

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JULY 5, 1994**

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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, June 28, 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) **St. Mary's County Airport
Response Letters**

Also Present: Joseph Densford, County Attorney

The County Administrator presented the following letters prepared by the County Attorney for the Commissioners' review and consideration:

- o To the law firm of Joyce & Jacobs in response to June 10 correspondence requesting interim self-fueling measures be approved for the Skydiving Center. The return letter indicates that the designation of a single self-fueling area is addressed in the proposed airport rules, which are anticipated to be adopted shortly.
- o to The Skydiving Center in response to June 28 correspondence requesting a meeting with the Commissioners to discuss issues raised relative to the State Fire Prevention Commission Appeal. The return letter indicates that the County has reviewed the various safety issues raised by the State Fire Marshals' approval to allow the Skydiving Center to hot refuel its aircraft at the airport, and it is the County position that this procedure is unsafe and in contradiction with the State Fire Code.

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

2) **Jefferson Island Shore Erosion Control Modification Agreement**

Also Present: Joseph Densford, County Attorney

The County Administrator advised that the County had entered into three Shore Erosion control Project Agreements with the Department of Natural Resources whereby the County guaranteed to DNR repayment of the loans borrowed by the Club for project construction costs. Because plans to upgrade its facilities in order to increase its membership, the Club has requested that four annual loan payments be deferred from Fiscal Year 1994 through Fiscal Year 1997. Outstanding balances are as follows: SEC28-75 - \$35,892; SEC29-84 - \$282,958.76; and SEC6-88 - \$242,880.

County Administrator Cox explained that the modification to the Shore Erosion Control Agreement requires approval by the State Board of Public Works and, therefore, indicated that approval of the concept of the modification was needed by the Commissioners. If the Board of Public Works approves the modification, the Commissioners would be required to sign a formal Agreement with the State and a deferral agreement with Jefferson Islands, Inc.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the concept of the modification to the Jefferson Island Shore Erosion Control Agreement, subject to approval by the Board of Public Works. Motion carried three to two with Commissioners Loffler and Thompson voting against stating they needed additional information and they believed the Club should make some portion payments (interest).

3) **Resolution No. 94-15
Human Relations Commission**

The County Administrator advised that the Board had requested legislation to transfer the authority for the Commission on Aging, Commission for Women, Human Relations Commission, and Recreation and Parks Board from the legislature to the Board of County Commissioners. The legislation was enacted by the Maryland General Assembly and signed by Governor Schaefer. Resolutions transferring this authority had previously been presented and approved for the Commission on Aging, Commission for Women, and the Recreation and Parks Board. Therefore, County Administrator Cox presented a Resolution, which has been reviewed and approved by the Commission on Human Relations Commission, effecting the transfer.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 94-15 transferring the authority for the St. Mary's County Commission on Human Relations from the Maryland General Assembly to the Board of County Commissioners. Motion carried.

4) **Waterway Improvement Grant Application
Public Boating Facilities**

On behalf of the Director of Recreation and Parks, the County Administrator presented a Waterway Improvement Fund Grant Application in the amount of \$5,000 for maintenance repairs to existing pier and ramp facilities throughout the County.

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

5) **Resolutions**
Road Name Changes

As a follow up to the May 31 public hearing and subsequent discussion, the County Administrator presented the following Resolutions for the Commissioners' consideration and approval:

Z94-04

Waldorf-Leonardtown Road, Point Lookout road, Washington Street, and Jefferson Street to Leonardtown Road

Z94-05

Waldorf-Leonardtown Road and Three Notch Road to Three Notch Road

Z94-06

Old Hollywood Road and Washington Street to Hollywood Road

Z94-07

Deep Falls Road to Budds Creek Road.

Z94-08

Budds Creek Road to Chaptico Road

Z94-09

Old Three Notch Road and Clarks Mill Road to Mervell Dean Road.

Z94-10

Sandgates Road to North Sandgates Road and South Sandgates Road.

Z94-11

Snow Hill Manor road to North Snow Hill Manor Road and South Snow Hill Manor Road.

Z94-12

Beauvue Road to Medley's Neck Road.

Z94-13

Beauvue Road, McKay's Beach Road and Larredore Road to Blake Creek Road.

Z94-14

McKay's Beach Road to McKay's Cove Road.

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

6) **Innovative and Alternative Sewage Disposal System**
Grant Agreement

The County Administrator presented an Agreement among Bruce Eanes, St. Mary's County Health Department, and the Department of the Environment for the installation of an Innovative and Alternative Sewage Disposal System on property owned by Bruce Eanes, Fourth Election District.

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

7) **Sewage Sludge Utilization Permit Application
Naval Air Warfare Center**

The County Administrator presented the county's standard correspondence addressed to the Maryland Department of Environment waiving the county's right for a public hearing/meeting on the sewage sludge utilization permit application for the Naval Air Warfare Center. The letter reiterated the Commissioners' ongoing concerns over environmental safety and land records notification.

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

8) **Community Development Administration - On Behalf of Program**

On behalf of the Department of Economic & Community Development, the County Administration presented correspondence addressed to the Community Development Administration transferring to CDA \$1,407,105 of its tax-exempt housing bond allocation for use in issuing housing bonds on behalf of St. Mary's County.

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

COMMUNITY HEALTH ADVISORY COMMITTEE

Present: Dr. William Marek, Health Officer
Christine Wray, Administrator, St. Mary's Hospital

The referenced individuals appeared before the Commissioners to recommend the establishment of a Community Health Advisory Committee. Dr. Marek advised that the Institute of Medicine conducted a nationwide study of the public health delivery system. The report concluded that government-operated public health systems were in disarray and needed attention in order to create a more uniform effort throughout the country and indicated that public and private health care providers need to work closely together to assure conditions in which people can be healthy.

Dr. Marek pointed out that the Health Department, as the representative of local government for health affairs, has three major functions for the community: assessment (determining health issues and needs); policy (developing specific objectives to meet the health needs); and assurance (providing follow-up procedures to make sure the policy is implemented and health care needs met). He advised that it was important to have citizen involvement in this process, and that APEX/PH (Assessment Protocol for Excellence in Public Health) has recommended the creation of a local Community Health Advisory Committee. In St. Mary's County the committee would provide the Board of Health (County Commissioners) with advice and recommendations to enhance the policy development function of the local governing body.

Therefore, Dr. Marek submitted a proposal for the establishment of the Committee, suggested membership representation, and the committee's purpose. He pointed out that the proposal did not require county funding.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the concept of the Community Health Advisory Committee. Motion carried.

County Administrator Cox advised that staff will work with Dr. Marek to prepare an establishing Resolution.

**OFFICE OF COMMUNITY SERVICES
CHILD CARE GRANT APPLICATION**

Present: Becky Stevens, Community Services Coordinator

Mrs. Stevens appeared before the Commissioners to present a proposal for Child Care Development Block Grant funds to be submitted to the Child Care Administration on behalf of the Southern Maryland Regional Child Care Consortium. She advised that the consortium was established to better address child care needs in the three counties in a coordinated manner. The total request for Fiscal Year 1995 is in the amount of \$69,168. The proposal contains five projects (St. Mary's County's project is a wrap-around kindergarten program at Dent Elementary School and an expanded Before and After School Child Care Center to be opened in one of three schools in the county).

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize commissioner Loffler to sign the Grant Proposal as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Buy Recycled Policy

Also Present: Bill Mattingly, Co-Chair, Solid Waste Committee
Dudley Lindsey, "

The referenced individuals appeared before the Commissioners to present proposed procedures for implementing a buy-recycled policy for county departments. Mr. Ichniowski reviewed the objectives of the policy which would result in county government using recycled content products and recyclable products and instill cooperation by county personnel. The proposal included Action Steps to ensure the success of the Policy including setting a goal of 25% of total dollars spent on paper products be used toward recycled content paper products.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, that it is the intent of the County Commissioners to move ahead with the Buy-Recycled Policy and that staff be instructed to accomplish the policy's goals. Motion carried.

2) Park and Ride Facility - Route 6

Mr. Ichniowski presented correspondence for the Commissioners' signatures addressed to the Department of Planning and Zoning requesting favorable consideration for the placement of a State Highway Administration Park and Ride facility at the Charlotte Hall Transfer Station site located on Md. Rte. 6. The site is on county-owned property adjacent to the transfer station and is consistent with the development master plan for the Charlotte Hall/New Market area.

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

**3) Easement Agreement
Miles Court, Sixth Election District**

Mr. Ichniowski presented an Easement Agreement between Board of County Commissioners and Southern Maryland Electric Cooperative providing SMECO with a 20 foot wide easement across the county right-of-way on Miles Court.

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

4) **Development Agreements**

Mr. Ichniowski presented the following documents for the Commissioners' consideration:

Miller Subdivision

Deed dated April 6, 1991 between R. e. Miller, Inc. and County Commissioners of St. Mary's County accepting Jacqueline Court into the County Highway Maintenance System.

Road Resolution No. R94-06 designating Jacqueline Court as a Stop Street at its intersection with Foley Mattingly Road.

Road Resolution No. R94-07 posting Jacqueline Court at 25 miles per hour.

West Amandiana Estates

Public Works Agreement dated June 24, 1994 between Joseph D. Weiner and St. Mary's County guaranteeing completion of Amanda Street by June 1, 1995. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$83,000.

Shamrock Glen Estates

Addendum to Public Works Agreement between William J. Fitzgerald and Board of County Commissioners of St. Mary's extending the deadline for completion of improvements to October 1, 1994. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$75,000.

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

Laurel Ridge Subdivision

Mr. Ichniowski advised that the Public Works Agreement for the referenced project expired July 1 and therefore presented two documents for the Commissioners' consideration:

Correspondence to Maryland Bank and Trust calling the Letter of Credit in the amount of \$265,800;

Addendum to Public Works Agreement extending the deadline for completion to December 1, 1994, backed by a letter of credit in the amount of \$265,800.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe to accept the Addendum to the Public Works Agreement extending the deadline for completion of improvements to December 1, 1994. Motion carried.

**REPORT ON DEPARTMENT OF TRANSPORTATION PUBLIC HEARING
MARYLAND ROUTE 235 IMPROVEMENTS**

Mr. Ichniowski advised that the Department of Transportation conducted a public hearing on Thursday, June 30 on the alternates for improvements to Md. Rte. 235 from Rte. 246 to Rte. 4. He stated that the main focus of comments from the audience was that the road should be made safer. The State has offered to make a presentation on the alternatives at a regular County Commissioner meeting, and Mr. Ichniowski indicated he would make the arrangements.

Commissioner Thompson pointed out that safety concerns were addressed at the public hearing, specifically, that speed limits were not being enforced.

Commissioner Thompson moved, seconded by Commissioner Bailey, that correspondence be prepared to Maryland State Police requesting the enforcement of speed limits and light signals. Motion carried.

CHANCELLOR'S RUN ACTIVITY CENTER

Present: Vivian Betton, Chair, Commission on Aging
Norman Breslauer "
Viola Gardner, "
Dan Ichniowski, Director, DPW

The referenced members of the Commission on Aging appeared before the Commissioners to express concern about the postponement of the opening of the Office on Aging's Chancellor's Run Activity Center. Mrs. Betton explained that over 600 invitations had been distributed for the program for the opening at which state and local officials were to attend and speak. She advised that the building has not passed inspections and there were a number of problems and deficiencies associated with the facility including a leaking roof.

The Commissioners directed Mr. Ichniowski to look into this situation and report back to the Commissioners later in the meeting.

Later in the meeting Director of Public Works, Ichniowski, and Mr. McGrath, Engineer, DPW, appeared before the Commissioners to report on the outstanding inspections, aspects of the contract, and the deficiencies. He pointed out that the leaking roof was caused by improperly installed flashings and will be corrected. He stated that he would be looking to the architect and contractor for additional cost as a result of the referenced problems. Mr. Ichniowski indicated that he believed that the inspections should be completed by the end of the week.

After discussion the Commissioners suggested that the opening ceremonies be delayed until after the building has been complete and is occupied.

In addition the Commissioners requested a status report once the inspections have been conducted.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster to meet in Executive Session to discuss a matter of Personnel (Consideration of Appointments to Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1 and Litigation/Property Acquisition (St. Mary's County Airport) as provided in Article 24, Section 4-210(a) 8 and 11. Motion carried.

Personnel (Consideration of Appointments Boards, Committees, Commissions)

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

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

Time Held: 11:35 a.m. - 12:15 a.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations, requested staff to contact the nominees and prepare appropriate letters of appointment.

STAFF MEETING

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

Litigation/Property Acquisition (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
Joseph Densford, County Attorney
Dan Ichniowski, Director, DPW
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a) 8 and 11

Time Held: 3:20 p.m. - 3:30 p.m.

Action Taken: The County Attorney reviewed the details of the referenced matter, and the Commissioners agreed to take action in open session.

RESOLUTION NO. 94-16

ST. MARY'S COUNTY AIRPORT RUNWAY EXTENSION RIGHT OF ACCESS TO WALDSCHMITT PROPERTY

Present: Joseph Densford, County Attorney

As a follow up to the referenced Executive Session, Mr. Densford presented Resolution No. 94-16 granting a right of access to a tract of land owned by Alice R. Waldschmitt, in connection with a condemnation proceeding to acquire certain real property in fee simple for the purpose of extending the runway at the County Airport.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 94-16 as presented. Motion carried.

7:00 P.M.

PUBLIC FORUM

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

Vaughn McCall - Provided information to the Commissioners: (1) Regional Park Signs - had no objection; (2) Taxes - related story of retired military friend, residing in Alabama, who pays little income and property taxes; (3) Solid Waste - superfund site allowed by county is county's problem; (4) Recycling - referred to National Geographic article on recycling; (5) AARP Newsletter article - use of volunteers in law enforcement. (The Commissioners suggested that he contact the Sheriff's Department.)

Steven Traicoff - Sanners Lake Sports Club - Follow up of his presentation of last month; advised that club members were not willing to change hours of operation and inquired how he could change the situation. (Commissioner Loffler indicated the Commissioners have authority to change regulations about noise levels and place restrictions in certain areas if it was warranted. The recommendation to do so would come from the Department of Planning and Zoning.)

Larry Pinto - (Community Preservation Coalition and Commission on Environment) - (1) Municipal Solid Waste Compost - Made three Freedom of Information requests re if farms in the County have municipal solid waste compost applied, if so, which farms and how much. MDE provided summary data indicating to which counties it is going, but no specific information. Between December and March 421 tons of compost applied to farms in the county. Requested Commissioners to pursue whatever means necessary to ensure county officials received distribution records showing sites it is being applied and the amount. (2) Inquired whether information was available concerning the law suit by FERST against the County and LGIT's authority in the matter. (County Administrator Cox advised that there is no public information at this time. Re LGIT Commissioner Loffler advised that LGIT does not have authority to give injunctive relief--cannot issue a permit or effect the process.)

Clara Norris - Redmond Road - (1) Reiterated her comments relative to the Maryland Code (Article 25, §135) which requires all applications for altering road shall be by petition and (§136) requiring public notice. (County Administrator Cox pointed out that the County Attorney in conference with the Directors of Planning and Zoning and Public Works concurred that this section does not apply to this case, which was a review of a site plan by the Planning Commission and did not require notice of public hearing or a public hearing. Applicable law in this matter is Article 66B - Planning and Zoning Laws.) (2) questioned whether cobblestone was going to remain and concerned about lighting indicating safety concerns.

Minnie Russell - (1) Expressed dissatisfaction with the naming Md. Rte. 5 from Halfway House to Point Lookout as Leonardtown Road, pointing out the confusion it would create; recommended that it be called St. Mary's Road. Questioned the approval process and inquired how the decision can be reversed. County Administrator Cox suggested that it may require a petition of 51% of the residents along Leonardtown Road. A representative of the 911 Uniform Addressing Task Force would contact Mrs. Russell with the official process to overturn the Commissioners' decision.

The Public Forum concluded at 8:05 p.m.

**Minutes Approved by Board of
County Commissioners on 7/12/94**

Judith A. Spalding
Recording Secretary