

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JUNE 13, 1995

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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 Tuesday, June 6, 1995. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **911 Emergency Telephone System
Certificate of Compliance**

Also Present: Paul Wible, Director, Emergency Management Agency
Shirley Wood
Gloria LeDonne

The Commissioners presented a Certificate of Compliance to Mr. Wible and EMA staff for implementation of the 911 Emergency Telephone System in St. Mary's County.

2) **Wicomico Shores
Waterfront Property Lease**

Also Present: Phil Rollins, Director, Recreation and Parks

As a follow up to last week's presentation, Mr. Rollins requested the Commissioners' approval of the lease agreement between the County and Wicomico, Inc. which would enable the County to lease parts of the three building lots at the end of Army Navy Drive at Wicomico Shores for \$1. The agreement will allow Recreation and Parks continued use of the lots through December 31, 1995 for parking purposes, after which Recreation and Parks would continue to use the property on a month-to-month basis.

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

3) **Trade Fair 1995
Letter of Endorsement**

The County Administrator presented a Letter of Support addressed to the Chamber of Commerce for its Annual Trade Fair to be held July 8 and 9.

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

4) **Personnel
Residency Requirement Prohibition**

As a follow up to last week's discussion the County Administrator re-presented the June 1, 1995 memorandum from the Personnel Officer advising that effective October 1, 1995, in accordance with Article 24, Section 1-107 of the Maryland Annotated Code, St. Mary's County will be prohibited from requiring an employee to reside within the County or within a required distance of the County as a condition of employment. The Personnel Officer in his June 1 memorandum recommended requiring the County Administrator and department heads to reside within the County and also that the point and credit system not be used in employment or promotion decisions. County Administrator Cox pointed out that if the Commissioners accept this recommendation, the Manual of Personnel Policies and Procedures must be amended accordingly.

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve retaining the residency requirement for the 11 individuals (county administrator and department heads). Motion carried.

5) **Board of Education
Fiscal Year 1995 Grants**

The County Administrator presented correspondence addressed to the Board of Education approving inclusion of the grant awards in its Fiscal Year 1995 Budget: \$2,000 for "Child Abuse and Neglect Prevention" and \$4,000 for "Environmental Education/Student Service Learning."

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the letter to Board of Education approving inclusion of the referenced grants as requested. Motion carried four to one with Commissioner Brugman voting against stating he was not in favor of the Environmental Education curriculum in the public schools.

6) **Library Board of Trustees
Response Letter**

As a follow up to a May 23 presentation, The County Administrator presented correspondence addressed to the Board of Library Trustees relative to the restructuring of the Southern Maryland Regional Library Association (SMRLA) and its impact on the County's library system. The return letter requests a cost estimate associated with the move to space currently occupied by SMRLA as well as estimated operating costs when they are developed.

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

7) **Eagle Scout Award**

The County Administrator presented correspondence addressed to Cullen Scott Keen expressing congratulation on his achievement of attaining the rank of Eagle Scout.

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

8) **Piney Point Boat Ramp Facility**

The County Administrator presented correspondence dated May 25, 1995 from the Department of Natural Resources which amends the period of Performance and Schedule for the contract relative to the improvements at the Piney Point Boat Ramp Facility. The term of the contract has been extended to cover the revised Period of Performance from July 1, 1995 to July 1, 1996.

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

9) **Claim Letter
Lacey Family Subdivision**

On behalf of the Department of Public Works the County Administrator presented correspondence addressed to First National Bank of St. Mary's calling Letter of Credit A1-06018-93 in the amount of \$4,400 for Entrance Permit No.92-0117.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the letter calling the Letter of Credit, to be forwarded if necessary. Motion carried with four Commissioners voting in favor and Commissioner Eagan abstaining.

10) **Road Resolutions
Clover Dale Court**

On behalf of the Department of Public Works the County Administrator presented the following Road Resolutions for the Commissioners' consideration:

R95-07 - Designating Clover Dale Court as a Stop Street at its intersection with Hurry Road.

R95-08 - Posting Clover Dale Court at 25 miles per hour.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Road Resolutions as presented. Motion carried.

11) **Maryland Association of Counties Survey
School System Budgets**

The County Administrator advised that correspondence dated May 24, 1995 was received from the Chair of the Maryland Association of Counties Education Committee forwarding a survey of county government review of school system budgets. Therefore, County Administrator Cox presented correspondence addressed to MACo Education Committee with the completed survey.

During discussion the Commissioners made certain amendments to the survey responses.

Later in the meeting Mr. Cox re-presented the response letter and revised survey.

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

12) **Response Letter**
Chief Administrative Judge McKee

The County Administrator presented correspondence addressed to Chief Administrative Judge McKee in response to his of May 16, 1995 in which he indicated interest in the current Circuit Court space situation in St. Mary's County. The return letter indicates that the Commissioners approved funds in the Fiscal Year 1996 budget to begin the design of a new judicial center.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to amend the letter by replacing the words "to begin design . . . located at the County's Governmental Center in Leonardtown" with "to meet the needs of an additional judge as mandated" which he stated would give the County more flexibility.

During the motion discussion ensued regarding the pros and cons of expanding the courthouse, including parking needs.

The motion failed two to two with Commissioners Thompson and Chesser voting against and Commissioner Eagan abstaining.

After discussion the Commissioners agreed to schedule an evening public hearing relative to the space needs study and the issue of court house expansion vs. a new judicial center at the Governmental Center.

13) **1996 Legislative Package**
Letter of Solicitation

The County Administrator presented correspondence addressed to All Agencies, Boards, Committees, Commissions, soliciting items for the 1996 Legislative Package. The memorandum included the proposed legislative schedule and a Legislative Form

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

14) **Private School Bus System**
2.5% Cost of Living Adjustment

The County Administrator presented a memorandum from Director of Finance Wade dated June 12, 1995 advising that the Board of Education Budget provides for a 2.5% COLA for school bus drivers. The memo points out that the County always follows the COLA established by the Board of Education for non-public school bus drivers.

The Commissioners agreed to defer a decision on this matter until after a thorough briefing on the school transportation systems, both public and private.

15) **Tax Credit for Low Income Rental Housing Program**

Also Present: Aleck Loker, Director, DECD
Dennis Nicholson, Deputy Director

As a follow up to comments made at the June 6 public forum, the referenced individuals appeared before the Commissioners to provide additional information addressing the tax credit housing projects. Mr. Loker presented a letter addressed to the Maryland Department of Housing and Community Development emphasizing the need for the county to review tax credit developments at each round of state competition. Also provided by Mr. Loker were a family income information sheet identifying incomes and information relative to the proposed Laurel Glen Apartments project.

Mr. Loker advised that the Housing Authority will be before the Commissioners to provide more in depth discussion of the tax credit program.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter to the Secretary of the Maryland Department of Housing and Community Development. Motion carried.

16) **Clean Water Act Amendments of 1995**

The County Administrator advised that the Chair of the Environmental Committee prepared correspondence addressed to the Chair of the Committee on Environment and Public Works indicating the Commissioners' concerns that no action be taken on H.R. 961, Clean Water Amendments of 1995 that might degrade the streams, rivers, and buffers that impact the Chesapeake Bay. The letter refers to the County's long standing position that St. Mary's is an environmentally sensitive community and requests the Committee to be conscious of ensuring that safeguards be taken to protect the environment.

The Commissioners agreed to defer action on the letter until next week in order to have an opportunity to review the information.

17) **Appointments
Boards, Committees and Commissions**

<u>Agricultural Preservation Advisory Board</u>	<u>Terms To Expire</u>
James B. Beavan	12/31/2000
William D. Boyd, Sr., MD	12/31/2000
George B. Reeves	12/31/2000
 <u>Board for the Community College at St. Mary's</u>	
Elizabeth S. Shea	6/30/96/2001
 <u>Cable Advisory Committee</u>	
Rev. Earl R. Baker	12/31/2000
 <u>Commission for Women</u>	
Dr. Jerome Karsh	6/30/99
 <u>Council on Children and Youth</u>	
Richard Wayne Guy	6/30/98
 <u>Historic Preservation Commission</u>	
Michael Humphries - <i>Reappointment</i>	6/30/98
David Roberts - <i>Reappointment</i>	6/30/98
 <u>Mental Health Authority Board</u>	
Cynthia A. Brown	12/31/97
 <u>Metropolitan Commission</u>	
Francis Leroy Williams	6/30/98
 <u>Nursing Center Board</u>	
Richard L. Buckler	6/30/96/99
Frank Lawrence - <i>Reappointment</i>	6/30/98
 <u>Safety Committee</u>	
Bill Ball - <i>Recreation and Parks Rep.</i>	NO TERM
George Foster - <i>Personnel Rep.</i>	NO TERM
George Jarboe - <i>Public Works Rep.</i>	NO TERM
Gloria LeDonne - <i>Emergency Mgmt Agency Rep.</i>	NO TERM
Joe Suchinsky - <i>Finance Rep.</i>	NO TERM

Solid Waste Advisory Committee

Kevin S. Rose	12/31/96/2000
Tom Tudor	12/31/95/99

Wicomico Recreation Complex

Jacqueline B. Lang	6/30/96/99
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18) **Letters of Appreciation for Service**

The County Administrator presented letters of appreciation to those individuals no longer able to serve on a board, committee or commission.

The Commissioners agreed to sign the letters as presented.

18) **Budget Amendment No. 95-54
Personnel**

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: for advertising costs for County Administrator and County Attorney positions (\$900).

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 95-54 as presented. Motion carried with Commissioner Brugman abstaining.

19) **Board for the Community College at St. Mary's
Leonardtown Representative**

The County Administrator referred to May 26 correspondence from the Mayor of Leonardtown indicating that the Town was supposed to have the right to recommend a representative to the Board of the Community College at St. Mary's. Mr. Cox advised that the Memorandum of Understanding executed in 1993 addresses the issue which indicates the group is the Community College Building Committee and not the Community College Board.

County Administrator Cox recommended that he prepare correspondence to Mayor Norris indicating that there is currently Leonardtown representative vacancy on the Building Committee and requesting recommendation.

The Commissioners indicated their concurrence.

CHILD CARE AND DEVELOPMENT BLOCK GRANTS

Present: Becky Stevens, Community Services Coordinator
Linda Himmelheber, St. Mary's Public Schools
Cindy Bryant, Charles County Public Schools

The referenced individuals appeared before the Commissioners to report on the Child Care and Development Block Grants from Fiscal Years 1993 through 1996 for the expansion, enhancement, operation or establishment of early childhood development and before-and-after school child care programs. In Fiscal Year 1995 a Consortium was developed in order to receive grant funding for the region, thereby guaranteeing the three counties allocations.

In Fiscal Year 1996 the Consortium received \$81,458, the full amount for the region. This grant award provides funding in St. Mary's for a staff position in Adolescent Single Parents Program and for staff development and enrichment for Recreation and Parks. It also provided funding for the Region for staff development in all three counties for School Readiness Fairs.

In closing the Consortium representatives advised that the total CDBG funds received over the four-year period is \$238,376.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Jeff Jackman, Planner
Larry Petty, Director, MetComm
Steve King, "
Tom Russell, Director, Environmental Health.
Peggy Childs, Recorder

1) **Joe Hazel Road Sewer Project - St. Clements Shores WWTP**

Mr. Grimm explained the group was appearing at the direction of the Planning Commission to request guidance from the County Commissioners as to what option to pursue regarding sewer service in this area. Because of an error in the State criteria used to design the St. Clements Shores Wastewater Treatment Plant, the plant is capable of treating only 57,000 gallons of effluent per day instead of the 100,000 gallons it was designed to treat. The entire capacity has been allocated according to County policy, including 3 marinas on Joe Hazel Road.

By the time MetComm convinced the State that the problem with the treatment plant was caused by their design criteria, Mr. Petty said EPA was out of the grant business, and had no money available to upgrade the plant. Fourteen (14) property owners along these roads with marginal or failing systems would like to connect to sewer, and Mr. Petty said because the design flow is 250 gallons per day per household but the actual flow is only 170 gallons per day per household he thinks the plant could handle it, but the benefit assessment charges to install the sewer lines, grinder pumps and pumping station, without grant monies to defray the expense, are very high. MetComm estimates the cost to Service Area One (Combs Road/Joe Hazel Road) to be \$169,337, or \$7.00 per foot per year, and to Service Area Two (Joe Hazel Road Extended) to be \$231,508, or \$12.00 per foot per year. Alternative (mound) systems are an option, but they are also very expensive, there is no guarantee that they will work or that they will last for 30 years, and in some cases the lots are too small to put them on. Steve King advised that there are some discretionary funds available from the Maryland Department of the Environment, and MetComm will submit a grant application, but there is only a 50-50 chance that it will be approved.

The Commissioners discussed the options. As Commissioner Eagan asked Mr. Russell, "We *have* to do this, don't we?" His reply was in the affirmative. Commissioner Eagan suggested a "self-help" program, in which the property owners would be involved in assisting with the installation of the sewer lines, operating backhoes and equipment themselves, thereby reducing their cost by as much as 50%. Mr. King replied that that has worked well in other counties but a "spark plug" is needed to coordinate the effort; he suggested maybe Mrs. Green, of the Rensler Institute, could be brought in. Mr. Russell suggesting retrofitting existing fixtures with low-flow fixtures to reduce the flow of effluent.

Direction was given to staff to continue with the current policy *requiring* properties to connect to sewer but allowing a 3 month time frame to evaluate the "self-help" program, including both the property owners' involvement and the low-flow fixtures, and for MetComm to apply for the grant funds as discussed. The Commissioners will write a letter to MDE in support of the grant application. At the end of the 3-month period, staff will report back to the Commissioners and the issue will be revisited.

Maryland Dept. of Housing & Community Development

Present: Tara Clifford, Richard Ferrara, Jim Hanna & Bill Beans, MDECD
Aleck Loker, Dennis Nicholson & Nancy Hutson, SMC Co DECD

Ms. Clifford, Mr. Ferrara, Mr. Hanna and Mr. Beans appeared before the Commissioners to acquaint them with the Small Cities Block Grant Program and to give a demonstration of the Building Performance Standards computer program. The Block Grant Program was instrumental in providing funds for the Tulagi Place renovations and Ms. Clifford said they just received an application for assistance for a community center at Holland Forest Landing. Also available is a

new Neighborhood Business Development Program which provides a \$7M financing program for revitalization of areas and financing of small businesses, ranging from \$25,000 up to \$500,000, when designated by local government.

Mr. Ferrara elaborated that they are looking for areas designated by local planning commissions and County Commissioners for assistance, their goal being to attract businesses into vacant store fronts or buildings and provide incentives for them to relocate there. They would like to see a plan of some sort for these areas and Tulagi is a good example, because there was a master plan. Other state agencies can also be brought in. The plan for Tulagi was provided by the Maryland Office of Planning.

Other resources are available as well, and DECD has financed private developers in multi-family housing in Great Mills and Lexington Park, but the Block Grant Program can be used in tandem with the Neighborhood Business Development Program in a partnership with the county to address areas targeted for assistance. The Block Grant Program covers a wide range of activities and has financed day care centers and sewer extensions in St. Mary's, and Mr. Ferrara said this is a good time to submit applications because there is more money in the program now than is usually available. Commissioner Thompson responded she sees this as a good way to help businesses begun in the home but in need of relocating to more commercial areas, including village and town centers.

Mr. Hanna offered a presentation of the State's computerized statewide building code. The program includes the 1993 Building Code and each municipality's individual amendments to the code. Mr. Grimm advised that DPZ is using this system, however St. Mary's County is not included in the program because we are currently operating under the 1990 Building Code. Mr. Grimm invited the Commissioners to visit DPZ to talk about planning and zoning issues and for an in-house demonstration of the program.

Ms. Clifford advised that the Secretary and staff of MDECD will be at St. Mary's City for a regional meeting on June 22nd and would look forward to seeing the Commissioners there.

MYRTLE POINT PROPERTY

Commissioner Jarboe referred to the Commissioners' parks tour on June 8 and indicated that the Myrtle Point property could provide economic and environmental resources that may not be available in the future.

The Commissioners discussed the possibility of developing a concept plan and that a compromise of development/nature park could possibly be reached.

In conclusion the Commissioners agreed to request the Directors of Recreation and Parks and Economic Development to work together to develop a proposal or to indicate whether a new task force should be formed to look into the issue.

DOMESTIC VIOLENCE TASK FORCE REPORT

Present: Kathy O'Brien, Director, Walden/Sierra
Father James Myers
Carole Esch

The referenced individuals appeared before the Commissioners to present the Domestic Violence Task Force Report. The Task Force was established in March of 1994 in order to explore the need for a shelter to serve victims of domestic violence. The report included goals and objectives, national and local statistics, available/needed services (crisis, prevention/education, shelter, counseling, training, legal advocacy), and recommendations.

In concluding the report, the representatives of the task force presented a full funding request in the amount of \$318,721, but indicated the funds needed for immediate consideration was in the amount of \$96,571 (shelter coordinator, per diem for safe house project, legal advocate, and MSAP counselor).

The Commissioners thanked the Task Force representatives for the report.

**ROADSIDE STANDS
SANITATION STANDARDS**

Present: William Marek, Health Officer
Tom Russell, Director, Environmental Hygiene

As requested by the Commissioners, Dr. Marek and Mr. Russell appeared before the Board to explain the minimum sanitation standards for roadside stands. Mr. Russell explained there are two categories of stands--Fruit and vegetable stands and fruit and vegetable with home-baked goods, canned goods, and eggs. He explained what situations require bathroom facilities stating that temporary vendors selling fruits/vegetables for a few days does not require a facility. In reviewing the second category, stands that sell prepared food and eggs, the Health Department allows baked goods that do not contain cream, custard or meringue, honey, jams, jellies, and eggs (kept at a cool temperature). Because of the threat of salmonella, botulism or other health hazards, meats, poultry, shellfish, dairy products, and canned goods are excluded from roadside stands.

During the discussion Mr. Russell indicated that the establishment of a community-based facility in the Amish or Mennonite communities could be a possibility for production of food that was inspected and approved.

Other issues discussed included proper egg temperatures, covering of food stands, provision of water for washing hands, and whether relishes and pickles could be sold at roadside stands.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan to meet in Executive Session to discuss a matter of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Personnel - Consideration of Appointments to Boards, Committees, Commissions

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

Authority: Article 24, Section 4-210(a)1
Time Held: 3:00 p.m. - 4:05 p.m.

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

ADJOURNMENT

The meeting adjourned at 4:05 p.m.

Minutes Approved by Board of
County Commissioners on 7/20/95
Judith A. Spalding
Recording Secretary