

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
DECEMBER 20, 1994**

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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 Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of the County Commissioners' meeting of Tuesday, December 13, 1994 including the Planning and Zoning portion of the meeting. Motion carried.

APPROVAL OF BILLS

Commissioner Eagan moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the Check Register as presented. Motion carried four to one.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) 1995 Legislative Proposals - Format Review

In preparation for this evening's public meeting on the 1995 Legislative Package, the County Administrator distributed the list of legislative proposals and explained the format for the meeting. He pointed out that, as a courtesy, the Board of County Commissioners act as a conduit for legislative proposals from various county departments and agencies as well as individuals.

**2) Board of Education
Categorical Transfer Request**

The County Administrator advised that the Board of Education by letter dated December 1, 1994, has requested a categorical transfer in the amount of \$45,820. This would transfer a position from Special Education to Instruction. Therefore, County Administrator Cox presented correspondence addressed to the Board of Education approving the categorical transfer as requested.

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

3) Department of Public Works Items

On behalf of the Department of Public Works the County Administrator presented the following documents:

Addenda to Public Works Agreements

- **Piney Point Landings**
Between Potomac Land Ltd and St. Mary's County extending deadline for completion of improvements to December 1, 1995; backed by a reduced Letter of Credit amount of \$147,000 with First National Bank of St. Mary's.

- **Bay Ridge Estates**
Between Bay Country Enterprises, Inc. extending deadline for completion of improvements to January 1, 1996; backed by a Letter of Credit in the amount of \$60,000 with First National Bank of St. Mary's.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Addenda as presented. Motion carried.

Public Works Agreement

- **Breton Bay Landing**
Dated December 15, 1994 between Cherry Cove Land Development and St. Mary's County guaranteeing completion of Coves End Court by December 1, 1995; Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$80,200.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Agreement as presented. Motion carried.

Crossing and Indemnification Agreement

- Agreement between Board of County Commissioners of St. Mary's County to the use of the Department of Public Works and Avenmar Community Association allowing the Association to keep the electrical facilities within the County's right-of-way which were placed in the r/w during construction. This Agreement indemnifies the County from any future damage and places the burden on the developer. If in the future the lines must be moved, the developer would be responsible for any fiscal damage.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Agreement as presented. Motion carried.

At the conclusion of the discussion Commissioner Thompson inquired as to where this type of information is kept for future reference. County Administrator Cox agreed to get a response.

4) Personnel

The County Administrator presented the following personnel items for the Commissioners' review and consideration:

Juvenile, Domestic Relations and Paternity Support Master

Memorandum dated December 20, 1994 from the Personnel Officer advising that Judges Briscoe and Kaminetz have requested that the status of Master Michael F. Harris be changed from Regular Part Time (24 hours per week) to Full Time (40 hours per week) effective January 1, 1995. The request is based on a substantial increase in the case load. In addition the Judges have requested to change Master Harris grade and step from Grade 28, Step 6 to Grade 27, Step 1.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the request by Judges Briscoe and Kaminetz to change the status of Master Harris to Full time and change his grade from Grade 28, Step 6 to Grade 27, Step 1. Motion carried.

Communications Operators

Emergency Management Agency/Office of Sheriff

Amendment to Manual of Personnel Policies and Procedures

Memorandum dated December 19, 1994 from the Personnel Officer requesting approval to change the Personnel Manual to designate selected Intermittent Part Time (IPT) positions as "Emergency Essential" as a six months trial basis. There are currently 48 IPT employees and five IPT positions that are not filled. The Personnel Officer in the December 19 memorandum requested that only the six Communications Operator positions within the Emergency Management Agency (four positions) and Sheriff's Office (two positions) be designated as emergency essential to be paid under the same provisions as a full time or regular part time employee if called in to work on short notice (call back) or required to work on a fixed holiday.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, that the issue of changing the six IPT positions to "Emergency Essential" be deferred until development of the Fiscal Year 1996 Budget. Motion carried.

**5) Commission on the Environment
Household Hazardous Waste Collection Days**

The County Administrator presented correspondence for the Commissioners' signatures responding to a December letter from Commission on the Environment regarding household hazardous waste collection days. The return letter advises that the Department of Public Works is requested to provide information regarding proposed activities for household hazardous waste and the associated costs in their Fiscal Year 1996 Budget Request.

Mr. Cox pointed out that \$60,000 had been budgeted for this project; however, DPW had indicated that amount was not sufficient and consideration for the proposal would be delayed until Fiscal Year 1996.

Discussion ensued relative to the hazardous waste collection days proposal and the Commissioners agreed to defer a decision on sending the letter and indicating they would like more information.

**6) Commission on the Environment
Municipal Solid Waste Compost**

The County Administrator presented correspondence addressed to Commission on the Environment requesting its assistance relative to the issue of municipal solid waste. The letter suggests that there be a review of all applicable laws, regulations, standards, and monitoring requirements; that the information be gathered from other jurisdictions and other parts of the country to demonstrate the benefits and concerns associated with the application of this project.

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

**BOARDS, COMMITTEES, COMMISSIONS
APPOINTMENT PROCESS**

As a follow up to previous discussions the County Administrator presented a memorandum dated December 19 regarding the appointment process for volunteer members of county government's boards, committees, and commissions. The memorandum explained that the present process has evolved from several previous boards' decisions and he offered several suggested amendments to the process which he recommended could be incorporated into a new Resolution replacing No. 88-03. County Administrator Cox reviewed the suggested amendments to the process which included that appointments be made only during December and June, effective January 1 and July 1; all vacancies to be published in advance; all terms to be publicized in advance; solicitation for volunteers to be published quarterly, and that an Official Notice Board be established displaying updated information.

During discussion Commissioner Brugman suggested that there be news releases rather than paid advertisements soliciting volunteers and that the updated information also be provided to the county libraries.

After discussion the Commissioners agreed to defer a decision on the revised appointment process until a later meeting.

**PUBLIC HEARING
REVISIONS TO ST. MARY'S COUNTY ETHICS ORDINANCE**

Present: John Gatton, Jr., Chair, Ethics Commission
John Baggett, "
Michael Gardiner, "
Joe Densford, County Attorney

The County Commissioners conducted a public hearing on revisions to the St. Mary's County Ethics Ordinance. Mr. Gatton explained the amendments, which are as follows:

- Change of date for selection of chairman from January to July in order to correspond with the Commission's appointments.
- Change of Maryland Rules of Procedure reference from Chapter 1100, Subtitle B to Rules 7-201 through 7-210.
- Change of gender reference from "he" to "he/she"
- elimination of disclosure of share holders in national stocks

After the presentation Commissioner Jarboe referred to December 16 correspondence from Leonard Greess suggesting a public discussion on ethics enforcement in the County and inquired what type of activities the Commission is doing.

Mr. Gatton responded that the Commission will be presenting its annual report in January which will include an explanation of the Commission's activities including advisory opinions, a complaint and other matters.

The public hearing was opened for comment from the audience; hearing no comments the public hearing was closed. The record will remain open for ten days.

FISCAL YEAR 1994 AUDIT REPORT

Present: John Cox, Cox, Long, and Askey
Charles Wade, Director of Finance

Mr. John Cox appeared before the Commissioners to present the Fiscal Year 1994 Audit Report for St. Mary's County. The presentation of the Financial Statements included a summary review of the following: Change In General Fund Balance; Comparison Of Original Budget To Final Adjusted Budget; Comparison Of Actual To Budget - General Fund; And General Long-Term Obligations. Included in the report was an exhibit setting forth the General Fund Ratios for Fiscal Years June 30, 1988 through 1994 which provided information relative to "indicators of financial health." Mr. Cox reviewed with the Commissioners the County's investments, escrow accounts and debt service payments.

Discussion ensued relative to costs of capital projects including the closing out of the St. Andrews Landfill and school construction projects and the issue that these projects are among those that have state mandated requirements

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

CAPITAL PROJECTS/ 1995 BOND ISSUE

Present: Charles Wade, Director of Finance
Dan Ichniowski, Director, DPW
Sheriff Ricahrd Voorhaar

Mr. Wade presented a memorandum a memorandum listing the projects to be included in the General Obligation Bond of 1995 in the total amount of \$12,052,500. He advised the Commissioners that the Commissioners had previously issued bonds for Indian Bridge Road of which \$1,175,717 has not been expended, and DPW has indicated that the project will probably no go forward prior to the next bond issue. Mr. Wade pointed out that he had anticipated including approximately \$3M in the '95 Bond Issue for the St. Andrews Landfill project and recommended transferring \$1,172,482 to the landfill project by Resolution in lieu of issuing additional bonds.

Discussion ensued relative to the various projects to be included in the 1995 bond issue.

Mr. Ichniowski explained the closing/expansion of the St. Andrews Landfill and pointed out the state mandated requirements.

Sheriff Voorhaar and Mr. Devenyns presented information relative to the expansion of the detention center and the anticipated state funding which requires a county match.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan to accept the capital projects for the 1995 Bond Issue as recommended by the Director of Finance.

Commissioner Brugman moved, seconded by Commissioner Eagan, to amend the motion to postpone the Governmental Center parking lot project (\$66,000). Motion carried.

Motion unanimously carried on the main motion as amended.

PINEY POINT ELEMENTARY SCHOOL - ADDITION/RENOVATION

Present: Ed Fitzgerald, Assistant Superintendent, Public Schools
Brad Clements, Supervisor, School Facilities
Elaine Kramer, Director of Finance, Public Schools

As a follow up to last week's discussion relative to Budget Amendment No. 95-16 in the amount of \$60,000 the referenced individuals appeared before the Commissioners to explain the Piney Point addition/renovation project.

Mr. Fitzgerald explained that the \$60,000 would be used for the schematic design to address the structural integrity of the 42 year old building and the 38 year old addition as well as the mechanical and electrical systems. Life safety and ADA requirements will also be addressed.

Mr. Fitzgerald advised that the school has a rated capacity of 337 with proposed capacity at 535 and the addition to the school will address this increase. He pointed out that in order to be eligible for state construction funding approval in October, the project must have completed the planning phase, and the schematic design must be submitted to the Interagency for School Construction prior to September 1. The requested \$60,000 will complete the project through the schematic design phase, which would make it eligible for FY '97 state funding.

During discussion of the funding of this project Commissioner Eagan suggested that because the Board of Education has returned unspent monies to the County in the past, that the Bd/Ed locate the \$60,000 within its budget. She pointed out that if at the end of the fiscal year additional funds are needed the Commissioners would be willing to consider the request.

Mr. Fitzgerald and Mrs. Kramer explained the development of the budget by categories and Mrs. Kramer pointed out that funds may not be available this year from the previous sources of unspent funds.

After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe to approve Budget Amendment No. 95-16 in the amount of \$60,000 to fund the schematic design of the Piney Point Addition/Renovation. Motion carried three to two with Commissioners Brugman and Eagan voting against.

REQUEST FOR FINANCIAL INFORMATION

Commissioner Eagan stated that last week she had requested the Chart of Accounts from the Director of Finance, but there was additional information she would like to have which includes: all permanent accounts, asset accounts, investment accounts, accounts receivable, accounts payable, land holds, facility holdings, list of bond issues, list of county facilities and locations. She requested that this information be provided on a monthly basis. Commissioner Eagan also requested projects for the current year and actual revenues and expenditures to date.

Commissioner Brugman requested a list of the county's law suits.

COUNTY COMMISSIONERS' TIME

At this time the Commissioners addressed the following issues:

Site Visit to Public Works Facilities

Commissioner Brugman requested that the visit to the public work facilities be postponed in order to work on appointments to boards and committees.

It was the consensus of the Commissioners to keep to the scheduled agenda.

Comprehensive Solid Waste Plan

Commissioner Brugman moved, seconded by Commissioner Chesser, that since the prior Board submitted the referenced Plan to MDE, to call back the County's Solid Waste Plan from the State in order to allow this Board of County Commissioners to review it. Motion carried.

Staff/Other Meetings - Lunches

Commissioner Brugman moved, seconded by Commissioner Jarboe, that the County no longer pay for lunches at staff meetings or other meetings such as the Strategic Planning session. Motion carried four to one with Commissioner Chesser voting against.

Employment Contracts

Commissioner Jarboe inquired about two employment contracts that had been renewed by the prior board on November 3 and that the contracts would have expired during the new board's term on December 31. He requested an opinion from the County Attorney and an outside attorney (who would do it pro bono) as to what options the new board has regarding these contracts.

Commissioner Thompson pointed out that it was not the intention of the previous board to not allow the next board to handle the contracts because four of the Commissioners thought they would be the next board.

Senator Paul Bailey

Flag at Half-Staff

Relative to last week's discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to fly the St. Mary's County flag at half staff in honor of the late Senator Paul Bailey, for a week beginning on the day of his memorial service (the date of which has not yet been set). Motion carried.

Fiscal Year 1996 Budget

Commissioner Eagan moved, seconded by Commissioner Brugman, to request the County Departments, excluding the Sheriff's Office, to develop two budgets: one at Fiscal Year 1995's level and one with a five (5%) percent reduction, and that steps and COLA's be included in those budgets.

After some discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to amend the motion to include the Sheriff's Office. Motion carried three to two with Commissioners Thompson and Chesser voting against.

Motion on the main motion as amended carried three to two with Commissioners Thompson and Chesser voting against stating they were not opposed to reducing the budget but were opposed to the approach.

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter Personnel (Consideration of Appointments to Boards, Committees, and Commissions) as provided in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Brugman voting against.

Personnel - Consideration of Appointment

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: 4:25 p.m. - 5:40 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations and directed staff to contact the nominees and prepare letters of appointment for the Commissioners' signatures for approval in Open Session at a later meeting.

**PUBLIC MEETING
1995 LEGISLATIVE PACKAGE**

The Board of County Commissioners conducted a public meeting on the 1995 Legislative Package. The items reviewed and presented were as follows:

1. **Public Facilities Bond**
To request additional authorization for the issuance of General Obligation Bonds in an amount not to exceed \$20,000,000 for Capital Projects for Fiscal Years 1996 and 1997.
2. **Recreation and Parks - Payment by Credit Card**
To provide for payment of recreational programs, activities and services by credit card.
3. **Appearance fees**
To require the payment of an appearance fee by the parties participating in civil lawsuits filed with the Circuit Court with the fee used to fund the county's law library.

4. **Required School Days - Election Days**
To require that schools in St. Mary's County remain open on primary and general election days.
5. **Alcoholic Beverage License - Class C License - Clubs**
To delete language regarding the sale of a Class C license to clubs composed solely of members who have served in the United States Armed Forces in any war.
6. **State Funding Request for Servicing Surplus Navy ADP Equipment**
To obtain funding from the State for evaluation and repair of excess U. S. Navy ADP equipment to be placed in Southern Maryland schools.

Additional Items presented were as follows:

7. **St. Mary's County Open Meetings Act**
To make certain amendments to justifications for executive sessions regarding personnel and property acquisition/disposition and insertion of language applicable to the Board of Education meetings.
(Submitted by Alliance of Concerned Taxpayers)
8. **County Treasurer Position**
To consider abolishing the County Treasurer position or establishing a committee to study the issue.
(Submitted by Glenn Gardiner)
9. **Bank Traps**
To prohibit the use of bank traps in the waters of St. Mary's County.
(Submitted by John Flexer)
10. **Potomac River Fisheries Commission**
To establish a committee to study the Maryland and Virginia Compact of 1958 and to make recommendations concerning possible revisions and amendments.
(Submitted by Charter Boat Association)
11. **Regulation of Municipal Solid Waste Compost**
To grant St. Mary's County the authority to regulate the distribution of municipal solid waste compost in St. Mary's County.
(Submitted by Ken Hastings)
12. **Taxation on Publicly Consumed Alcoholic Beverages**
To place a \$.25 tax per ounce of alcoholic beverages consumed publicly in St. Mary's County which would be used toward the support of local emergency medical rescue efforts.
(Submitted by Doug Ritchie)
13. **Title Change - President, Board of County Commissioners**
To change the title of President of the County Commissioners to Chairman.
(Submitted by Doug Ritchie)
14. **Establishment of Oversight Committee - Board of Education**
To establish a commission to study the concept of an oversight committee regarding Maryland's allowance for local influence upon policy of public education.
(Submitted by Doug Ritchie)
- 15) **Tax Reform**
To change County's revenue base from home site taxation to income taxation.
(Submitted by Doug Ritchie)

- 16) **Forestation Exemption**
To exempt St. Mary's County from State's 20% forestation requirement of home sites larger than 40,000 square feet .
(Submitted by Doug Ritchie)
- 17) **Chesapeake Bay Nutrient Reduction**
To enact legislation to hasten efforts to reduce excessive nutrients in the Chesapeake Bay to be funded through sanitation districts served by municipal wastewater treatment facilities disposing treated effluent to the Bay.
(Submitted by Doug Ritchie)
- 18) **Chronic Absenteeism in Public Schools**
To address the problem of chronic absenteeism in Maryland's public schools through stronger enforcement of or amendment to current law.
(Submitted by St. Mary's Public Schools)

The Commissioners and Legislators advised that the additional items will be included in the package and the Commissioners will take positions on the items at a later meeting.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

**Minutes Approved by Board of
County Commissioners on 12/27/95**

Judith A. Salsbery
Recording Secretary