

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
DECEMBER 13, 1994

Page 445

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

APPROVAL OF MINUTES

Commissioner Chesser moved, seconded by Commissioner Brugman, to approve the minutes of the County Commissioners' meeting of Tuesday, December 6, 1994. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Check Register as presented. Motion carried four to one with Commissioner Brugman voting against.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Welcome Wagon Letter for New Residents**

The County Administrator advised that the Welcome Wagon sends letters from the Board of County Commissioners to new residents of the County and that a letter needs to be signed by the new Board.

Commissioner Brugman moved, seconded by Commissioner Chesser, to sign the Welcome Wagon letter as presented. Motion carried.

2) **Advisory Committees**

The County Administrator presented the requests relative to the following county advisory committees

St. Clement's Island - Potomac River Museum Board

- To change name to Board of Trustees for the St. Clement's Island - Potomac River Museum from the Board of Directors of the St. Clement's Island - Potomac River Museum.
- To change membership to have the president of the Seventh District Optimists and president of the Friends as designated members.
- To change term from current four years to five.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve the requested changes as presented. Motion carried.

Historic District Commission

- To change name to Historic Preservation Commission
- To require an attendance requirement, which if not met, the individual would be subject to termination on the Commission.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the requests as presented. Motion carried.

Community Health Advisory Committee

County Administrator Cox explained that the referenced committee, which was recently established, intends to act as coordinator for all health related activities and will be making recommendations to the Board of County Commissioners. He stated that the Committee has developed a set of by-laws and indicated that they are consistent with Resolution No. 88-03 adopted by the Board of County Commissioners.

Commissioner Eagan pointed out that she currently serves on this board as a volunteer organization representative; however, the Committee has requested a Commissioner to serve.

Discussion ensued relative to appointment of a County Commissioner to the referenced Committee in particular and to other boards and committees in general.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the by-laws for the Community Health Advisory Committee as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining.

3) Endorsement - Vocational Rehabilitation Director for Region II

The County Administrator presented correspondence for the Commissioners' signatures endorsing the candidacy of Mrs. Carol Scott Drury for the position of Vocational Rehabilitation Director I for Region II of the Maryland Division of Vocational Rehabilitation.

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

4) Budget Amendments

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

No. 95-15

Social Services

To provide funding for burial assistance (\$410)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 95-15 as presented. Motion carried.

No. 95-16

Board of Education

To provide funding for the Piney Point addition/renovation design per September 27, 1994 letter from the Board of County Commissioners to the Board of Education wherein the Commissioners committed financial support (\$60,000)

County Administrator Cox pointed out that this budget amendment implements the Commissioners' September 27 decision to provide the \$60,000.

Discussion ensued regarding the project, the budget amendment process and the source of funding.

Later in the meeting the Commissioners agreed to defer a decision on the budget amendment until they could get additional information.

5) **Executive Sessions**

The County Administrator advised that an Executive Session on Personnel (boards and committees) was scheduled later in the meeting and requested approval to add an item of Property Disposition to the schedule. The Commissioners concurred to include Property Disposition for an Executive Session but discussed the issue of having executive sessions to consider appointments to boards and committees

6) **Review of Check Register**

The County Administrator advised that copies of the Check Register will be provided to the Commissioners on Monday afternoons and that any questions can be addressed on Tuesday prior to approval.

Commissioner Eagan requested that the Commissioners also be provided with a Chart of Accounts on Mondays in order to assist them with the Check Register.

7) **Expression of Gratitude
Leonardtwn High School**

The County Administrator presented correspondence addressed to the Leonardtown High School expressing appreciation for the cooperation and assistance provided by the Leonardtown High School personnel for the Oath of Office Ceremony held December 5.

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Road Deeds and Traffic Resolutions**

Mr. Ichniowski presented the following deeds and Road Resolutions for the Commissioners' review and consideration:

Miles Taxing District

Road Resolution No. R94-30 designating Miles Village Drive as a Stop Street at its intersection with MD. Route 235.

Road Resolution No. R94-31 posting Miles Village Drive at 25 miles per hour.

Jenni's Dawn

Deed dated April 19, 1993 between Norris Pyles and Mary Pyles and the Board of County Commissioners of St. Mary's County accepting Steven Court and Laura Court into the County Highway Maintenance System.

Road Resolution No R94-35 posting Steven Court and Laura Court at 25 miles per hour.

Road Resolution No. R94-30 designating the following streets as Stop Streets

Steven Court as it intersects with MD. Route 6
Laura Court as it intersects with Steven Court

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Deed and Road Resolutions as presented for Miles Village and Jenni's Dawn. Motion carried.

Forest Knolls Subdivision

Deed dated December 28, 1992 between Dennis A. Frischholz and Donna M. Frischholz and the Board of County Commissioners of St. Mary's County accepting Frischholz Court into the County Highway Maintenance System.

Road Resolution No R94-32 posting Frischholz Court at 25 miles per hour.

Road Resolution No. R94-33 designating Frischholz Court as a Stop Street at its intersection with Mechanicsville-Chaptico Road.

Heard's Estates Subdivision

Deed dated March 10, 1992 between Gertz, Inc. and St. Mary's County Commissioners accepting Clipper Drive, Barkentine Court, Caravel Court, and Frigate Place into the County Highway Maintenance System.

Road Resolution No R94-28 posting Clipper Drive, Barkentine Court, Caravel Court, and Frigate Place at 25 miles per hour.

Road Resolution No. R94-29 designating the following streets as Stop Streets

Caravel Court as it intersects with Clipper Court

Frigate Place as it intersects with Caravel Court

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Deeds and Road Resolutions as presented for Forest Knolls and Heard's Estates. Motion carried.

2) Declaration of Restrictive Covenant for St. Andrews Landfill

Relative to the St. Andrews Landfill project, Mr. Ichniowski advised that the State has established regulations requiring the County to place a restrictive easement on the property. The easement as set forth in a Declaration of Restrictive Covenant states that if any future excavation or construction occurred on the site the Maryland Department of the Environment should have an opportunity to review the property to ensure there are no detrimental environmental impacts on the area.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Declaration of Restrictive Covenant as presented. Motion carried.

3) Public Works Agreement and Addenda

Mr. Ichniowski presented the following Public Works Agreement and Addenda for the Commissioners' review and consideration:

Magnolia Meadows Subdivision

Public Works Agreement dated October 28, 1994 between Stefan Koczerzuk, Magnolia Meadows, LLC, and St. Mary's County Maryland guaranteeing completion of Petal Court by November 1, 1995. The Agreement is backed by a Bond with International Fidelity Insurance Company in the amount of \$47,300.

Carmen Woods at Tosca Subdivision

Addendum to Public Works Agreement between Interstate General Company and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to December 1, 1995. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$10,000.

Breton Bay PUD Subdivision

Addendum to Public Works Agreement between Breton Bay Development Associates and the Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to August 1, 1995. The Addendum is backed by a Letter of Credit with Signet Bank of Maryland in the amount of \$187,000.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Agreement and Addenda as presented with the condition that the Director of Public Works check on the ratings and solvency of the banks used in these documents. Motion carried.

**DEPARTMENT OF PLANNING AND ZONING
PUBLIC HEARING**

Present: Jon Grimm, Director
Mary Owens, Environmental Planner
Peggy Childs, Recording Secretary.

Critical Administrative Buffer Variance Refinement

Requesting approval for this "refinement" to the County's Critical Area Program to remove the 500 sq. ft. cap on administrative approvals of variances within the Critical Area 100 ft. Buffer.

Legal Ad published in The Enterprise on 11/23/94 & 11/30/94

Mr. Grimm advised that the application was formally withdrawn by the applicant on 11/21/94; there is no current application. He presented a letter from the Planning Commission stating their position. In November 1993 the applicant was advised by the Planning Commission to submit an application for a water dependent facility, which requires PC approval of a concept plan and a detailed site plan with engineering information, demonstrating compliance with the Critical Area regulations. Staff recommended approval of the Concept Plan with conditions requiring a phasing plan, a restoration bond or fees in lieu, that a buffer be established to mitigate off-site impacts, and some detailed construction review concurrent with the site plan requirement. The Commission asked for specific information from the applicant at the 10/11/94 public hearing, however it was never provided. The application was withdrawn before the Commission could discuss it.

Commissioner Jarboe stated he is seeking alternatives for the applicant and showed pictures of the property, stating loblolly pine was planted in 1974. He asked, if the project were moved out of the Buffer, could the applicant harvest the pine and build 3 ponds for growing marsh grass, or even oysters, down the line? He asked that we work as a team to provide an approach and make this a really viable project.

Ms. Owens responded that mitigation or reforestation would be required for any development on the property, but the Critical Area Commission has given staff the utmost flexibility for the project and natural regeneration may be acceptable. If the trees were allowed to grow back right up to the ponds, the only mitigation required would be for the ponds themselves. Commissioner Eagan asked Ms. Owens to highlight that portion of the regulations and provide it to her.

Commissioner Chesser asked whether this is a water dependent industry or an agricultural industry? Mr. Grimm responded it is an agricultural industry under statute that, under the Critical Area regulations, is also classified as a water dependent facility because, by its intrinsic nature, it is dependent on the exchange of and access to water at the shoreline.

Commissioner Jarboe provided a copy of a memo from Dr. Taylor which states there will be some changes to the Critical Area regulations enhancing agricultural activities in the CA without detriment to the shoreline. It will also allow a property owner to choose which regulations will apply to his property when it is impacted by both CA and FCA regulations. Mr. Grimm advocated that the agencies not just give the property owner the option but change their regulations to make them consistent with one another.

Al Stewart, of the Soil Conservation Service, stated he did not believe reforestation was required outside of the Buffer. Ms. Owens disagreed, stating she has spoken specifically to the CAC and they will require reforestation. Commissioner Eagan asked that Mr. Stewart provide her with a copy of his referenced regulations.

Staff was directed to evaluate alternatives with the property owner. Mr. Grimm committed to continued assistance in this regard.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Property Disposition (St. Mary's Press building), as provided in Article 24, Section 4-210(a)11 and Personnel (Consideration of Appointments to Boards, Committees, and Commissions) as provided in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against stating they were opposed to the Personnel Executive Session.

Property Disposition - St. Mary's Press Building

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Joseph R. Densford, County Attorney
Charles Wade, Director of Finance
Judith A. Spalding, Recording Secretary

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

Time Held: 11:05 a.m. - 11:30 a.m.

Action Taken: The County Attorney briefed the Commissioners on the referenced property disposition matter, and the Commissioners gave concurrence to sign a letter in Open Session.

ST. MARY'S PRESS BUILDING

Later in the meeting in Open Session, the County Administrator presented correspondence addressed to the DeVal Corporation in response to December 13 correspondence regarding an offer by David Poli of PGI to purchase the St. Mary's Press building. The return letter indicates that the County is not able to agree with the terms and conditions because of a commitment already in place. The letter further states that the County would be willing to enter into a Contract of Sale subject to existing commitments contained in Leases and a Purchase Option and that if Mr. Poli was willing to enter into a Contract for Sale placing PGI in a backup position, the County must be notified within five days.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion carried four to one with Commissioner Brugman voting against.

Personnel

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

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

Time Held: 11:30 a.m. - 11:35 a.m. and 2:50 p.m. - 3:05 p.m.

Action Taken: The Commissioners discussed the appointment process and deferred making nominations until a later meeting.

LUNCH AND BRIEFING - NAVAL AIR WARFARE CENTER

At this time the Commissioners visited the Naval Air Warfare Center for lunch and a briefing by Navy officials.

**ST. MARY'S COUNTY HEALTH DEPARTMENT
ORIENTATION PRESENTATION**

Present: William Marek, Health Officer
Mary Wood, Administrator
Tracey Kubinec, Fiscal Specialist
Mary Leigh Harless, Director, Health Planning
Nancy Luginbill, Director, Community Health
Marilyn Carifi, Director, Mental Health Authority
Karen Walton, Director, Home Health
Tom Russell, Director, Environmental Health

The referenced representatives of the St. Mary's County Health Department appeared before the Commissioners as part of the new Board of County Commissioners' orientation program. Dr. Marek reviewed the Health Department's organizational structure and revenue sources, and with the directors of the various departments discussed the activities and programs

In conclusion the Health Department representatives addressed issues, concerns and challenges of the department.

**DEPARTMENT OF LAW
ORIENTATION PRESENTATION**

Present: Joe Densford, County Attorney

Mr. Densford appeared before the Commissioners as part of the orientation program for the new Board of County Commissioners. Mr. Densford reviewed his department's staffing, budgetary information, caseload data, including caseload forecast and requested that an additional clerical position be included in the Fiscal Year 1996 budget.

FLYING FLAG AT HALF STAFF

Commissioner Brugman moved, seconded by Commissioner Jarboe to fly the flag at half staff until the first of the year in honor of Senator Paul Bailey who recently passed away.

Discussion ensued regarding the length of time to fly it and as to the legality of the County flying the flag at half staff.

After discussion the vote was taken with a vote of one to four with Commissioners Thompson, Chesser, Eagan and Jarboe voting against noting that it was not a vote against flying the flag at half staff in honor of Senator Bailey, but to look at the legality and the period of time.

EXECUTIVE SESSIONS/OPEN MEETINGS

Commissioner Jarboe advised that the Commissioners have received correspondence regarding open meetings for the consideration of appointments to boards and committees and suggested that the Commissioners give consideration to developing a method of handling it. The Commissioners agreed to look at ways to publicize vacancies on the boards and to give serious consideration to developing a policy.

ADJOURNMENT

The meeting adjourned at 5:10 p.m.

**Minutes Approved by Board of
County Commissioners on 12/20/94**

Judith A. Spalding
Recording Secretary