

## BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 21, 1991

Present: Commissioner Carl M. Loffler, Jr., President  
W. Edward Bailey, Commissioner  
Robert T. Jarboe, Commissioner  
John G. Lancaster, Commissioner  
Barbara R. Thompson, Commissioner  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, May 14, 1991 as corrected. Motion carried.

APPROVAL OF BILLS

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

MEDEVAC MEETING

Commissioner Loffler suggested that correspondence be sent to Lt. Governor Steinberg thanking him for sharing his review of the MedEvac situation and stressing the importance of reinstating the MedEvac serving for Southern Maryland. The letter should indicate that 12 months is too long of a period of time and that a lease arrangement should be considered as soon as possible.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) INFORMATION RELEASE

On behalf of the State's Attorney's Office, the County Administrator presented an Information Release regarding Project Graduation, a drinking/driving education program for the County's graduating seniors.

2) FEE COLLECTION  
HOUSE BILL 837

At the request of the Sheriff, the County Administrator presented correspondence to Governor Schaefer expressing support of House Bill 837 regarding collection of Sheriff's Fees for serving of papers. He stated that the Sheriff has indicated that the Governor may not sign the bill and the letter is requesting him to sign it.

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

3) SELECTION OF OUTSIDE AUDITOR

As previously requested by the County Commissioners, the County Administrator advised that proposals were solicited for the provision of an outside financial audit for St. Mary's County. Therefore, Mr. Cox presented a memorandum dated May 17 from the Procurement Officer recommending the appointment of the firm of Cox, Long & Colvin as the outside auditor as a base year price of \$46,450.



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

4) RESOLUTION NO. 91-16  
SUPPLEMENT TO 1987 GENERAL OBLIGATION BOND RESOLUTION

The County Administrator reminded the Commissioners that Director of Finance Wade had distributed a draft of the referenced Resolution which indicates that \$62,857 of the proceeds of the 1987 General Obligation Bonds is no longer required and authorizes the use of these funds for the Dynard Elementary School addition.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 91-16 as presented. Motion carried.

5) PERSONNEL  
FAMILY LEAVE REQUEST

The County Administrator presented a memorandum dated May 20 from the Personnel Officer requesting approval for up to sixty days of Leave Without Pay and continuation of health insurance benefits at full time employee premium rates for Claudia A. L. Unkle in the Finance Department.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve this request. Motion carried.

6) FISCAL YEAR 1992 CRITICAL AREA PROGRAM GRANT

The County Administrator presented a memorandum dated May 17, 1991 from the Office of Planning and Zoning forwarding correspondence addressed to the Chesapeake Bay Critical Area Commission requesting an additional \$11,000 which would cover the costs of a new Planner I position, which is necessary for the county's Critical Area projects.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to submit the \$11,000 additional funding request to the State Critical Area Commission as presented. Motion carried.

7) APPOINTMENTS  
BOARDS, COMMITTEES, COMMISSIONS

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to make the following appointments:

BOCA Code Appeals Board	Terms to Expire
Jim Weaver	6/30/96
Commission for the Disabled	
Jack Hornell	12/31/93
Ed Mosely	12/31/94
Kevin Suggs	12/31/94
Victoria Wilkins	12/31/95
Electrical Examiners Board	
Adrian S. Hall	12/31/91
Donald Milstead Haskin	12/31/93
Walter K. Sterling	12/31/92
Marcey House Board	
William Butler	12/31/94
Dan Donahue	12/31/94



8) **BUDGET AMENDMENTS**

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

**No. 91-71  
Sheriff's Department**

To support the cost of installing light fixtures for the exterior of the jail (\$14,000).

**No. 91-72  
Emergency Management**

An accounting transfer to separate fire department and rescue squad base station replacement funds.

**No. 91-73  
Director of Finance**

To provide funding for additional boiler insurance (\$150)

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Budget Amendments as presented. Motion carried.

9) **ETHICS ORDINANCE**

The County Administrator advised that copies of the Ordinance with proposed revisions had been placed in the Commissioners' boxes on May 17 and requested whether the Commissioners were ready to take action.

Commissioner Loffler recommended that decision on the Ordinance be deferred until next week after the Commissioners had had an opportunity to review it. The Commissioners concurred.

10) **LORETTA HOUSE**

The County Administrator referenced the recent fire which destroyed Loretta House, a group home young men, this past weekend and stated that the Board of Directors and Director are trying to restructure. He stated that everything had been lost in the fire including records. In light of this catastrophe, the Board of Directors has renewed its request for \$15,000, and Mr. Cox stated that this issue needs to be resolved as they are in an emergency situation.

Commissioner Jarboe suggested that correspondence again be forwarded to Calvert and Charles Counties requesting participation in the funding for Loretta House.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **PROPOSED SOLID WASTE ORDINANCE AMENDMENTS  
(FEE SCHEDULE REVISIONS)**

Mr. Ichniowski distributed a handout outlining proposed revisions to the Solid Waste Ordinance, proposed fee schedule, proposed hours of operation, and comments from citizens received at the May 7 public hearing.

The Commissioners requested that Mr. Ichniowski address the following issues:



- Developing mechanism for people in the County for a short time who have trash to dispose;
- People having to pay both for transfer station stickers and landfill dumping;
- Not closing the transfer stations on Sunday, but looking at possibly closing a day during the week;
- Opening the landfill/transfer stations later in the day and keeping them open later in the evening;
- Doing an analysis of cost a lower rates for sticker fee and the impact on costs.
- Look at increasing littering fines (also enforcing the littering laws);

2) **RECYCLING PROGRAM**

Mr. Ichniowski advised that his department had a recycling awareness day on Saturday, May 18 wherein volunteers spent time at the transfer stations passing out leaflets and selling recycling containers. He stated that on Saturday, May 25 the Recycling Committee and staff will be sharing a booth with individuals selling earthday bags and stickers.

3) **ST. MARY'S COUNTY AIRPORT**

Mr. Ichniowski presented correspondence addressed to the St. Mary's County Legislative Delegation requesting assistance in the development of the St. Mary's County Airport. The letter requests assistance in obtaining \$39,560 (%5) from the State Aviation Administration for the runway extension project.

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

4) **ACCEPTANCE OF DEED  
PEGGS ROAD RECONSTRUCTION**

Mr. Ichniowski presented a Deed dated May 13, 1991 between William Calvert Bean and Grace E. Bean and the Board of County Commissioners of St. Mary's County in conjunction with the Peggs Road reconstruction project.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept and authorize Commissioner Loffler to sign the Deed as presented. Motion carried.

**FISCAL YEAR 1992 BUDGET**

**ST. CLEMENTS ISLAND POTOMAC RIVER MUSEUM**

Present: Michael Humphries, Director  
Jim Banagan, Museum Board  
Mary Lillian Hewitt, "  
Grace Sheaffer, "

The referenced individuals appeared before the Commissioners to request reconsideration of funds for the Fiscal Year 1992 Budget. Mr. Humphries distributed a handout setting forth a visitors' analysis (which showed attendance doubling over the last five years), volunteer-donated hours, state funding (which has declined to nothing for 1991), state expenditures, county support, and grants and awards.

Mr. Humphries stated that he and the Board of Directors have reviewed operating expenses and made revisions to certain expenditures to reduce the amount of funds needed from \$10,358 to \$3,958.

The Commissioners will review this request during FY '92 budget deliberations.



**EXECUTIVE SESSION**

Present: Edward Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of property acquisition and personnel. Motion carried. The Sessions were held as follows:

**Property Acquisition**

Also Present: Dan Ichniowski, Director, DPW

Held from 10:25 a.m. to 10:40 a.m.

**Personnel**

Also Present: Sheriff Wayne Pettit

Held from 10:40 a.m. to 11:10 a.m.

**CHARLES COUNTY COMMUNITY COLLEGE  
ACADEMIC BUILDING AT ST. MARY'S  
LETTER OF INTENT**

Present: John Sine, President, CCCC

Mr. Sine presented a Letter of Intent to be forwarded to the State Board for Community Colleges regarding the design, construction and equipping of the proposed community college at St. Mary's. He stated that the letter indicates the County's intent to provide local share of funds for the project, but does not make a commitment.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to sign the Letter of Intent as presented. Motion carried.

**FISCAL YEAR 1992 BUDGET**

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
Marty Jones, Budget Analyst

**Tax Rate Discussion**

Commissioner Bailey presented a memorandum to the Board indicating his failed attempt at last week's meeting to reduce the tax rate from \$2.33 to \$2.19. The memorandum states that because of current economic stagnation, he believes that the Commissioners need to help the county's taxpayers by lowering the tax rate and by controlling the growth of government spending. He suggested that the Commissioners work cooperatively to develop reductions in the Recommended Budget to compensate for the loss of revenue if the Board agreed to reduce the tax rate.

Therefore, Commissioner Bailey moved, seconded by Commissioner Jarboe, to establish the tax rate at \$2.19,

Commissioner Thompson moved, seconded by Commissioner Lancaster, to table the motion and to set the rate on May 28. Motion carried three to two with Commissioners Bailey and Jarboe voting against.

During discussion of the motion Commissioners Bailey and Jarboe stated they felt it was necessary to set the tax rate in order for the Director of Finance to prepare the budget. Commissioner Loffler indicated that this was a change to procedures and that the Commissioners should review what is needed in the budget and then set the tax rate.



### Classification Requests

The County Administrator presented a memorandum from the Personnel Officer setting forth staff recommendations regarding classifications. Staff recommended that no positions be reclassified for Fiscal Year 1992 budget and further recommended that the only new position would be an Assistant County Attorney (a 100% grant-funded position), Grade 22. County Administrator Cox stated that the County is required to provide legal services for the Department of Social Services which are currently under contract. DSS has determined that the contract services are currently inadequate, thus the recommendation for this position.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept the recommendations of staff that there be no reclassifications of current positions and the classification at Grade 22 of an Assistant County Attorney position for Fiscal Year 1992. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two. Commissioner Jarboe stated for the record that he was in favor of granting no reclassifications, but was not in favor of the establishment of the Assistant County Attorney position.

### Leave Sell Back

The County Administrator presented a memorandum dated May 20 from the Personnel Officer requesting the Commissioners' approval to change the County's current leave sell back policy:

1. Discontinue current leave sell-back policy;
2. Establish a "use it or lose it" leave policy;
3. Maintain the current 360 hour (45 day) maximum leave carry over balance;
4. Allow all employees that desire to sell back leave over 150 hours during the June 1991 leave sell-back period;
5. Have no "grandfather" clause;

Mr. Cox explained that a ruling from the Internal Revenue Services states that all leave that may be sold back is taxable in the year that the employee can sell the leave back even if the employee does not sell it. This policy would result in all employees having to pay taxes on their December 31 leave that exceeds 150 hours even if they do not sell it back.

During discussion Commissioners Bailey and Jarboe stated that they would not support this change in policy without first having meet with county employees about it. Mr. Cox responded that once the Commissioners take action on this matter, it will be presented to the employees.

Commissioner Lancaster moved, seconded by Commissioner Loffler, to accept the recommendation regarding Leave Sell Back as referenced above. Commissioner Jarboe voted against and Commissioner Bailey abstained. Motion carried. three to one to one.

### Status Sheet

#### Budget Reconsiderations

Mr. Wade distributed a status sheet outlining anticipated revenue adjustments and additional expenditures and indicating that \$313,647 was available for FY '92 budget reconsiderations.

The Commissioners agreed to continue FY '92 budget discussions on Thursday, May 23, 1991 at 9:00 a.m.



**PLANNING COMMISSION/BOARD OF COUNTY COMMISSIONERS  
T-HANGARS AT ST. MARY'S COUNTY AIRPORT  
FIRE SUPPRESSION REQUIREMENTS**

Present: Jon Grimm, Director, Office of Planning and Zoning  
Peggy Childs, Recording Secretary.

**DISCUSSION - AIRPORT T-HANGARS**

Also Present: Keith Fairfax, Chairman, Planning Commission  
Hope Swann, Planning Commission Member  
George Haliscak, Chairman, Airport Commission  
Stuart Fitrell, Airport Commission Member  
Art Bildman, Airport Contractor  
Dave Gerdel, DPW  
Steve King & John Castle, Metropolitan Commission

Mr. Grimm reminded the discussion today is the result of a plan submitted for site plan approval by Mr. Bildman for Airport T-Hangars. The Planning Commission imposed, as a condition of approval, that the building be fully sprinklered, and Mr. Bildman appealed that decision to the County Commissioners. The BOCA Code and State Fire Code provide that a two-hour fire wall will suffice in the structure. The County Commissioners and Planning Commission both expressed a desire for a joint meeting to discuss fire suppression for the hangars and the more general issue of providing public water at the Airport.

Commissioner Loffler stated we need to be sure our policies are specific so they are enforced uniformly. He said we are a rural area and must do things within our capability, and must try to use our County codes uniformly with State codes, and asked why the Commission thinks we should be stricter than the State.

Mr. Fairfax quoted NFPA 409 which says if anything other than preventive maintenance is done in the hangars sprinklers are required. He said he knew the pilot who was recently killed, and he was a qualified airframe/powerplane mechanic, and those people do overhaul their airplanes in those hangars. He said his conversation with the Captain at BWI bears this out. In addition, there are additional requirements for public protection at industrial sites.

The second conclusion the Commission came to, regarding the water issue, is that water and fire suppression should be provided to the industrial complex. When the Industrial Park was developed, he said, the developer was required to put the water and everything in before anything was built. He said he thinks there are some things we can work together on that would make good business sense for the County and the developer.

Commissioner Loffler questioned putting water on a gasoline fire; Mr. Fairfax replied an AFFF system would certainly be far superior, but the sprinklers would knock the fire down until the firefighters could get there with the AFFF units.

Commissioner Loffler asked, from the Airport Commission standpoint, whether we have elevated to the point where water and sprinklers should be considered. Mr. Haliscak said he personally doesn't think so, because the hangars are primarily storage facilities, probably 99% of their usage. If we require sprinklers in T-hangars, he said, we are never going to build the hangars because the cost will be prohibitive. If you have people occupying the hangars as they do in airports that are privately owned, he said, that's another story, but for storage purposes the requirement is not there.



Commissioner Bailey said he thought everyone should be treated the same, and if this was private industry we would have no trouble making them put in water and everything else before we even let them go in there, and he thinks the perception of this is very bad - how can you make the decision that a branch of government can build the hangars without putting all the systems in and yet private industry has to do it. How do you answer to the people, he asked?

Mr. Fitrell stated he thought it was a little unreasonable to force someone to put in sprinklers based on the fact that sometime in the next five years there would be water. If you don't have any way of making the sprinklers work, he said, he doesn't think we should force the issue now. Mr. Haliscak stated he thought we need to use reasonable common sense and that requiring sprinklers in T-hangars is an overkill; furthermore, he said he visits airports all over the country and has yet to see a T-hangar that is sprinklered. Mr. Fairfax replied that is true, but at least other T-hangars have water on site, and from what he has seen of the industrial park, and from a public safety aspect, he thinks the Planning Commission has made the right decision.

Steve King, of MetComm, stated that sprinklers is a separate issue, but last year MetComm adopted the NFPA and ISO Codes as part of their standard specifications, and the NFPA Code requires that this building have water storage and supply on site - their calculations so far point to 75,000 gallons of storage plus the supply to fill that tank up. If it is connected to the public system, he said, MetComm will review the plans; if it is not connected to the public system the tank, fire pumps, and the transfer pumps have to be built on site but MetComm won't be involved in the construction and inspection, that will be the County's bailiwick. But there has to be, according to the Code, some type of supply and storage either provided on site or off site through the public system, regardless of what is done about the sprinklers. He said MetComm would look at it from a cost-effective aspect as to whether it would be private or public system.

Mr. Bildman asked why this has not come up before, and Mr. King replied that the code has just recently been adopted. Mr. Grimm replied only a site plan was reviewed by TEC agencies, no construction drawings. The revised site plan showing the fire wall has been resubmitted to Planning & Zoning.

As this is a new requirement which the Commissioners were not aware of, Commissioner Loffler asked that the Airport Commission work with staff to get this clarified and discuss the water issue as a separate issue.

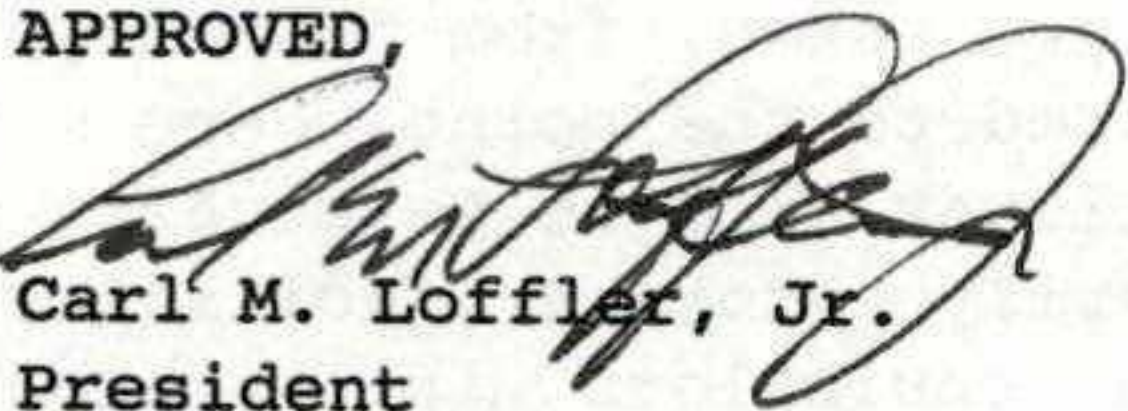
**ADJOURNMENT**

The meeting adjourned at 2:00 p.m.

**MEETING WITH SECRETARY EVANS**

The Commissioners left to attend a meeting with Secretary of Economic and Employment Development.

APPROVED,

  
Carl M. Loffler, Jr.  
President