

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 21, 1987

Present: Commissioner Joseph P. O'Dell, President
Commissioner W. Edward Bailey
Commissioner Robert Jarboe
Commissioner John Lancaster
Commissioner Rodney Thompson
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 8:25 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve the minutes of the Commissioners' meeting of Tuesday, April 14, 1987. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve payment of the bills as submitted. Motion carried.

EXECUTIVE SESSION

Present: John Norris, Director, DPW
Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded Jarboe, to meet in Executive Session in order to discuss matters of Personnel and Litigation. Motion carried. The Session was held from 8:45 a.m. to 9:15 a.m.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1. PATAPSCO AQUIFER STUDY

Commissioner Jarboe reported on the Tri-County Council Executive Board meeting and the discussion concerning the Patapsco Aquifer Study proposal from Maryland Geological Survey. He stated that Charles County has withdrawn interest in participating, which was 30% of the cost. There is a possibility that Calvert County may increase its share, and Commissioner Jarboe inquired whether St. Mary's County could pick up the balance.

After discussion, the Commissioners requested that information be obtained as why Charles County withdrew its interest and what the cost would be to St. Mary's.

2. BLESSING OF THE FLEET

The County Administrator presented correspondence for the Commissioners' signatures to be placed in the booklet for the 30th Annual Blessing of the Fleet at St. Clements Island. The Commissioners agreed to sign the letter as presented.

3. STATE'S ATTORNEY'S OFFICE
COOPERATIVE REIMBURSEMENT PROGRAM

The County Administrator presented the Cooperative Reimbursement Agreement Application for child support services from the State's Attorney's Office to be submitted to the Department of Human Resources.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Commissioner President O'Dell to sign the Application as submitted. Motion carried.

4. 4-H EXTENSION AGENT

The County Administrator presented correspondence addressed to the Director of the Cooperative Extension Service requesting early attention to the employment of a 4-H Extension Agent in St. Mary's County. The position has been vacant since May 1986. The Commissioners agreed to sign and forward the letter.

5. MOTOR EQUIPMENT OPERATOR III
DEPARTMENT OF PUBLIC WORKS

The County Administrator presented a memorandum dated April 21, 1987 from the Personnel Officer recommending the selection of Glenn Norris to the Motor Equipment Operator III position, Grade 7-2, effective June 29, 1987.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

(Commissioner Thompson left meeting - 10:30 a.m.)

SCHOOL BUS CONTRACTORS

Present: David Densford, Attorney for Contractors
School Bus Contractors
Paul Raley, Director, Purchasing & Logistics

Mr. Densford appeared before the Commissioners to present several concerns of the parochial school bus contractors. A list of the various concerns was submitted to the Board and include:

1. Reimbursement for sales tax on buses.
2. Bus depreciation schedule ceiling needs to be raised.
3. Indexing for expenses for operations and salaries.
4. Payment of profits.
5. Interest factor is insufficient.
6. "Five mile drive" ceiling exemptions.

After discussion the Commissioners agreed that the matter need further study and should include looking at the public school policy, the County's policy, fiscal impact. The Commissioners agreed to respond back to Mr. Densford with the Board's direction on this matter.

BLUE CROSS/BLUE SHIELD

Present: Tricia Lehmann, Blue Cross/Blue Shield
Rick Capizzi, "

The referenced representatives appeared before the Board to present an overview of the County's insurance program and to discuss the 55% rate increase.

By way of slides, Ms. Lehmann presented the County's usage, claims and costs and pointed out the increasing costs per member, particularly from 1985 to 1986.

Mr. Capizzi indicated that although BC/BS was looking at a 55% rate increase, the county could pay a 30% increase and make up the difference if there is any at the end of the 12-month period. Should the County's claims be less than the 30%, BC/BS would reimburse the County for the difference. Mr. Capizzi further pointed out that the County may want to explore curtailing certain benefits and cost containment ideas.

In conclusion Ms. Lehmann noted that a decision is needed by the Board regarding the premium costs by the County by the end of May.

WICOMICO SHORES COUNTRY CLUB

Present: John Baggett, President, Chaptico Recreation Corporation

Mr. Baggett appeared before the Commissioner to recommend that the Corporation make the necessary arrangements for the best financing. He stated that it appears that the Corporation can get 8 3/4% financing with a 20% down payment of \$7500, which can come from funds of the Corporation. The Commissioners gave their concurrence for Mr. Baggett to proceed.

FY '88 RECOMMENDED BUDGET

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present adjusted revenue figures on the FY '88 Budget and to review the seating arrangements for the public hearings on the FY '88 Recommended Budget on April 22 and 23.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Jarboe to meet in executive session to discuss a matter of personnel. Motion carried. The session was held from 11:00 a.m. to 11:20 a.m.

OFFICE OF PLANNING AND ZONING PUBLIC HEARING 11:30A.M.

Commissioners present: Joseph P. O'Dell, W. Edward Bailey, Robert Jarboe, and John G. Lancaster. Commissioner Thompson was absent. Staff present included: Robin Guyther, Planner, and Betsy Anthony, Recording Secretary, Office of Planning & Zoning.

Members of the audience included: Richard Burger of the Enterprise, Vince Del Gavio of WKIK Radio, Dick Meyers of WPTX/WMDM, Louis Eberle, Brenda Wagner, Elinor Cofer, Tom Oliver, Director of Civil Defense Comm., Paul Wible, Elda Branhan, and Alan Bussler of The Sentinel.

Mr. Guyther indicated that the Notice of Public Hearing was advertised in "The Enterprise" Newspaper on April 3, 1987, a publication of county-wide circulation, providing legal notice for the following public hearing:

ZONE # 87-0433: REGULATIONS FOR FLOODPLAINS, REGULATORY FLOODS, AND FLOOD HAZARD AREAS

Proposed text amendment to Section 38.03 of the St. Mary's County Zoning Ordinance to provide that these regulations apply to existing development and to provide that these regulations will regulate the placement, alteration, or replacement of structures so that they will not materially impair the discharge capability of the floodplains or measurably increase the flood height of the regulatory flood. The purpose of this amendment is to bring the St. Mary's County regulations into conformance with Section 60.3d and e of the National Flood Insurance Program regulations.

Mr. Guyther gave a brief history of the Flood Insurance Program explaining that in the late 1960's the federal government developed a special flood insurance program to protect structures built in flood areas. In the early 1970's the Department of Housing and Urban Development (HUD) contracted with private firms to produce the flood boundary maps necessary to implement the program and St. Mary's County was given Preliminary Maps in about 1974. The Preliminary Maps contained many errors, but the contractor for their maps went out of business and they were stuck with the Preliminary Maps. The County was then placed on the Emergency Program, which was set up to handle areas for which no official maps were available.

The Final Maps were delivered to the County in November of 1985 for review. During that time they were to adopt additional regulations to implement the program. When they failed to adopt regulations satisfactory to the Federal Emergency Management Agency (FEMA), which took over the program from HUD, they were suspended from the program on February 19, 1987, "for failure to adopt and/or transmit to this office adequate floodplain management measures to regulate development in its identified flood hazard areas." What their regulations were lacking were the adequate measures to regulate additions to existing structures. They did not include those measures because they involved building inspections. Since they had no building code, or building inspectors, they did not feel they could enforce those provisions. However, FEMA was insisting that they adopt them regardless.

Mr. Guyther then explained what the suspension meant to the County. He stated that the primary effect of the action was to prevent people from obtaining or renewing flood insurance on those properties which are identified as being in the Flood Hazard Area by the maps. If Flood Insurance was not available, federally regulated lenders were prohibited from making mortgages on properties in the Flood Hazard Areas.

Mr. Guyther indicated that a revised set of regulations had been sent to FEMA by DNR staff. According to a FEMA official he spoke with on Monday, April 20, 1987, the regulations submitted by DNR needed only "minor revisions." Unfortunately, the person who reviewed the submittal was on vacation this week and had not said what the minor revisions were. The revisions could, however, be made over the telephone and they could expect to be in contact with the person in charge early next week. Mr. Guyther then entered into evidence a copy of the revised package received back from FEMA with corrections that needed to be made.

Mr. Guyther then recommended that the hearing be held open to accept new evidence, namely the revised regulations approved by FEMA. Upon receipt the regulations would be adopted by the Commissioners at their next meeting. Mr. Guyther also recommended that the County Commissioners sign a letter to be made available to lenders explaining the situation and emphasizing that the County will be back in the program by the end of May. He stated that he had already written such a letter for a citizen who said his bank would give him a mortgage upon the condition that he purchase Flood Insurance when it becomes available and that he had taken the liberty of drafting such a letter for the Commissioners' signature.

After some discussion among the Commissioners, President O'Dell opened the discussion for the public.

Ms. Elinor Cofer asked Mr. Guyther to clarify for her the meaning of "floodplain". Mr. Guyther explained that maps were available for public review in the Office of Planning & Zoning. Ms. Cofer read a letter aloud into the record as follows: "I find it incredible that St. Mary's County officials allow a water based County such as ours to become gripped in the National Flood Insurance Program. They have left us stranded in a very poor position. Not only the homeowners and buyers who are now in limbo but also the waterfront property owners, real estate salesperson, and mortgage company. They also stand to be severely affected by this lapse. It behooves the Commission to go all out from a remedial action to get us in compliance before we are inundated with lawsuits." Ms. Cofer urged the Commissioners to consider her concerns.

Mr. Tom Oliver, Director of Civil Defense, advised that an individual was required to have Flood Insurance before assistance could be given.

Commissioner Lancaster asked Mr. Guyther if there were many changes that needed to be made. Mr. Guyther replied that he did not anticipate any more changes and that it was a matter of getting the revisions typed and sent back to FEMA.

Commissioner Bailey asked Mr. Guyther if it was affecting only the people that were buying new homes. Mr. Guyther explained that it was also affecting the people with renewals coming up as they could not get their insurance renewed. Commissioner Bailey then stated that it was important to get the Flood Insurance issue resolved as soon as possible. Mr. Guyther then explained to the members that the person who was to review the revisions has been on vacation and would not be back for a week.

Commissioner Jarboe asked if they should make an attempt to contact the people whose insurance was coming up for renewal. President O'Dell then asked Mr. Guyther if it was his intent to mail the letter to all the people in the area with insurance renewals. Mr. Guyther explained that the letter would primarily be for customers to give to their banks.

President O'Dell then suggested that the hearing be held open to accept possible changes until the receipt of the Planning Commission's recommendations. The letter Mr. Guyther had drafted was then passed around and each of the Commissioners signed it.

STSP # 87-0139: ATLANTIC AERO, LTD.

Requesting site plan approval for a 11,088 sq/ft. T-hanger for the St. Mary's County Airport. The property contains approximately 48 acres and is in the Sixth Election District, shown on Tax Map 34, Block 8, as parcel 299.

Mr. Guyther briefly discussed the site plan and advised them that he had received a letter from Department of Public Works indicating that there would be no problem with the T-hanger. He also advised that the site plan was eligible for a waiver of storm water management because it would not increase the storm water run off more than 10%.

Mr. Guyther indicated that the Planning Commission had already approved the industrial site plan. After some discussion among the members, Commissioner Bailey made a motion to approve site plan approval for a 11,088 sq.ft. T-hanger for the St. Mary's County Airport, seconded by Commissioner Jarboe, unanimously passed.

PROCLAMATION
AMERICAN HOME WEEK

Present: Alice Mason
Lecn Anderson
Lyle Sackie

The Commissioners presented the referenced Proclamation designating the week of April 24 - May 2, 1987 as American Home Week in St. Mary's County.

PROCLAMATION
RESPECT FOR LAW WEEK

Present: Dennis Reed, Mechanicsville Optimist Club
John Smith, Hollywood Optimist Club

The Commissioners presented the referenced Proclamation designating the week of May 1 - 7, 1987 as Respect for Law Week in St. Mary's County.

TOUR OF EDUCATIONAL FACILITIES

At this time the Commissioners left for a tour of various educational facilities with representatives of St. Mary's Public Schools.

(The Commissioners meeting reconvened at 6:00 P.M.)

(Commissioner Thompson returned to the meeting 6:00 p.m.)

PUBLIC FORUM

At this time the Commissioners conducted a public forum and received questions and comments from the audience.

INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS

Present: Dr. William Marek, Deputy Health Officer
Thomas Russell, Director, Environmental Hygiene

Dr. Marek and Mr. Russell appeared before the Commissioners and presented an update on the status of the various alternative systems: Standard Mound System, I & A Mound System, and Low Pressure Dose System.

During discussion Dr. Marek pointed out that new State Health Department Regulations will give an option to the counties for the ability to penetrate groundwater if there is an adequate study that it would not be detrimental to the waters.

EVAPOTRANSPIRATION SYSTEM SEWAGE DISPOSAL SYSTEM

Present: Dr. Rick Walters, University of Maryland
Ed Peters, Intern, U of Md.
Cliff Stein, State Department of Health
Dr. William Marek, County Health Department
Thomas Russell, "

Representatives of the University of Maryland appeared before the Commissioners to explain the progress of the study of the Enhanced Evapotranspiration Wastewater Disposal System. Dr. Walters indicated that two tasks were involved: Literature review and review of existing facilities. The major questions addressed were to determine how well the system could work, how much water could be evaporated, and what is the least expensive system that would work. In terms of major conclusions, Dr. Walters advised that the review revealed problems associated with the liner for the system and also that the current design rates are not applicable for Maryland.

Through a slide presentation, Dr. Walters described the elements of the evapotranspiration system (soils, vegetation, etc.) and costs.

Mr. Stein reported that the next two tasks of the study is the development and monitoring of a prototype facility and analyze costs and recommended that the County proceed with the second phase of the study. He stated that plans and costs estimates should be available by July.

The Commissioners agreed to make a decision within two weeks.

PROCLAMATION NATIONAL AUCTIONEERS' WEEK

The Commissioners presented the referenced Proclamation designating the week of April 7 - 11, 1987 as National Auctioneers' Week in St. Mary's County.

COUNTY COMMISSIONERS' TIME

1. TRI-COUNTY COUNCIL EXECUTIVE MEETING

Commissioner Jarboe advised that there will be an Executive Meeting of the Tri-County Council on May 14, and it is requested that the Commissioners develop a list of agenda items. Commissioner O'Dell suggested that each Commissioner present a list at next week's meeting for compilation into a master list for submission to Tri-County Council. The Board members concurred with this suggestion.

2. FOXWELL POINT PUBLIC LANDING

Commissioner Thompson reported that he has received complaints from citizens concerning their inability to use the public landing at Foxwell Point because an adjacent property owner has prevented the use of it. The Commissioners requested the County Administrator to contact the Sheriff's Department for evaluating the situation.

3. INDIVIDUAL VS. BOARD OPINION AND ACTIONS

Commissioner O'Dell requested the Board to review the memorandum from the County Administrator on the referenced matter in preparation for discussion at next week's meeting.

4. MARYLAND ASSOCIATION OF COUNTIES
SUMMER CONFERENCE

Commissioner O'Dell indicated that MACo has inquired whether St. Mary's is interested in having an exhibit at the Summer Conference. He directed the County Administrator to contact the County's Department of Economic & Community Development to determine whether there is interest in preparing an exhibit.

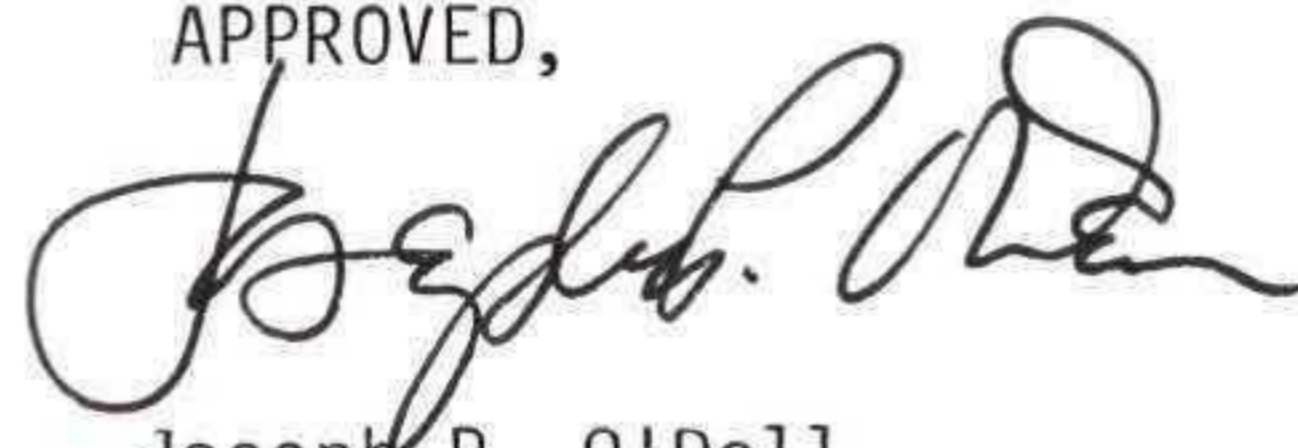
5. SOUTHERN MARYLAND TOBACCO INDUSTRY FILM

The Commissioners discussed the request from Charles County regarding participation funding for the development of a film on Southern Maryland tobacco industry. The County Administrator was directed to obtain more information prior to the Board making a decision.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

APPROVED,



Joseph P. O'Dell
President