

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
FEBRUARY 22, 1994**

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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

BUSINESS BREAKFAST

Prior to beginning the regular meeting, the Commissioners participated in a business breakfast at The Roost in Lexington Park.

CALL TO ORDER

The meeting was called to order at 10:00 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, February 15, 1994. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Board of Education - Grant Awards**

In response to February 14 correspondence from Superintendent Kozlovsky, the County Administrator presented a letter to the Board of Education approving the inclusion of grant awards for "Schools for Success" totaling \$2,289 and "Bright Futures" totaling \$13,500 in the BOE's Fiscal Year 1994 Budget.

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

2) **National Association of Counties Achievement Award Application
Tubman-Douglass Child Day Care and Training Institute**

The County Administrator advised that applications were solicited from county agencies and departments for the National Association of Counties Achievement Award. An application was received from the Community Development Corporation submitting the Tubman-Douglass Child Day Care and Training Institute for consideration.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve submission of the referenced project as presented. Motion carried.

3) **Personnel**
Landfill Maintenance Workers (2)

The County Administrator reminded the Board of its approval for the creation of new landfill positions to support the county's recycling program. The Personnel Officer classified these positions at Grade 11 and by memorandum dated February 22 requested authorization to advertise the two Landfill Maintenance Worker positions.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the advertisement of the positions as requested. Motion carried.

4) **Property Transfer**
Hollywood Elementary School Transaction

Relative to the transfer of property for the new Hollywood Elementary School, the County Administrator advised that the negotiations for the inclusion of certain parcels in Esperanza have now been completed. Therefore, Mr. Cox presented a Deed among the Board of Education of St. Mary's County, the Board of County Commissioners of St. Mary's County and Mark G. Dillow conveying the four parcels to Mark G. Dillow. The Deed has been approved by the Board of Education.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Deed as presented. Motion carried three to two with Commissioners Bailey and Jarboe voting against stating that they did not believe the appropriate appraisal process had been followed.

5) **Sludge Utilization Permit Application**

The County Administrator presented correspondence addressed to the Maryland Department of Environment advising that the County will not exercise its right for a hearing/meeting relative to the Sewage Sludge Permit Application for the application of sewage sludge on the Joseph Knott Property on Flat Iron Road (Mine site). The letter further reiterates the County's ongoing concern over environmental safety and land records notification.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the letter as presented. Motion carried four to one with Commissioner Jarboe voting against.

6) **Budget Amendments**

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

No. 94-53

Public Works

To provide additional funding for storm related costs--overtime, materials, and rental equipment (\$185,000)

No. 94-54

State's Attorney

To provide funding for testimony costs (\$5,000)

No. 94-55

To provide funding for storm related costs--overtime, supplies, ADC Generator Repair, Roof Repair, Ceiling and Wall Interior Repair (\$46,500)

No. 94-56

Recreation and Parks

To provide funding for storm related over time (\$5,500)

No. 94-57

County Commissioners

To provide funding for land acquisition (Skipjack Inn) (\$15,000)

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

7) **Appointments
Boards, Committees, Commissions**

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

Adult Public Guardianship Review Board

Terms To Expire

Kimberly D. Gscheidle	12/31/97
Tom Stokol	12/31/97

Cable Advisory Committee

James M. Davis	12/31/94/97
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Lexington Park Planning Task Force

Louis Curry	NO TERM
Robert R. Gabrelcik	NO TERM
Elfreda Mathis	NO TERM
Rachelle Millison	NO TERM
Larry Petty	NO TERM
Linda Rivera	NO TERM
Tom Watts	NO TERM

Noxious Weed Control Committee

Leonard Mattingly	NO TERM
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Southern Maryland RC&D Board

Lawrence D. Jarboe	3/1/97
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8) **Letter of Appreciation**

The County Administrator presented correspondence addressed to Emergency Response Personnel expressing gratitude for a job well done during the recent winter storm.

In addition to the referenced letter the Commissioners requested that a letter of appreciation be placed in the local newspaper to all the organizations and volunteers who assisted St. Mary's County during the storm.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Maryland Route 5
(Camp Brown Road to Point Lookout)**

Also Present: Neal Pedersen, State Highway Administration
Ken Shank, Department of Natural Resources
Keith Frere, Manager, Point Lookout State Park

Mr. Ichniowski reported to the Commissioners that the referenced road improvement project has been included in the State's Highway Improvement Program. Because of issues raised by staff and citizens regarding the improvements including whether the road will be made wide enough to accommodate bikers and hikers, representatives of SHA and DNR agreed to come before the Commissioners to explain the project.

Mr. Pedersen discussed the project planning process and indicated that SHA must meet a number of federal and state legal requirements relative to environmental impacts. The basic process is underway, which is the obtaining of environmental inventory information (wetlands, habitats, and forest land). With regard to the issue of bikers and hikers, Mr. Pedersen indicated that SHA will have to determine whether to do full width shoulders or "something less." Because of right-of-way constraints, full shoulders may be difficult to attain. He stated that thought has been given to using the old railroad right-of-way bed for a bike/hike trail. Mr. Pedersen indicated SHA's willingness to work with DNR and the County regarding this issue and stated that ISTEA (Intermodal Surface Transportation Efficiency Act) funds may be available for this type of enhancement program. Use of these funds would require a project sponsor with 50% of the funding to come from the sponsor.

Once alternatives are developed for the Route 5 improvement project, Mr. Pedersen stated that the project will go through a public meeting process for the presentation of all alternatives and related costs. After the public meetings, SHA will prepare an environmental document on the most feasible alternative.

In connection with needed improvements to Route 5, Mr. Shanks reviewed planned park improvements which include enhancements to the existing comfort stations, day use areas and Fort Lincoln park area. Relative to plans for expansion using the former Jacobs property, preliminary environmental assessments have been done which indicate there would be limitations because of woodlands and wetlands. Concerning the bike/hike trail on the old railroad right-of-way bed in the park, Mr. Shanks pointed out that there are issues regarding wetlands, forest conservation, and private ownership of the road bed.

During discussion of the traffic on Route 5 going to Point Lookout, Mr. Frere distributed a handout setting forth the number of vehicles and visitors to Point Lookout which have been increasing each year. Mr. Shanks pointed out that improvements to the park would probably result in additional visitors.

In closing Commissioner Loffler indicated the County's willingness to work together to resolve the issues and emphasized the importance looking at the human safety aspects as well as environmental aspects of the project.

Mr. Pedersen concluded the presentation stating that the County has the State's commitment to move forward on the road improvement project as expeditiously as possible.

2) **Indian Bridge Road**

Also Present: Janet McKegg, Director, Natural Heritage
Robert A. Bachman, Director, Fish, Heritage and Wildlife Adm.

At the invitation of the County Commissioners the referenced individuals appeared before the Commissioners to discuss the Indian Bridge Road project. Mr. Ichniowski advised that the County has planned the project since 1986 and had entered into an Easement Agreement with the State for use of the parkland for the roadway. During the review process the State informed the County of the project's threat to the endangered narrow mouth toad.

Mr. Bachman explained DNR's position relative to the state-endangered toad and the mandates under the Endangered Species Act which requires any agency to take no action that would jeopardize the continued existence of an endangered species. The State has determined that the toad exists in six locations in the County two of which is the vicinity of the proposed Indian Bridge Road widening project. He pointed out that the toad burrows itself underground and makes very rare appearances, the last being 1986.

During discussion of the locations and prevalence of the toad, Ms. McKegg noted that the species is common in other parts of the United States

During his presentation, Mr. Bachman indicated that the State is open to any suggestions for alternatives regarding the road project. One alternative would be a study at a cost and time that would be negotiated where parameters would be established and the following determined: (1) there are no longer any toads in the area, therefore the road project would not jeopardize the existence of the toad; or (2) there are sufficient numbers of toads away from the road project so that the road plans would not jeopardize existence of the toad. However, if it is determined the toad exists along the roadway, it would bring the situation back to "square one."

The Commissioners discussed the safety factors relative to Indian Bridge Road, and Commissioner Loffler stated that the public safety issue far outweighs the habitat issue.

Mr. Bachman indicated that he would inform Dr. Brown, Secretary of the Department of Natural Resources, of the Commissioners' concern for safety, and he will have to make the determination regarding this issue.

After discussion the Commissioners requested Mr. Bachman to have DNR submit legislation addressing the endangered species issue (the narrow mouth toad) and to keep the Commissioners informed.

TRIBUTARY STRATEGIES PROGRAM MARYLAND'S CHESAPEAKE BAY PARTNERSHIP AGREEMENT

Present: Jon Grimm, Director, Planning and Zoning
Mary Owens, DPZ
Nick Carter, Department of Natural Resources

As a follow up to the signing of the Maryland's Chesapeake Bay Partnership Agreement which set forth the County's commitment to develop tributary strategies, Mr. Carter appeared before the Commissioners to present an overview of the Strategies Program.

Mr. Carter advised that as a result of an EPA study, it was determined that there were serious problems in the Chesapeake Bay, specifically plant nutrients (nitrogen and phosphorus), which overstimulates the algae growth. Excess nutrients from agricultural and residential land and waste water have contributed to the decline. Factors leading the drive to improve the health

of the bay included the loss of oysters, fish and crabs and other Bay life. One of the key goals of the Agreement is a 40% reduction of nutrients entering the Bay by the year 2000. By way of charts, Mr. Carter explained the method of determining proportionate responsibility for each jurisdiction which is based on the number of acres and percentages the tributaries are in the County.

During discussion of the clean up Mr. Carter presented a list of options to achieve the 40% nutrient reduction. Options include Improved sewage treatment plants, sediment control programs, nutrient management program, leaving and planting of trees, cluster development, conservation management, cover crops, etc.

In conclusion the Commissioners thanked Mr. Carter for his presentation and requested to be kept informed regarding the Tributary Strategies Program.

COMMUNITY COLLEGE BUILDING COMMITTEE (STATUS REPORT)

Present: Elizabeth Dufresne, Chair
George Bailey
Gay Scott Boecker
Ed Fitzgerald
Charlotte Young
Jane Sypher, Assistant Dean
Dan Ichniowski, Director, Public Works
Charles Boyles, Project Manager
Pearse O'Doherty, Landscape Architect
Community College Board members and County Staff

The referenced individuals appeared before the Commissioners to present a status report relative to the new community college to be located at the Academy/Rose Hill property in Leonardtown. Mrs. Dufresne reported that the State had approved the site in July, approved the architectural firm in December, and included funding in the Governor's budget. The Building Committee has met several times reviewing the Master Plan and schematic drawings for the new college site and on February 17 recommended approval of the Plan and drawings by the Board of County Commissioners.

Mr. Ichniowski explained that the process requires approval of the Master Plan and schematic drawings by the Community College Board of Trustees and the State after which the County can proceed with the other phases of the project.

Mr. Boyles explained the various aspects of the project pointing out that the feasibility study was used as a guideline. He advised that during the planning process, the Building Committee agreed to the following: to demolish the existing dormitory and smaller building; and to not put any significant additions to the original building, but to focus on improving the structure. Mr. Boyles displayed the schematic drawings and pointed out the areas that will be made handicap accessible in the current building and described the layout of the proposed new building.

Mr. O'Doherty described the landscaping, parking areas, and entrance. Discussion ensued regarding the need for adequate parking and that consideration should be given to an entrance off of Route 5.

After discussion Mrs. Dufresne presented correspondence from the Community College Building Oversight Committee indicating the Board has reviewed the master plan and schematic drawings and recommending the Commissioners' approval and submission to the Board of Trustees for the Community College. She also presented correspondence for the Commissioners' signatures addressed to the Board of Trustees recommending that the Trustees forward the Plan and drawings to the State for its review and concurrence.

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

EXECUTIVE SESSION

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Litigation (St. Mary's County Airport), as provided in Article 24, Section 4-210(a)8. Motion carried.

Litigation - St. Mary's County Airport

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
Joseph Densford, County Attorney
Ed Clarke, Piper & Marbury
Stuart Diana, "
William McHugh, Consultant
Dave Seeman, Chair, Airport Commission
Glenn Gardiner, "
William D. McGarity, "
John Pleisse, "
Peter Weiskopf, "
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)
Time Held: 3:00 p.m. - 4:15 p.m.

Action Taken: The Commissioners reviewed the status of the airport litigation and proposed rules and minimum standards for the operation of the St. Mary's County Airport.

FISCAL YEAR 1995 CAPITAL BUDGET

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
Marty Jones, Budget Analyst

Mr. Wade distributed a Summary relative to the Fiscal Year 1995 Capital Budget and advised that request total \$26,348,138. He indicated that staff has recommended the Capital Budget at \$16,822,138 based on revenues from federal/state and county sources (including impact fees, transfer tax, and bond proceeds). In addition Mr. Wade distributed a list of the requests and a list of projects recommended to be funded.

The Commissioners agreed to review the information and will discuss the Capital Budget in greater detail at next week's meeting (March 1).

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

Minutes Approved by Board of
County Commissioners on 3/1/94
Judith A. Spalding
Recording Secretary