amendments, and a list of positions that had been supplemented since July 1 or have not been filled.

#### **EXECUTIVE SESSION**

Commissioner Bailey moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss a matter of Personnel (Recreation and Parks), as provided in Article 24, Section 4-210(a)1. 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  
Phil Rollins, Director, R & P  
Charles Wade, Director of Finance  
Judith A. Spalding Recording Secretary

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

Topic: Personnel - Recreation and Parks

Time Held: 11:35 a.m. - 12:10 p.m.

Action Taken: Mr. Rollins presented information relative to the contract for the Wicomico Golf Course Manager. The Commissioners indicated concurrence and recommended that Mr. Rollins work with procurement to finalize the contract.

**Property Acquisition - MedEvac**

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  
Dan Ichniowski, Director, Department of Public Works  
Charles Wade, Director of Finance  
Dave Seeman, Chair, Airport Commission  
Steve Bildman, FBO, St. Mary's County Airport  
Randy Radeacker, Airpark Sales and Service  
Judith A. Spalding Recording Secretary

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

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

Time Held: 12:10 p.m. - 12:45 p.m.

Action Taken: The referenced individuals discussed the proposed location of the MedEvac facility, and the Commissioners recommended that the Airport Commission and FBO continue to work on the lease arrangements while the State completes its study.

**DEPARTMENT OF PLANNING AND ZONING**

Present: Jon Grimm, Director, Planning and Zoning

1) **Request for Postponement of Hearing  
Hanover Point Growth Allocation**

Mr. Grimm advised that Mr. Oliver Guyther, attorney for the opponents to the referenced Hanover Point project, had, by letter dated December 15, requested a postponement of the January 11 growth allocation public hearing. Therefore, Mr. Grimm presented a response letter indicating that Mr. Guyther may request a continuation at the beginning of the hearing on January 11 if he is still unprepared at that time.

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

2) **Comprehensive Water and Sewer Plan Review**

Also Present: Jeff Jackman, Senior Planner  
Carin Terry, Recording Secretary.

Notice of Public Hearing was publicized in the December 1, 1993 and December 8, 1993 issues of the Enterprise Newspaper.

**Case 86-1651 - St. Andrew's Landfill Leachate Pretreatment Facility**

Mr. Grimm reviewed the project and stated that the staff recommended approval. He also noted that the Planning Commission recommended approval.

Commissioner Lancaster opened the meeting for public comment, hearing none, moved to the next case.

**Case 89-1441 - Bay Forest**

Mr. Grimm stated that the staff recommends disapproval because it does not comply with the comprehensive plan or the policies for public sewer service in the rural preservation district that is in the water and sewer plan. Mr. Grimm went on to explain that the current water and sewage plan states that only abutting properties that are of record would be allowed to tap into it. Our finding is that this is not an abutting property, while they are lots of record, they are being requested to be provided public sewer service, they are not adjacent to or abutting the facility as the policy in the comprehensive water and sewer plan calls for, we also believe it is not in compliance with the policies for sewer service to the rural area under the comprehensive land use plan. Therefore, Staff recommends disapproval. Mr. Grimm went on to say that the Planning Commission also recommends disapproval.

Commissioner Lancaster opened the meeting for public comment. Mr. Day asked to be heard. Mr. Day wanted to point out three existing issues of importance. These issues being (a) the existing systems will not pass today's standards, (b) there is a severe erosion problem on Bay Front lots, and this project would allow economy to solve erosion, and (c) the applicant will size the sewage line appropriately to feed further development.

Mr. Pyles, a property owner in Bay Forest, expressed his concern. He stated that his property has lost 28 feet due to erosion in the last 4 years. He also stated that at \$100 per foot of bulkhead, he would be willing to set up an escrow account for the correction of this continuing problem. Mrs. Guazzo of the Planning Commission also expressed concern about this project. She stated that the Planning Commission minutes were not available and that the Commissioners should be able to have access to their in depth discussions on this project. She also stated that this property was purchased after the regulations were set up, and that the size of the property was over 300 acres and that it extends to Route 235. She went on to say that the proposed line was 2 miles off of the sewer line. Mrs. Cofer, a COMPLAN member, also stated her concern on the plan being reniged. Mr. Day stated that the bank drops off 6 feet, and that he had obtained a permit to build a bulkhead from the state.

**Case 91-1717 - Hanover Point**

Mr. Grimm reviewed the project and stated that the Staff recommended disapproval. He also noted that the Planning Commission recommended disapproval.

Commissioner Lancaster opened the meeting for public comment. Mr. Guyther asked the Commissioners not to tie their recommendation with the Growth Allocation Plan or the sewer/water ownership. Mr. Mehaffey entered into record as Exhibit #1, a memo dated April 2, 1993 from Mr. Grimm to the County Commissioners. Mrs. Gehrig, property owner in Hanover Run, stated that she had at one time asked to be connected to the line and was turned down. She went on to say that property owners at Hanover Run do not anticipate additional growth. Mr. Anderson, Planning Commission member, stated that the Planning Commission meeting's minutes would reflect the Commissioners feelings on the Growth Allocation. Commissioner Thompson stated, after reading the Exhibit #1 memo, the key to the issue was ownership. Mrs. Cofer commended the attendance of the Planning Commission members. Mr. Guyther asked for a postponement of the Growth Allocation due to the fact that he will be out of the country. Mr. Grimm stated that it had already been advertised. Mr. Guyther stated that he would pay for the advertisement.

**Case 93-1244 - Timber Lakes**

Mr. Grimm reviewed the project and stated Staff recommended disapproval as requested; however, if revised, staff could support approval in part. He also noted that the Planning Commission by a split vote, recommended approval.

Commissioner Lancaster opened the meeting for public comment. Mr. Day gave a presentation of the project, including the design and content. Commissioner Thompson asked if the request was pre-mature. Mr. Day replied that they are following the precess prescribed in the

Comprehensive Water and Sewer Program. Mrs. Guazzo stated that the Planning Commission members had a split decision on this and that this was the only one this year. She requested to have a workshop with the County Commissioners for a project of this large size. She asked the Board to please consider her request. Mr. Anderson, Planning Commission member, agreed with Mrs. Guazzo. He stated his concern with zoning and COMPLAN changes. He continued to say that the COMPLAN should not be amended. Mrs. Cofer entered into record as Exhibit #2, a letter dated December 10, 1993, from Friends of the Chesapeake to the County Commissioners.

**Case 93-1193 - Lumpkins Subdivision**

**Case 93-1541 - Ned Wilson Property**

**Case 93-1541 - Charles Wilson Property**

**Remainder of Clarke Road**

Mr. Grimm reviewed the projects and stated that the Staff recommended approval. He also noted that the Planning Commission recommended approval.

Commissioner Lancaster opened the meeting for public comment. Mr. Norris on behalf of The Wilson's, stated that they would be willing to size the sewer line to accommodate future growth. Mr. Evans stated his approval for the projects. He also stated that there were other property owners that feel the same way. Mr. Bowes entered for the record as Exhibit #3, a statement, signed by 8 out of the 12 property owners, asking for the disapproval of the Remainder of Clarke Road. Mr. Bowes also entered for the record as Exhibit #4, a written statement of one of the property owners dated December 20, 1993. He went on to say that the sewer installation would be detrimental to the Bay water quality, and it would cause financial hardship on the elderly who live on Clarke Road. Mr. Paul stated that the Lumpkins request is individual. Mr. Bowes stated that this would have a negative impact on land quality.

**Additional Service Area for the Charlotte Hall Water Line**

Mr. Grimm reviewed the project and stated that the Staff recommended approval. He also noted that the Planning Commission recommended approval.

Commissioner Lancaster opened the meeting for public comment. Mr. Bowes stated his concern on the increased amount of sewage treatment systems, he feels that the project would just create more treated waste to be dumped into the Bay. Mr. Bowes feels that we need to look for other alternatives.

The record will remain open for written comment until December 31, 1993.

**ADJOURNMENT**

The meeting adjourned at 12:45 p.m.

**Minutes Approved by Board of  
County Commissioners on 12/28/93**

*Judith A. Spalding*  
**Recording Secretary**