

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
AUGUST 22, 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
Aleck Loker, County Administrator
Judith A. Spalding, Recorder

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, August 15, 1995. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of the Wednesday, August 9, 1995 public hearing continuation on the Comprehensive Water and Sewer Plan. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

1) **Response Letter**
Sewage Sludge Permit Applications

The County Administrator presented the standard letter 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 Brewer, Junek, Kennett Properties, which were forwarded by MDE by correspondence dated June 28, 1995. The letter reiterated the County's ongoing concerns over environmental safety and land records notification.

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

2) **Efficiency Task Force Orientation Meeting**

In preparation for the Efficiency Task Force orientation meeting, the County Administrator presented a list of potential areas to be addressed by the Task Force as well as an agenda for the meeting. He advised that the consultant will be present at the meeting.

After review and discussion of additional items to be added to the list of areas for review, the Commissioners concurred with the list and the agenda for the meeting.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Resolution No. 95- 36**
Kingston Creek Waterway Improvement District

As a follow up to a public meeting and the receipt of a written petition from the owners of more than 75% of the property owners, Mr. Ichniowski presented the referenced Resolution establishing the Kingston Creek Waterway Improvement District in accordance with Natural Resources Article Section 8-705 of the Annotated Code of Maryland.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign Resolution No. 95-36 as presented. Motion carried.

2) **Barnes Estates**
Sight Distance Easement Agreements

Relative to the 18-unit self-help home construction project on McIntosh Road, Mr. Ichniowski presented the following Easement Agreements:

- Dated August 11, 1995 between Martha L. Clarke, SATAV Corporation and the Board of County Commissioners of St. Mary's County;
- Dated August 9, 1995 between Irene H. Swales, SATAV Corporation and the Board of County Commissioners of St. Mary's County;
- Dated August 9, 1995 between Charles Davis, SATAV Corporation and the Board of County Commissioners of St. Mary's County;
- Dated August 9, 1995 between Eleanor A. Davis, SATAV Corporation and the Board of County Commissioners of St. Mary's County;
- Dated August 9, 1995 between Charles J. and Mary Catherine Davis, SATAV Corporation and the Board of County Commissioners of St. Mary's County;

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign the Easement Agreements as presented. Motion carried.

3) **Bay Meadows Subdivision**
Acceptance of Deed/Road Resolutions

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

- Deed dated June 18, 1993 between Ridge Valley Construction Company and W. Paul Bright and the Board of County Commissioners of St. Mary's County accepting Shipwreck Court, Captain's Court, and Mate's Court into the County's Highway Maintenance System.
- **No. R95-16** - Designating the following as Stop Streets:
Shipwreck Court as it intersects with St. Jeromes Neck Road
Mates Court as it intersects with Shipwreck Court
Captain's Court as it intersects with Shipwreck Court.
- **No. R95-17** - Posting Shipwreck Court, Captain's Court, and Mate's Court at 25 miles per hour

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

MYRTLE POINT PROPERTY

Present: Larry Petty, Director, Metropolitan Commission
Joe Mitchell, Attorney, "

The referenced individuals appeared before the Board to discuss issues relative to the Myrtle Point property as it relates to the Metropolitan Commission. Mr. Petty displayed a plat of the 500-acre property pointing out the 192-acre parcel (formerly Patuxent River Farms), which is the area of discussion for a proposed park.

Mr. Mitchell gave the historical background of the property advising that the County had approved a Planned Unit Development (PUD) in 1983 for the 192-acre site, and the property was acquired by Route 347 Realty Corporation in 1986 bringing the total property acquired by Route 347 to 500 acres. In order to develop the property, Route 347 was required to provide adequate water and sewer service, as well as connection to the public road system.

Additional points addressed by Metropolitan Commission representatives included:

- Contract of Sale refers to repurchase of property once the title issue has been resolved; however, not clear on amount of land subject to the repurchase;
- Public Works Agreement covering construction of off-site sewer facilities was executed by Route 347 with MetComm;
- Second Public Works Agreement with MetComm was executed for on-site well and water tower and infrastructure.
- The portion of the sewer line along Route 235 was completed and accepted by MetComm; the construction of Patuxent Boulevard to the project site was completed and taken into the County's Highway System.
- That the purchase of the 200-acre site could potentially face a law suit from the parties claiming a right to sewer and water systems.
- That the purchaser of the 200-acre site could potentially face a law suit from the bonding company.

During his presentation Mr. Mitchell pointed out the following outstanding issues that need to be resolved:

- The repurchase agreement regarding responsibility of the successor and third party rights and requirements will have to be addressed;
- There are no recorded easements for any of the privately owned lands on which the lines and pumping stations were constructed;
- The two pumping stations have not been completed and third never initiated; access road to the pumping stations are inadequate; (Estimated cost for completion is \$240,000.) It is MetComm's position that whoever acquires the project site will assume the responsibility for obtaining the necessary easements and for completing the off-site sewer facilities. There is also the question of responsibility for the on-site water and sewer facilities including the water tower and pumping station.
- Route 347 or its "successors in interest" will need to renegotiate the existing public works agreements and provide adequate surety for the completion of the work.

In conclusion the MetComm representatives offered to return to answer any of the Commissioners' questions.

DIRECTOR OF FINANCE

Present: Charles Wade, Director of Finance

1) **Resolution No. 95-38
Investment Policy**

Mr. Wade advised that in accordance with recent adopted legislation the Commissioners are required to adopt by Resolution an investment policy that meets certain guidelines by September 1, 1995 and to submit the policy to the State Treasurer's Office within 30 days of adoption.

Mr. Wade explained the County's current policy and indicated that the County has fully complied with the intent of the legislation by adopting conservative investment guidelines. He stated that the County has two types of investments--operating cash is invested on a daily basis through NationsBank by its subsidiary ASB Capital Management; bond proceeds are invested with Local Government Investment Pool operated by Mercantile Safe Deposit and Trust Company.

During discussion County Administrator Loker recommended that the policy be amended to indicate that the Director of Finance recommend investment policy changes for approval by the Commissioners rather than the Director of Finance instituting changes.

After discussion and correction to the Policy, Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 95-38 as presented. Motion carried.

2) **Fiscal Year 1995 Funds Status Report**

Mr. Wade reviewed the status of the Fiscal Year 1995 funds indicating that revenues are estimated to be over by \$592,709; expenditures under by \$835,214; health insurance under by \$914,366; with net impact at \$2,342,289. He pointed out that these figures may change during the final audit process; however, he indicated that the County was in good financial condition.

3) **State of Maryland
Unclaimed Funds**

Commissioner Eagan advised that while at the Maryland Association of Counties Summer Conference she found out that St. Mary's County was due a refund from the State Comptroller of Maryland in the amount of \$231.

METROPOLITAN COMMISSION PINE HILL RUN WASTEWATER TREATMENT PLANT UPGRADE/EXPANSION

Present: Larry Petty, Director, Metropolitan Commission

Mr. Petty appeared before the Commissioners to present an Application for Financial Assistance from the Maryland Department of the Environment Water Quality Financing Administration in the amount of \$4,212,495. The funds will be used to upgrade and expand the Pine Hill Run Wastewater Treatment Plant. He stated that the Metropolitan Commission members adopted a Resolution authorizing the Commission staff to take the necessary administrative actions to participate in the loan program. During his presentation Mr. Petty distributed a handout setting forth the components of the upgrade/expansion project with a total cost of \$8,241,677.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Loan Application as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Colton Property

Commissioner Jarboe advised that John Colton, heir of Bruce Colton, contacted him about his efforts to get the Colton funds for a senior assisted living center in the County. He has requested to come before the Board to give a status report. The Commissioners agreed to schedule Mr. Colton for next week's meeting.

EXECUTIVE SESSION

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

Personnel - Director of Finance Position

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Charles Wade, Director of Finance
George Foster, Personnel Officer
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 11:50 a.m. - 12:20 p.m.

Action Taken: The Commissioners discussed the applicants for the Director of Finance position and gave direction to the Personnel Officer.

EFFICIENCY TASK FORCE ORIENTATION MEETING

Present: Task Force Members: Joseph Gardiner, Leonard Greess, Robert Harper, Dan Raley, Marie Underwood, Donald Wright (Larry Schadegg was not present.)
Chris Zitzow, David M. Griffith & Assoc., Ltd.
Mary Pat Pope, Administrative Officer

The Commissioners met with the recently established Efficiency Task Force, distributed materials to the members, and discussed the potential issues to be addressed by the group. The Consultant explained its role, the Commissioners gave their thoughts and concerns, and the Task Force members each addressed what they believed the group should accomplish.

After the orientation session, the Task Force met as a group on its own and selected Robert Harper as Chair and Marie Underwood as Vice-Chair.

PUBLIC HEARING

COUNTY GOVERNMENT SPACE NEEDS/JUDICIAL CENTER

Present: Dan Ichniowski, Director, DPW
Ford Dean, Chair, Space Needs Task Force
Bruce Major, Consultant

The Board of County Commissioners conducted a public hearing to present information regarding the space needs of St. Mary's County Government and to receive public comment on the Judicial Center as approved for planning in the Fiscal Year 1996 Capital Budget.

Mr. Ichniowski read the notice of public hearing and gave the background of the proposed project.

Mr. Dean presented a summary of the recommendations of the Task Force which was submitted to the Board of County Commissioners in June of 1994. He explained the methodology in evaluating the six alternatives and the ultimate recommendation to address the inadequate space needs of the county.

Mr. Major reviewed the consultant's study and reviewed the various alternatives.

After the presentation the hearing was opened for comments from the audience:

Robin Guyther (Town Manager) - Advised that the Town of Leonardtown is in the process of developing a Revitalization Program and that moving the Courthouse to the Governmental Center would have a detrimental impact on the Town; that the Program needs ten years to get on its feet.

Ken Hastings - Opposed to moving the Courthouse to the Governmental Center; does not want taxes increased to pay for new judicial center; recommended upgrading Efficiency Task Force to a full commission and that it be charged with making recommendations to improve efficiency beyond the '97 budget.

Oliver Guyther - Pointed out the cost for amortizing a new judicial center; indicated areas of additional parking in Town and suggested the construction of a two-story parking garage; recommended adding on to the Courthouse; indicated there would be traffic congestion if moved to Governmental Center; current courtroom is not being fully used.

(In reference to Oliver Guyther's comments about parking, Commissioner Thompson inquired whether Leonardtown required a certain amount of parking for new additions or buildings. Town Manager Robin Guyther responded that the requirement is sometimes waived.)

Kennedy Abell (Member of Town Task Force) - Recommended that courthouse be added on to rather than moving to Governmental Center; that there be a study for what could be done to the current courthouse; additional parking in Town can be developed.

Wendy Anderson - Expressed opposition to more space; there should be less government.

Vernon Gray (ACT) - Inquired whether Space Needs Task Force considered affordability of recommendations (Ford Dean responded that it was not part of the charge.); concerned about debt service and ability of taxpayers to pay for it; recommended that each component be dealt with individually.

Tommy Bell - Opposed to moving courthouse to the Governmental Center; record room has space problems; recommended building over Control Center; Court Square building could be used as a fourth chamber; government agencies should not be at one location in case of catastrophes.

J. Harry Norris, III (Town Mayor) - Presented petitions from business owners and residents of Leonardtown opposing move of courthouse to Governmental Center; Leonardtown Volunteer Fire Department supports keeping Courthouse in Leonardtown.

Bernard Johnson - Spoke to the historical significance of the current courthouse; recommended keeping it in Leonardtown.

Marvin Kaminetz (Circuit Court Judge) - Addressed the critical space needs of the Circuit Courts and that the Commissioners are obligated to meet the judicial needs of government.

Walter Dorsey - Expressed support for additional space needs of the judicial system whether in Leonardtown or at Governmental Center.

Roy Dyson - Expressed concern about increased cost of government; indicated support for keeping courthouse in Leonardtown.

Mary Ann Chasen - Spoke to the loss of funding in Maryland; aware of space needs but recommended that it remain in Leonardtown.

Danny Smith - Opposed to proposal to build a new courthouse; has had dealings with court system; there is a need for improved scheduling.

Michael Schwartz - Did not support spending funds to move courthouse to Governmental Center; recommending evening court; flex time;

Brad Ruby - Expressed opposition to spending money for new judicial center; referred to scheduling problems in the courts.

Mary Waters - Indicated there was an unfair justice system; same judge hearing same cases; there is need for another courtroom and another judge.

Ruth Proffitt (Leonardtown Commissioner) - Had concerns with the historical preservation of the courthouse; pleaded that the Commissioners not abandon the old courthouse.

_____ - Inquired about the courtrooms/judges in Charles County.

Doug Ritchie - Stated that comparing Charles County with St. Mary's County was like comparing "bananas to grapes" that Charles County has a much greater tax base than St. Mary's.

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Minutes Approved by Board of
County Commissioners on 8/29/95

Judith A. Spalding
Recording Secretary