

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
SEPTEMBER 9, 1997**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Judy Landau Pedersen, Information Officer (on behalf of County Administrator)
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, September 2, 1997 as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize payment of the bills. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the agenda as presented. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To R. C. Duckson regarding proposed expansion of the Lexington Park Development District line from Hermanville Road to Park Hall Road.
- b. To Carol Esch, NuAd, Inc., regarding *Southern Maryland Insight* Program on Channel 10.
- c. To Maryland Office of Planning regarding State Clearinghouse Application #MD970814-0838 - Leonardtown Wastewater Treatment Plant Biological Nutrient Removal Project.
- d. To Robert N. Ray responding to concerns regarding a pier extension at Scotch Point.
- e. Letters of appreciation for serving on boards/committees.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the Consent Agenda with the exception of Letter (d.) to Robert N. Ray. Motion carried.

Commissioner Jarboe indicated there were issues (Coast Guard, MDE, Planning and Zoning, scenic/vista) raised by Mr. Ray and that the letter does not provide answers to those issues. After discussion the Commissioners agreed to revise the letter (including a statement that additional information will be provided to him as it is received by the County).

Later in the meeting after the revised letter was presented, Commissioner Jarboe moved, seconded by Commissioner Brugman, to send the letter as amended. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Judy Landau Pedersen, Information Officer (on behalf of County Administrator)

1. Boards, Committees, Commissions Letter of Appointment

Commissioner Jarboe moved, seconded by Commissioner Chesser, to appoint David Triantos to the Cable Advisory Committee. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to sign the letter appointing David Triantos to the Cable Advisory Committee. Motion carried.

2. Emergency Food Assistance Program Renewal Agreement

Department of Human Resources - Renewal of Agreement for Distribution of Commodities and Funds for The Emergency Food Assistance Program in the amount of \$8,000.

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

4. Resolution No. Z97-05 Road Naming Resolution

(Follow up to 6/3/97 Public Hearing and subsequent discussion/decision)

- * Change *Four Log Lane* to *Helen Bohle Drive*
- * Change from unnamed to *Four Log Lane*, the driveway adjacent to said *Helen Bohle Drive*
- * Change *Carroll Manor Road* to *Suite Landing Road*
- * Change *East Rennell Avenue* to *Rennell Avenue*
- * Change *West Rennell Avenue* to *Rennell Avenue*

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. Z97-05 as presented. Motion carried four to one with Commissioner Jarboe voting against.

6. Information Release Department of Law

Selection of County Attorney Douglas Durkin to the post of Chair of the County Attorney's Affiliate of the Maryland Association of Counties.

The Commissioners concurred in the distribution of the Information Release as presented.

7. Erosion and Sediment Control Plan Review Fees Ordinance

Letter dated September 8 forwarding draft Ordinance for proposed increase to the erosion and sediment control review fee as previously requested by the Commissioners. Staff requested approval to proceed with scheduling of a public hearing on the proposed Ordinance (tentatively scheduled for October 7, 1997).

Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize taking the proposed Erosion and Sediment Control Plan Review Fees Ordinance to public hearing. Motion carried.

8. Critical Area Grant Proposal for Fiscal Year 1998

Also Present: Jon Grimm, Director, Planning and Zoning

Grant provides continuance of the Critical Area Grant for Fiscal Year 1998, which funds portions of the salaries for personnel involved in implementation of the County's Critical Area Program. Mr. Grimm advised that the grant funds were included in the FY '98 budget.

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

During discussion Mr. Grimm requested that the Commissioners consider changing the fee schedule during the FY '99 budget cycle and agreed to work with the Finance Director relative to these fees.

SOUTHERN MARYLAND ELECTRIC COOPERATIVE

Present: Al Gough, Legal Services, SMECO
Jay Bushell, District Manager, "

The referenced representatives from SMECO appeared before the Commissioners to present a Capital Credit check in the amount of \$5,905, which reflects the County's share of what is left over after the Co-op pays all its expenses.

COUNTY COMMISSIONERS' TIME**United Way Campaign**

Commissioner Thompson advised that she and Commissioners Eagan and Chesser attended the 1998 United Way Kick Off, and that she and Commissioner Eagan had discussed ways to increase participation by St. Mary's County Government employees. She suggested that the County Administrator appoint a Coordinator who could work with United Way and arrange for some opportunities for employees to be given more information about what United Way is doing in the County so that they would be willing to participate.

The Commissioners gave their concurrence.

St. Clements Shores
Intersection View Obstruction

Commissioner Brugman stated that in the Spring he had received a telephone call regarding bushes that were blocking sight distance at an intersection in St. Clements Shores, and that Public Works had trimmed them; however, they have now grown back and Public Works has again trimmed the bushes. He stated that the bushes are on an unbuilt and unbuildable lot and that the property owner lives in Florida. He requested that staff check with the County Attorney to see if the County can remove the hedges out of the interest of public safety.

Community Action Teams

Commissioner Eagan advised that she attended the Community Action Team meeting with Patuxent Homes, Spring Valley, and Southampton citizens and that the meeting was also well attended by representatives involved with Hot Spots. The representatives explained how the Hot Spots grant funds would be used and will attend a future meeting to inform the citizens as to how the programs are working.

PUBLIC HEARING SUPPLEMENTAL APPROPRIATION EMERGENCY SERVICE REQUIREMENTS

Present: Roy Hicks, Deputy Finance Officer
James Haley, Procurement Officer

The Commissioners conducted a public hearing on a Supplemental Appropriation in the amount of \$250,00 from the undesignated fund balance to the Office of the County Administrator for the purpose of funding a comprehensive assessment of the County's emergency communications requirements by MCI Systemhouse. The assessment will include specific recommendations regarding the upgrade and consolidation of St. Mary's emergency communications facilities as well as upgrade or replacement of existing equipment.

Mr. Hicks read the Notice of Public Hearing which was published in *The Enterprise* newspaper August 27 and September 3.

Commissioner Thompson questioned the number of RFP's that had been distributed, and Mr. Haley indicated there were 30 vendors who could have submitted bids; however, only one was received, which was MCI Systemhouse. In addition Commissioner Thompson requested Mr. Hicks to explain to the public the Undesignated Fund Balance. He responded that the Undesignated Fund Balance are funds that have been retained by the County that have not been designated for a specific purpose. The County retains a 5% Reserve.

Hearing no further comments the public hearing was closed; the record will remain open for ten days for additional comments.

In response to an article in the *Today* newspaper, Commissioner Chesser stated that there was apparently a misunderstanding, that he was very much in support of improving the communication services and for ensuring public safety to the people of St. Mary's County.

THIRD CIRCUIT COURT JUDGE

Present: Judge John Hanson Briscoe
Judge Marvin S. Kaminetz

Judges Briscoe and Kaminetz appeared before the Commissioners to provide a status report on a third Circuit Judge. Judge Briscoe indicated that statistical data from the Administrative Office of the courts indicates that the population of the county per judge and the increased case load per judge warrants the need for the third judge. Approximately five years ago St. Mary's County had been certified by the legislature and the Administrative Office of the courts for the third Circuit Court Judge.

Judge Briscoe further explained to the Commissioners that although the new space at the Courthouse will not be completed for two years, he believed that temporary facilities could be provided until the new facilities are available. The appointment should be effective October 1, 1998 and that he and Judge Kaminetz will be working with the Finance Office to develop the needed support.

**RESOLUTION NO. 97-35
FISCAL YEAR 1998 GENERAL OBLIGATION BOND SALE**

Present: Roy Hicks, Deputy Finance Officer
Steve Welkos, Finance Director) via telephone from the offices of Venable,
Sam Ketterman, Financial Advisor) Baetjer and Howard in Baltimore
James Cumbie, Bond Counsel)

Via the speaker phone, Mr. Welkos advised that five bids were received for the sale of St. Mary's County Consolidated Public Improvement Project and Refunding Bonds of 1997. The Bonds will provide funds to finance or refinance certain capital projects, to finance the establishment of a revolving loan fund for certain volunteer fire, ambulance and rescue departments, and to currently refund all outstanding maturities of the County's Public Facilities Refunding Bonds of 1986. Bids were as follows: Merrill Lynch & Co. - \$25,645,086.65 - 4.8699%; ABN AMRO Chicago Corp. - \$26,419,107.95 - 4.7989%; Interstate/Johnson Lane Corp. - \$26,397,350 - 4.830%; Ferris Baker Watts, Inc. - \$26,397,752.55 - 4.796782%; Legg Mason - \$26,397,350 - 4.78959%.

Mr. Welkos recommended that the Commissioners award the bid to the lowest bidder, Legg Mason was the lowest bidder at the rate of 4.78959%.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign Resolution No. 97-35 awarding the bid to Legg Mason as recommended. Motion carried.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Boards, Committees, Commissions), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel (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, Recorder

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

Time Held: 3:04 p.m. - 3:25 p.m.

Action Taken: The Commissioners reviewed the current status sheet and gave direction to staff.

**OFFICE OF COMMUNITY SERVICES
"MARYLAND YOU ARE BEAUTIFUL"
VOLUNTEER RECOGNITION CEREMONY**

Present: Cynthia Brown, Director, Office of Community Services
Floraine Applefeld, Director, "*Maryland's Most Beautiful People*"

The County Commissioners, Ms. Brown and Ms. Applefeld recognized the following nominees for *Maryland's Most Beautiful People*:

F. Floyd Abell, Bertie Bowman, Agatha Dean, Ray Dion, Judy Emerson, Lettie Dent Elementary Volunteers (Mary Bell, Lynn Pitcher, Kathy Byroads, Adelaide Martin, Kathy Burrell, Debbie Ritchey, Rosalie Richardson) Peggy Lee Miles, Mary Jane Pembroke, Rachel Quade, Audrey Ridgell, Douglas Ritchie, Mary C. Stasch.

The Grand Winner was Ray Dion.

EXECUTIVE SESSION

Commissioner Brugman moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Litigation (Board of County Commissioners versus St. Mary's Disposal), as provided in Article 24, Section 4-210(a)8. Motion carried.

Litigation (Board of County Commissioners versus St. Mary's Disposal)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Douglas S. Durkin, County Attorney
Jon Grimm, Director, Planning and Zoning
Judy Landau Pedersen, Public Information Officer
Judith A. Spalding, Recorder

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

Time Held: 4:35 p.m. - 5:50 p.m.

Action Taken: The County Attorney provided a status report of the referenced legal matter and received direction from the Board.

ADJOURNMENT

The meeting adjourned at 5:50 p.m.

**Minutes Approved by Board of
County Commissioners on 9/16/98**

Judith A. Spalding
Judith A. Spalding
Recording Secretary