

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**APRIL 26, 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

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

**BUSINESS BREAKFAST**

Prior to beginning the regular part of the meeting the Commissioners conducted a business breakfast meeting at the Halfway House.

**CALL TO ORDER**

The meeting was called to order at 9:35 a.m.

**APPROVAL OF MINUTES**

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, April 19, 1994. Motion carried.

**APPROVAL OF BILLS**

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

**BOARD FOR THE COMMUNITY COLLEGE AT ST. MARY'S  
ANNUAL REPORT**

**Present:** Elizabeth Dufresne, Chair  
George Bailey, Member  
Gay Boecker, "  
Charlotte Young, "  
John Sine, President, Charles County Community College  
Elaine Ryan, Dean, "  
Jane Sypher, Assistant Dean

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report of the Board for the Community College at St. Mary's. Mrs. Dufresne reviewed significant activities of the past year (interview process for potential members, meetings relative to the new campus, meetings and activities of the building committee, review of tuition and fee structure); problems and challenges (increased demand for technology and economic development programs, importance of having resources available and adequate funding to provide those resources); and plans for the current year (pursue funding for the new campus, develop new courses to meet changing society). The report included charts relative to enrollment by curriculum, gender, degree, and by county.

During the presentation Dr. Sine noted the decrease in the amount of state aid for community colleges which created a need for increase in tuition. Because of a re-review of its budget the Board of Trustees recommended a \$6 increase in tuition rather than an \$8 increase. Dr. Sine noted the high quality of the community college which was affirmed by the recent state accreditation.



During discussion of the new campus to be constructed in Leonardtown, Commissioner Loffler requested the Board to bring any concerns or problems relative to this project to the attention of the County Commissioners.

A copy of the report is on file in the Commissioners' Office.

### **SOCIAL SERVICES BOARD ANNUAL REPORT**

Present: Ella May Russell, Director  
Helen Daugherty, Member

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report of the Social Services Board. Mrs. Russell reviewed activities of Social Services for the past year which included implementation of an automated system which required training for staff. In addition Mrs. Russell reported on the various community activities (work experience placements for Project Independence, participation in the Family Self-Sufficiency Program, hosting of a Southern Maryland Caregiver Conference); agency activities (Total Quality Management Program, Welfare restructuring, electronic benefit transfer system); family services; child welfare programs; child support services; and adult services.

A copy of the report is on file in the Commissioners' Office.

### **MARYLAND FOREST SERVICE ICE STORM DAMAGE REPORT**

Present: Will Williams, Forest Ranger, Maryland Forest Service  
Bob Hartlove, Fire Manager, "

The referenced individuals appeared before the Commissioners to report on the damage to forests in the Southern Maryland area as a result of the February ice storm which created fire hazards in the region. Mr. Williams advised that Forest Service representatives met with various agencies and groups to provide awareness of the fire hazards caused by debris from the tree damage.

Mr. Hartlove indicated that the accumulation of tree debris in the woods created three to four times the normal amount of fire build up and the Forest Service was concerned about arson and accidental fires particularly around residential areas. He advised that efforts were also directed toward citizens through a campaign of radio announcements, public service announcements, newspaper articles to get them to clean up areas to reduce the risk of fire. Mr. Hartlove pointed out that it was helpful for the County to waive fees at the landfill for the deposit of the debris and also pointed out that DNR tightened up requirements for open air burning.

Mr. Hartlove reported that investigations are underway to determine if resources are available to help remove the hazards.

In conclusion the Commissioners thanked the Forest Service representatives for the report.

### **PROCLAMATION LIFE INSURANCE WEEK**

The Board of Commissioners presented a Proclamation designating the week of May 10-14, 1994 as Life Insurance Week.



### 100-DAY SICK LEAVE CLUB

The Commissioners presented Sick Leave Certificates to the following county employees who have accumulated 100, 200 and 300 days of unused sick leave:

| <u>100 Days</u>     | <u>200 Days</u>          | <u>300 Days</u> |
|---------------------|--------------------------|-----------------|
| Bernard A. Alvey    | Robert B. Norris.        | Mary Lou Norris |
| Louis F. Burris III | Mary T. Toney            |                 |
| Laura E. Clarke     | Joseph A. Saunders, Jr.  |                 |
| John S. Hewitt, Jr  | Dorothy P. Yates         |                 |
| Mary C. Hickson     | Stanley J. Williams, Jr. |                 |
| John D. Horne       |                          |                 |

### DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director  
Peggy Childs, Recording Secretary

#### 1) Grandfathering

Mr. Grimm provided, by his memorandum of 4/21/94, background material and a chronology of events which summarizes the grandfathering deliberations since 8/1/90. He said he is prepared, with the County Commissioners' direction, to move forward to public hearing with the Planning Commission's recommendation or some modified version of the proposal; what he does not want to do is lose the work put forward to date, which resulted in proposed Section 48.07. If the Commissioners wish additional information on the individual projects, staff can do that either at a public hearing or prior to it, or we can request the individual project developers to submit information.

Commissioner Loffler stated he thought we were going to look at the individual projects, as submitted, and see if they pass the test of the proposed criteria. Mr. Grimm responded that he doesn't think they qualify under the proposal, which would allow a maximum of six months for plans approved under a previous ordinance to go to record. Commissioner Loffler said he does not think that is a reasonable amount of time in today's economy for bonding requirements to be met. Another question is whether the clock should start running as of 5/1/93 or as soon as the changes are adopted.

Mr. Grimm replied that is a County Commissioners' decision, and there is a legitimate argument for setting it at the time of the adoption and making it prospective only. He noted that also provided with the Commissioners' package were examples of timing from preliminary to final and from final to recordation, based on historical data, which the committee used in making the recommendations. Commissioner Loffler stated that 30% or better of the projects may have not be able to meet the six months deadline. Mr. Grimm responded that there is an extension process build into the proposal, as item #7, Requests for Extension.

Commissioner Loffler said he doesn't want to allow people to sit on projects forever, but the proposal needs to be broad enough in scope to allow normal processing. He said he has talked to bankers and they don't know what their new restrictions are going to be on the process for people to get bonding or letters of credit, and suggested 12 months for approved projects to go to record. Banks want everything current, which might mean new financial statements, and he said six months is a very short time in today's market. Most people think you just have to go to the Courthouse and file the plat, but there is a whole administrative process to go through before the plat is recorded; "extraordinary circumstances," "act of God," or "exceptional conditions only" is hard language for requests for exceptions, and the Commissioners are not involved. Commissioner Jarboe agreed regarding the six month limitation, when a request for an extension must be submitted 90 days from the six-month deadline.



Mr. Grimm stated he doesn't think 12 months is unreasonable if there is some rationale and the one-year isn't arbitrary, and he doesn't think there will be any significant opposition from the committee, because the boundaries they had explored were from 15 days to 3 years. But he asked that the Commissioners remember that the reason they asked the Planning Commission to look at this was because we were not happy with the strict application of Maryland case law. He said the Planning Commission and he, personally, felt that this proposal provides a reasonable relaxation of case law, and is a step in the direction to allow for building and development interests to have some reasonable protection of their project approvals, should things change in the local regulations.

Commissioner Thompson stated the problem was that we didn't have any criteria to apply to those projects, and she thinks it was appropriate for the committee to develop these rules. Now that we have the process, she said she would not be opposed to allow those few remaining projects to follow this criteria. She said she thinks the Commissioners have been generous but, even though the Commissioners were responsible to a degree because there wasn't any criteria, how much do they want to bend over backwards here? However, Commissioner Loffler stated that he sees a tightening of regulations without considering the changes by the lending institutions, and he thought the projects that have major investments should be sorted out and given the ability to be processed. Commissioner Jarboe was also concerned that the projects with investments in infrastructure be given a chance to be processed.

**Following further discussion, Commissioner Thompson moved that the Commissioners take Section 48.07 to public hearing, with 12 months for projects to go to record after final approval. The motion was seconded by Commissioner Lancaster and passed by a vote of 4-0. The proposal may be reviewed in conjunction with the Annual Zoning Ordinance review in late June.**

**Commissioner Thompson made a second motion that the Commissioner use the criteria in item #7 of Section 48.07 to consider the remaining projects on the list that have some investment in infrastructure on an individual basis; the review will be by the County Commissioners. The motion was seconded by Commissioner Jarboe and passed by a vote of 4-0. Mr. Grimm will contact the project developers, asking them to submit investment information and respond by three weeks from today, and will bring the information back to the Commissioners in four weeks.**

**ANNUAL REPORT  
NOXIOUS WEED COMMITTEE**

Present: Mark Smith, Weed Control, Department of Agriculture  
Aloysius Raley, Member

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report for the Noxious Weed Committee. Mr. Smith reviewed the costs and revenues generated by the program and indicated that the total amount of service in St. Mary's County was \$2622.78. By way of a slide presentation Mr. Smith identified the various types of noxious weeds including thistle, johnsongrass, and shattercane. He displayed pictures of various farms that had been infested with weeds and that have now been cleared and under control.

A copy of the report is on file in the Commissioners' Office.

**(Commissioner Bailey entered the meeting at 1:25 p.m.)**



**ANNUAL REPORT  
ETHICS COMMISSION**

Present: Serita McFarling, Chair  
John Gatton, Jr.  
Richard Portee  
Joe Densford, Attorney

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report of the Ethics Commission. Mrs. McFarling reviewed the Commission's membership, and activities (which included changes to the Ethics Ordinance, receipt and review of financial disclosures, and preparation of advisory opinions).

**ANNUAL REPORT  
COMMISSION ON AGING**

Present: Vivian Betton, Chair  
Norman Breslauer  
Viola Gardner  
Ella May Russell  
Gene Carter, Director, OOA

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report of the Commission on Aging. Ms. Betton reviewed the various programs of the Office on Aging and indicated that the COA was working toward getting the transportation and home delivered meal service more fiscally manageable. In addition she pointed out that the new Chancellors Run Activities Center may offer the Commission an opportunity to upgrade its economic position through the development of innovative programs for a larger segment of the community, particularly those in the 50 to 60 age range

A copy of the report is on file in the Commissioners' Office.

**ANNUAL REPORT  
NURSING CENTER BOARD**

Present: Wilmer Bowles, Chair  
Jerry Cheseldine  
Ella May Russell  
Jeffrey Lloyd, Director

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report for the Nursing Center Board. Mr. Bowles reviewed the Board's purpose and primary functions (which includes providing quality health care services for the sick and elderly). Significant activities of the past year included completion of the 64-bed expansion project and creation of a rehabilitative unit for short-term care. Problems and challenges include meeting the needs of the elderly and sick in light of the change in demographics and in health care regulations.

During discussion Mr. Bowles distributed a handout setting forth the expansion project debt service for the period July 1993 through July 1994. He pointed out that the Nursing Center was required to make payments even though it was not producing revenue. He indicated, however, that they anticipate being able to meet the July payment.

The Commissioners requested to be informed if they believe there will be a problem in making the payment.

A copy of the report is on file in the Commissioners' Office.



## COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

### 1) Personnel (Reclassifications)

As a follow up to the April 19 Executive Session, the County Administrator presented a memorandum dated April 26 from the Personnel Officer forwarding staff recommendations relative to reclassification requests for the Fiscal Year 1995 Budget. He advised that 57 requests were submitted and the staff has recommended the reclassification of the following five:

| <u>Department</u> | <u>Position Title</u> | <u>Recommended Grade</u> |
|-------------------|-----------------------|--------------------------|
| Circuit Court     | Secretary III         | 15                       |
|                   | Secretary III         | 15                       |
| State's Attorney  | Case Coordinator I    | 11                       |
|                   | Case Coordinator I    | 11                       |
| Office on Aging   | Typist Clerk I        | 11                       |

**After discussion Commissioner Thompson moved, seconded by Commissioner Bailey to approve the reclassifications as referenced. Motion carried.**

The memorandum indicated that two positions that have not been classified and have been included in the Fiscal Year 1995 Budget are Deputy Director (Finance Department) and Maintenance Mechanic IV (Public Works). The Commissioners will discuss this during the development of the FY '95 Budget.

### 2) Grants

The County Administrator presented the following grants for the Commissioners' review and approval:

#### Marcey Halfway House Fiscal Year 1995 Budget Request

Requesting \$181,327 from the Department of Health and Mental Hygiene (total budget is in the amount of \$225,327, with the balance to be received from client fees and fund raising).

As a follow up to last week's discussion the County Administrator noted that the cover letter to the State was amended to include a request to the state to reimburse the County for the loan to Marcey House for Fiscal Year 1994 in the amount of \$16,000.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign the grant application for Marcey House as presented. Motion carried.**

#### Section 8 Rental Set-Aside for the Homeless with Disabilities

Letter addressed to Maxine Saunders indicating the County Commissioners' support for the Section 8 Rental Voucher Set Aside Program for Homeless Persons with Disabilities being submitted by Pathways Psychosocial Support Services and the St. Mary's County Housing Authority.

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



**Waterway Improvement Grant Application**  
**Chaptico Wharf**

Application in the amount of \$25,000 (100% state funded) for repairs to the boat ramp, pier and bulkhead at Chaptico Wharf.

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

3) **Resolution No. Z94-02**  
**Road Name Change (Redmond Road to Deer Wood Park Drive)**

As a follow up to the March 29 public hearing and subsequent discussion, the County Administrator presented a Resolution renaming the portion of County Route 30247, from Md. Rte. 5 to the new 90-degree intersection of the road currently known as Redmond Road, including the extension to the new Section One Chestnut Hills Subdivision, to Deer Wood Park Drive.

**Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and sign Resolution No. Z94-02 as presented. Motion carried four to one with Commissioner Jarboe voting against stating he was concerned over the appropriateness of the procedures followed when the road was rebuilt by the developer and that he questioned whether there should be a determination of that appropriateness prior to the formal road renaming.**

County Administrator Cox advised that he had forwarded documents relative to the road over to the County Attorney for an opinion on the appropriateness of the procedures.

4) **Letter of Appreciation**  
**Motor Vehicle Administration Facility**

The County Administrator presented correspondence addressed to Secretary Lighthizer, Maryland Department of Transportation expressing gratitude for the opening of the Motor Vehicle Administration facility in Loveville.

5) **Response Letter**  
**Transfer Station Fees**

The County Administrator presented correspondence dated April 15 from Mr. Bob Boxwell relative to the proposed transfer station fees that have been included in the Recommended Budget. The return letter explains that the proposal was presented to recover costs associated with the trash disposed at the transfer stations, which is later placed in the landfill, and not the recyclable materials. The proposed fee should exclude the recycling activities at the transfer stations.

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

6) **Response Letter**  
**Recycling**

The County Administrator presented correspondence dated April 12 from Mr. Jay Norris Hanks relative to recycling. The return letter advised that his letter has been forwarded to the Solid Waste Advisory Committee for consideration during its recycling efforts.

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



7) **Resolution No. Z94-03  
Road Naming and Addressing Manual Amendments**

As a follow up to last week's discussion, the County Administrator presented Resolution No. amending the St. Mary's County Road Naming and Addressing Manual dated July 13, 1993 by incorporating the guidelines for naming and renaming roads.

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

8) **Selection of Auditor, Bond Financial Advisory, Bond Legal Advisor**

Also Present: Charles Wade, Director of Finance

The County Administrator presented a memorandum dated April 22 from the Procurement Officer advising that the source selection has been completed for county auditing services by the evaluation committee. Proposals were received from Bridgett, Mock and Associates; Cox, Long and Askey; and Reznick, Fedder and Silverman. The committee has indicated that Cox, Long and Askey has submitted the most responsive proposal to perform the auditing services for the next three years at a cost of \$46,450 per year.

Mr. Wade recommended that the Commissioners accept the proposal from Cox, Long and Askey and further to appoint Piper & Marbury of Baltimore as Bond Counsel and the firm of Alex Brown & Sons of Baltimore as the County's Financial Advisor for Fiscal Year 1995.

**Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept the proposal from Cox, Long and Askey and to appoint Piper & Marbury as Bond Counsel and Alex Brown & Sons as Financial Advisor for Fiscal Year 1995. Motion carried.**

10) **"Buy Recycled" Training Seminar**

The County Administrator presented a request dated April 11, 1994 from Charles County Commissioners inviting St. Mary's County to join them in co-sponsoring a buying recycled training seminar for government agency buyers, non-profit agencies, and businesses in Southern Maryland. The cost for the Seminar, scheduled for May 6 at the Charles County Government Building, is \$150 per County.

**Commissioner Thompson moved, seconded by Commissioner Bailey, to sign and forward correspondence to the Charles County Commissioners indicating concurrence to co-sponsor the seminar as requested. Motion carried.**

11) **Budget Amendments**

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

**No. 94-72**  
**Social Services**  
Burial assistance (\$650)

**No. 94-73**  
**State's Attorney**  
Trial Expenses (\$5,000)

**Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign. Motion carried.**



12) **President Nixon Remembrance**

The County Administrator presented a memorandum addressed to all departments advising that President Clinton has proclaimed that flags be flown at half mast for thirty days as a sign of respect for the memory of former President Richard M. Nixon.

**Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the distribution of the memorandum as presented. Motion carried.**

4) **Appointments  
Tri-County Animal Shelter Advisory Board**

Commissioner Thompson moved, seconded by Commissioner Bailey, to make the following appointments to the Tri-County Animal Shelter Advisory Board: Rosalind Tyler and Mary V. Watson. Motion carried.

**BUDGET DISCUSSION  
BOARD OF EDUCATION**

Present: Robert Kirkley, Vice-President  
Jean Campbell  
Al Lacer  
Fred Wallace  
Joan Kozlovsky, Superintendent of Schools  
Elaine Kramer, Budget & Finance (Public Schools)

Relative to the development of the Fiscal Year 1995 Budget, the Commissioners, Board of Education and Public School staff discussed the following issues:

- o Funding of negotiated agreement (county funding is \$1M short of agreement);
- o Accountability by the Board of Education;
- o County's funding authority/obligations;
- o Increased federal aid funding;
- o Development of Board of Education budget by principals, teachers, parents and students;
- o Designation of priorities

The next meeting with the Board of Education is scheduled for Tuesday, May 10 at 1 p.m.

**(Commissioner Jarboe left the meeting - 4:10 p.m.)**

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **Redmond Road  
Road Alignment/Safety Issues**

As a follow up to a meeting with citizens of Redmond Road and the Commissioners tour on April 19, Mr. Ichniowski advised that some of the safety issues have been addressed (fencing of the sediment pond, sand pile removed, and a guarantee that the plantings in the island will remain low). Mr. Ichniowski indicated he was working with the developer on options to address the "S" curve realignment on Redmond Road. Another meeting will be scheduled with the citizens to keep them informed of the progress.



2) **Gross Lane**

Mr. Ichniowski indicated that the Commissioners in August of 1993 approved Resolution No. 93-33 officially closing and abandoning the public turning and parking area at the end of Gross Lane. He advised that the remaining issue was the disposition of that property. Both adjoining property owners, Robert A. Ballantine and Edward H. Long and Agnes G. Long, have expressed interest in obtaining half of the property. Mr. Ichniowski stated that the property will be surveyed and if the Commissioners concur the deeds will be prepared for the Commissioners' approval at a later meeting.

The Commissioners gave their concurrence to proceed to have the Deeds prepared.

3) **State Highway Construction Program  
Route 237 (Chancellors Run Road)**

Mr. Ichniowski presented correspondence addressed to Secretary Lighthizer, Maryland Department of Transportation requesting the inclusion of Route 237 (Chancellors Run Road) in the State's project list.

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

4) **Road Resolution No. 94-02  
Greenbrier Road**

Mr. Ichniowski presented the referenced Road Resolution posting Greenbrier Road at 25 miles per hour.

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

5) **Addendum to Public Works Agreement  
Summerwood Subdivision, Section 2**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Wayne Wise and Board of County Commissioners extending the deadline for completion of improvements to April 1, 1995. The Addendum is backed by a reduced Letter of Credit in the amount of \$35,000.

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

**CRIMINAL JUSTICE MEETING  
RECIDIVISM REPORT**

The Commissioners attended the regular Criminal Justice meeting and received the Recidivism Report from the participants.

**(Commissioner Jarboe returned to the meeting - 4:40 p.m.)**

**ADJOURNMENT**

The meeting adjourned at 5:20 p.m.



7:00 P. M.

**PUBLIC HEARING  
FISCAL YEAR 1995 RECOMMENDED BUDGET  
(ALL SPENDING UNITS)**

The Commissioners conducted a public hearing at the Leonardtown High School on the Fiscal Year Recommended Budget.

The hearing concluded at 9:00 p.m.

**Minutes Approved by Board of  
County Commissioners on 5/3/94**

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