

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS

December 10, 1991

Present: 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

(Commissioner Bailey was not present at beginning of meeting.)

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, December 3, 1991. Motion carried.

(Commissioner Bailey entered the meeting - 9:20 p.m.)

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

**1. APPOINTMENTS
BOARDS, COMMITTEES, COMMISSIONS**

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

Community Services Coordination Committee Term to Expire

Margie Hicks No Term
Victoria Wilkins No Term

Council on Children and Youth

Gary T. Blakely 12/31/93/96
Pat Murphy 6/30/94

**2. LEONARDTOWN LIONS CLUB
USE OF GOVERNMENTAL CENTER PROPERTY**

The County Administrator presented correspondence dated December 4 from the Leonardtown Lions Club request use of the Governmental Center grounds on Saturday, June 13 and Sunday June 14, 1992 for the Seventh Annual St. Mary's County Crab Festival. Therefore, Mr. Cox presented a response granting approval of this request.

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

3) SKYDIVING OPERATIONS - ST. MARY'S COUNTY AIRPORT

The County Administrator presented correspondence addressed to Mr. George Clarke responding to his concerns relative to the skydiving operations at St. Mary's County Airport. The letter indicates that the concerns have been forwarded to the Airport Commission requesting them to address the safety concerns.

The Commissioners agreed to sign and forward the letter.

4) REGIONAL COMMITTEE - NAVY EXPANSION

In response to November 27 correspondence the County Administrator presented a letter addressed to the Tri-County Council submitting the name of four individuals to serve on the small advisory task forces to assist the Board of TCC in developing a regional strategy for the Navy's expansion.

1. Public Schools - Dr. William Burroughs, Superintendent
2. Higher Education - Dr. Edward T. Lewis, St. Mary's College
3. Economic Development and Housing - Joseph Mitchell, Director
4. Parks and Recreation - Phillip Rollins, Director, Recreation and Parks

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

**5) INSTALLATION OF FENCING
GREAT MILLS HIGH SCHOOL**

In response to October 29 correspondence, the County Administrator presented correspondence addressed to the Superintendent of Schools relative to the installation of fencing around the playing fields and school property at Great Mills High School. The letter states that Recreation and Parks has confirmed that the fence will not interfere with or prohibit public access to Henderson Park and noting that the Board of Education will be responsible for the maintenance of the fencing.

The Commissioners agreed to sign and forward the letter as presented.

6) ST. MARY'S RIVER WATERSHED PROPERTY

The County Administrator presented correspondence addressed to Secretary Brown, Department of Natural Resources requesting a presentation of the current plans for the development and use of the state-owned St. Mary's River Watershed property.

The Commissioners agreed to sign and forward the letter.

7) BOARDS, COMMITTEES, COMMISSIONS APPOINTMENT PROCESS

The County Administrator presented correspondence to Leonard Greess responding to his concerns relative to the appointment process for Boards, Committees and Commissions. The letter states that the Commissioners are considering the points he raised and will carefully determine the appropriate course of action.

The Commissioners agreed to sign and forward the letter.

8) IMMACULATE CONCEPTION CHURCH

The County Administrator advised that the proposed new Immaculate Conception Church in Mechanicsville will be brought before the Board of Appeals on January 9, 1992 for a variance to 5' from the required 20' setback requirement of the Zoning Ordinance. Relative to that issue, the County

Administrator presented correspondence addressed to the Zoning Board of Appeals formally expressing no objection to the local of the proposed new church up to five feet from the property line of the former railroad right-of-way.

Commissioners Loffler and Thompson requested that the matter be deferred until they get additional information, e.g., a site plan showing the exact location of the church and its proximity to the railroad right-of-way.

9) LEGAL HOLIDAY SCHEDULE FOR CALENDAR YEAR 1992

The County Administrator presented the legal holiday schedule for calendar year 1992 and pointed out the following changes:

1. The number of holidays has been increased from 14 to 15 to include Election Day, Tuesday, November 3, 1992 as an observed holiday.
2. The number of "floating" holidays has been increased from three to four by designation of Good Friday, April 17, 1992 as a floating holiday.
3. The day after Thanksgiving, Friday, November 27, 1992 will be a day of mandatory leave.

During discussion Commissioner Thompson moved, that Election Day be a regular day of work and not a holiday. The motion died for lack of a second.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept the holiday schedule as presented by County Administrator Cox (which designates Election Day as a holiday). Motion carried four to one with Commissioner Thompson voting against.

10) MEMORANDUM TO COUNTY EMPLOYEES

The County Administrator presented a memorandum addressed to All County Employees from the County Commissioners wishing them a happy holiday season and requesting supervisors to allow a liberal leave policy for Christmas Eve.

The Commissioners agreed to sign and forward the letter.

11) VACANT POSITION - HIGHWAY MAINTENANCE WORKER

In response to a memorandum dated December 2 from the Director of Public Works regarding selective filling of vacancies, the County Administrator presented a memorandum addressed to the Director. The memorandum indicates that because the County is not in a normal situation, there is not sufficient cause to allow the filling of the vacant highway maintenance worker position.

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

12) OFFICE ON AGING - REASSIGNMENT

The County Administrator presented a memorandum dated December 3 from the Personnel Officer indicating that Fran Hammett has requested to be noncompetitively reassigned from the Transportation Program Manager full time position to the vacant permanent part time bus driver position. The Director of Office on Aging has concurred in this request.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the reassignment as requested. Motion carried.

13) NOTIFICATION OF GRANT AWARD - DRUG ALLIANCE

The County Administrator presented a Notification of Grant Award from ACTION which modifies the grant for the Drug Alliance Summer Fun Camp Program to allow the inclusion of costs back to June 17, 1991. Total approved budget is in the amount of \$74,098 for the period July 1, 1991 through June 30, 1992.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the NGA as presented. Motion carried.

TRI-COUNTY COUNCIL APPOINTMENTS

Commissioner Lancaster advised that the Tri-County Council Nominating Committee has requested each County to submit nominations for two positions at Tri-County Council; a member-at-large currently held by F. Elliott Burch, Jr., and a Commissioner to serve on the Executive Board, currently held by Commissioner Robert Jarboe.

Commissioner Loffler recommended the reappointment of Mr. Burch to the member-at-large position and further recommended that Commissioner Barbara Thompson replace Commissioner Jarboe on the Executive Committee.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to reappoint F. Elliott Burch, Jr., to the member-at-large position for the Tri-County Council. Motion carried.

Commissioner Loffler stepped down as Chairman and moved to appoint Commissioner Thompson to the Tri-County Council Executive Board. Commissioner Jarboe abstained. Motion defeated by a vote of two to two (Commissioners Loffler and Thompson voting in favor and Commissioners Bailey and Lancaster voting against).

Commissioner Bailey moved, seconded by Commissioner Lancaster, to reappoint Commissioner Jarboe to the Tri-County Council Executive Board. Motion defeated by a vote of two to two (Commissioners Bailey and Lancaster voting in favor and Commissioners Loffler and Thompson voting against).

During discussion Commissioner Thompson indicated that she believed Commissioner Jarboe has been doing a good job on the Tri-County Council, but because of his other commitments thought he may want to be relieved of this duty. She stated that she was willing to serve and felt that she would make a positive contribution.

Discussion ensued regarding the lack of information received from Tri-County Council, particularly the Executive Committee minutes. Commissioner Jarboe pointed out that he had requested Director Gary Hodge to send information to all elected officials.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to nominate Commissioner Robert Jarboe to serve on the Executive Committee of the Tri-County Council. Motion carried.

PROCLAMATION

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Present: Maryland State Police Representative
 Sheriff's Department "

The Commissioners presented a Proclamation designating the week of December 7 - 13, 1991 as National Drunk and Drugged Driving Awareness Week.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) ENERGY CONSUMPTION

Also Present: George Jarboe, Supervisor, Construction & Inspections

Mr. Ichniowski and Mr. Jarboe appeared before the Commissioners to discuss the County's implementation of energy conservation measures in light of the Governor's challenge to all jurisdictions to reduce energy consumption by 10%.

Mr. Jarboe reviewed the energy saving procedures implemented by the Department of Public Works which included: reducing domestic water temperatures, quarterly changing of air filters, night setback of temperatures, energy efficient light fixtures.

After discussion Mr. Ichniowski presented a memorandum to All County Building Occupants to be signed by the Commissioners requesting cooperation in implementing various energy saving measures.

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

**2. RESOLUTION NO. 91-43
ABANDONMENT OF WHARF ROAD**

The Commissioners conducted a public hearing on November 12, 1991 and held subsequent discussion regarding the closing and abandonment of a portion of County Route 3106, also known as Wharf Road, Seventh Election District.

As requested by the Commissioners Mr. Ichniowski presented two alternatives relative to the closing/abandonment of Wharf Road:

- Closure of a Portion of Wharf Road with the posting of "No Parking" and "No Trespassing" signs. The road would remain under the ownership of the County.
- Abandonment of a Portion of Wharf with transfer of the property to the adjacent property owner.

Mr. Densford stated that second alternative would include a Deed transferring the property from the County to the Drurys. He stated that the major point to be resolved between the owners of the island and the Drury family was allowing access to and from the island in case of emergencies. He noted that the Drurys have agreed to allow access; however, the Drurys have indicated that they did not want a pier at this site.

After discussion Commissioner Thompson moved, seconded by Commissioner Loffler to accept Alternative 1 and close the portion of Wharf Road. Motion defeated three to two with Commissioners Bailey, Jarboe and Lancaster voting against.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to accept Alternative Resolution No. 2 abandoning the portion of Wharf Road. Motion carried three to two with Commissioners Loffler and Thompson voting against.

3. PUBLIC WORKS DOCUMENTS

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

- Easement Agreement
Pegg Road Reconstruction Project

Dated December 2, 1991 between Thomas Wayne Pegg and the Board of County Commissioners of St. Mary's County, Maryland

- Public Works Agreement
Charlotte Hall Business Park

Dated August 16, 1991 between SBC Development Company and St. Mary's County guaranteeing completion of Market Drive, Business Center Drive, and Killpeck Creek Court by 1992. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$344,300.

- Addendum to Public Works Agreement
Laurel Ridge, Section 3A and B

Between Swarey Builders, Inc. and St. Mary's County extending the deadline for completion of improvements to May 1, 1992. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust Company at the reduced amount of \$10,000.

- Addendum to Public Works Agreement
Smoke Hill and Cottonwood Parkway

Between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion to December 1, 1992. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust Company in the amount of \$27,000.

- Addendum to Public Works Agreement
Landings at Piney Point

Between Piney Point Landing Partnership and St. Mary's County extending the deadline for completion to November 1, 1992. The Addendum is backed by a Letter of Credit with Second National Federal Savings Bank in the amount of \$424,000.

- Deed and Road Resolutions
Abell's Run Subdivision

Deed dated April 5, 1990 between Meredith M. Dale, Rosalind M. Cross (now known as Rosalind Cross Dujardin), and Daniel Carroll Cross and County Commissioners of St. Mary's County accepting Abell's Drive and Roslind Drive into the County Highway Maintenance System.

Road Resolution No. R91-33 designating the following streets as Stop Streets: Abell's Drive as it intersects with St. John's Road; Rosalind Drive as it intersects with Abell's Drive.

Road Resolution No. R91-34 posting Abell's Drive and Rosalind Drive at 25 miles per hour.

- Correspondence Calling Letter of Credit
Mulberry North Subdivision

To First National Bank calling
Letter of Credit A1-1-9-1990
in the amount of \$1,000,000 for
Driveway Entrance Permit for Lots 9 and 12
(To be forwarded if necessary)

- Easement Agreement
C & P Telephone Company

Dated December 10, 1991 between the Board of County
Commissioners of St. Mary's County and the Chesapeake and
Potomac Telephone Company of Maryland for property located
on the northwest corner of the intersection of Md. Rtes. 5
and 6, Fifth Election District for installation of certain
utilities, including telephone lines.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to
approve and authorize Commissioner Loffler to sign the referenced documents.
Motion carried.

MOBILE DREDGING AND PUMPING

Present: Mike Realo, Senior Agronomist

Mr. Realo appeared before the Commissioners to introduce his company,
Mobile Dredging and Pumping and to explain his interest in sludge from St.
Mary's County which will be disposed of through land application. Mr. Realo
distributed a folder of information about his company, its operation plan, and
the Maryland Regulatory Process.

During his presentation Mr. Realo advised that there are eight farms in
St. Mary's County which have permits pending with the Maryland Department of
Environment for the application of sewage sludge. One the permits are issued,
Mobile Dredging will bid on those projects, which will be let by the St.
Mary's County Metropolitan Commission.

During discussion of the County's public hearing process for out-of-
county sludge application in St. Mary's County, Mr. Realo pointed out that his
company will only be handling in-county sludge at this time. He stated that
the sludge from Pine Hill Run Wastewater Treatment Plant is an organic
fertilizer and must meet certain criteria before it can be applied to a farm.

Commissioner Jarboe emphasized the need to be careful of where it
will be applied stating that if a farm will be sold for development there
would be no problem; however, if used on a farm for tobacco or vegetables,
there may be a problem. Mr. Realo responded stating that the sludge must meet
certain criteria, and that the sludge from St. Mary's does meet the criteria.
Farms having it applied will be monitored and prior to it reaching a minimum
level of certain elements, it will no longer be allowed to accept sludge.

After discussion the Commissioners thanked Mr. Realo for his
presentation.

PUBLIC FACILITIES BOND OF 1991 SALE

Present (in Baltimore): Charles Wade, Director of Finance
Sam Ketterman, Alex Brown & Sons
Stuart Diana, Piper & Marbury

Via a telephone call from Signet Trust Company in Baltimore, Mr. Charles
Wade, Director of Finance, presented the bids for the award of the sale of
\$6,020,000 General Obligation Bonds. Bids were as follows:

Alex Brown & Sons - 5.838024
Ferris, Baker, Watts - 5.8839028
Legg Mason - 5.8992213
Craigie - 5.7578297
Crestar - 5.8531595
Sovran Investment - 5.6471504
Corporation of Richmond

Mr. Wade recommended that the bid be awarded to the lowest bidder, Sovran Investment Corporation of Richmond at the true interest rate of 5.6471504.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept the bid from Sovran Investment Corporation as recommended, and further to approve and sign Resolution No. 91-42 awarding the bid. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Sheriff Wayne Pettit
Joseph O'Dell, Police Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 11:50 a.m. to 12:10 p.m.

COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Al Lacer, President, Board of Education
Jean Campbell, "
Robert Kirkley, "
Jonathan Nelson, "
Fred Wallace, "
William Burroughs, Superintendent of Schools
Frank Barnett, Assistant Superintendent of Administration
Joan Kozlovsky, Assist Superintendent of Curriculum

1) Commendation

Chopticon Girls Field Hockey Team

For outstanding athletic accomplishments by winning the State Championship

2) Commendation

Chopticon Varsity Football Team

For outstanding athletic accomplishments by winning the Region III Championship.

3) Capital Improvement Program - Fiscal Year 1993

Also Present: Jerry Himmelheber, School Facilities

Mr. Himmelheber presented a summary and detailed procedures for the development of the Fiscal Year 1993 Capital Improvement Projects. he stated that the final project list included projects approved or requested by the State and the remaining were listed in priority order.

During discussion the Commissioners requested that the St. Mary's County Department of Public Works be included in the capital improvement project process which will allow the county to be active in a technical manner. Mr. Barnett suggested that Public Works staff serve on the capital improvement committees. Both boards concurred that Public Works work with public school staff on the capital improvement program process.

4) Fiscal Year 1990 Reaudit Management Letter

Mr. Lacer advised that a meeting is being arranged with the Board of Education's auditor and the County's auditor to discuss the Management Letter from Cox, Long and Colvin (the county's auditor), after which the Board of Education will make appropriate responses and/or adjustments.

During discussion of payment to the county's auditor, Commissioner Loffler indicated that the County would be responsible for payment.

5) Hollywood Elementary School Construction Plans

For the Commissioners' information Mr. Himmelheber presented the construction specification and drawings for the proposed Hollywood Elementary School. The Board of Education has approved the construction documents pending approval by the Interagency Committee for School Construction and several government agencies are reviewing them for final sign off.

During discussion of whether there was a connection between the five-acre transfer with Mr. Dillow, Mr. Lacer advised that the Board's attorney had indicated that the 71.76 acre site belonged to the County whether or not the five-acre sight transfer was accomplished. Relative to a middle school be located on that site, Rev. Kirkley advised that the engineer has indicated that this could be done.

6) Fiscal Year 1992 1.8% Reductions

In anticipation of this evening's public hearing, Mr. Lacer reviewed the areas that the Board of Education has highlighted for reductions in compliance with the County's proposal for 1.8% across-the-board reductions. He pointed out that the items are listed in descending order. Discussion ensued regarding the impact on some of the areas identified for reductions including: closing of office buildings, substitute teachers, tech prep teachers, summer school programs, library materials, textbook replacements.

Mr. Lacer noted that cutting certain areas from the Board of Education budget will diminish the value of these programs and requested the Commissioners to use the reserve that is available to meet the needs that currently exist.

7) Executive Session

Present: Edward V. Cox, County Administrator
Dr. William Burroughs, Superintendent
Board of Education Members
Frank Barnett, Asst. Superintendent of Administration
Joan Kozlovsky, Asst. Superintendent of Curriculum

As previously authorized the Commissioners and Board of Education members met in Executive Session to discuss personnel. The Session was held from 2:45 p.m. to 3:30 p.m.

**STATE OF MARYLAND
LOCAL AID CUTS IN PROPORTION TO WEALTH BASE**

Present: Charles Wade, Director of Finance

Mr. Wade presented proposed State budget cuts announced by the Governor this date. The additional impact to St. Mary's County is \$1,870,824. Mr. Cox advised that the presentation for this evening's public hearing on county budget reductions will have to be amended to include these additional items.

**EXECUTIVE SESSION
PROPERTY ACQUISITION**

Present: Edward V. Cox, County Administrator
Joseph Densford, County Attorney
Dan Ichniowski, Director, Public Works

As previously authorized the Commissioners met in Executive Session to discuss a matter of Property Acquisition. The Session was held from 3:45 p.m. to 4:55 p.m.

7:00 P. M.

**PUBLIC HEARING
FISCAL YEAR 1992 PROPOSED BUDGET REDUCTIONS**

The County Commissioners conducted a public hearing to present a proposal to reduce the Fiscal Year 1992 General Fund expenditures of all spending units by 1.8% as well as a proposal to attempt to realize additional savings through a variety of cost-saving measures.

Mr. Joseph Mitchell, Director, Economic and Community Development, presented information relative to various economic indicators in St. Mary's County including building permits, new assessments, home sales, new electric service, retail sales, labor force and employment, and job creation.

Mr. Wade presented and reviewed revenue trends vs. expenditures, managing with revenue changes from Fiscal Year 1991, 1992 and 1993 including reduction of county spending. He pointed out that there will be a total estimated shortfall for Fiscal Year 1993 in the amount of \$2,530,000.

The hearing was opened for comments from the public summarized as follows:

Al Lacer: Indicated cuts by the State to the Board of Education and that the County should leave the Board/Education budget intact. Stated that the proposal to cut the budget is not designed to adjust this year's budget, but to deal with a "hypothetical problem" in 1993.

W. Allison - Opposed budget cuts to Board of Education budget.

Lillie Lane (and Mrs. Miller and Agnes Price) - Expressed support for Tri-County Community Action and the Headstart Program and requested that there be no additional cuts.

Stephanie Haines - Opposed to cuts to Board of Education budget.

Mary Ann Chasen - Expressed concern about impact of state and county budget cuts to the library system.

James Hinebaugh - Expressed need for competitive procurement procedures by the Board of Education.

Christinas Frazier - Opposed to cuts to Board of Education budget.

Chris Banks (President of Education Association for St. Mary's County) - expressed opposition to cuts to Board of Education.

Charles Purcell - Opposed to proposed budget reductions to Board of Education.

Joe Gardner - Questioned areas identified by the Board of Education for proposed reductions and suggested other areas.

Bill Delaney (Director, Charles County Community College at St. Mary's) - Expressed concerned about state and county reductions to the community college.

Bob Carr - Expressed concern regarding proposed Board of Education budget reductions.

Suzanne Einboden - Opposed to budget cuts to public schools.

Walt Lyssaght - Opposed to cuts to public school budget.

Sam Bauman (Director, Tri-County Youth Services Bureau) - Pointed out the importance of TCYSB.

Larry Daniel - Expressed concern about deferring projects and maintenance for the Board of Education.

Karl Pence (Md. State Teachers' Assoc.) - Expressed concern regarding budget cuts and their impact on the school system and other county services.

John Roth (County Council on PTA's) - Gave a presentation showing the amount of funds the other counties would have to cut in order to be at the level of St. Mary's County Board of Education. Requested that departments be given the opportunity realize savings this year, set targets for next year and allow savings to be used for next year's budget.

Ann Laughlin (Education Association of St. Mary's County) - Opposed to budget cuts for the public school system.

Ros Geuss - Requested County Commissioners to make a commitment to academic excellence.

Karen Garner - Requested Commissioners to reconsider budget cuts to the Board of Education.

Edd Morris - Requested Commissioners to consider the elderly and the youth of the County as well as a good educational system.

Alonzo Gaskin - Opposed to budget cuts to the Board of Education.

Bob Frazier - Requested that maintenance and repairs not be deferred.

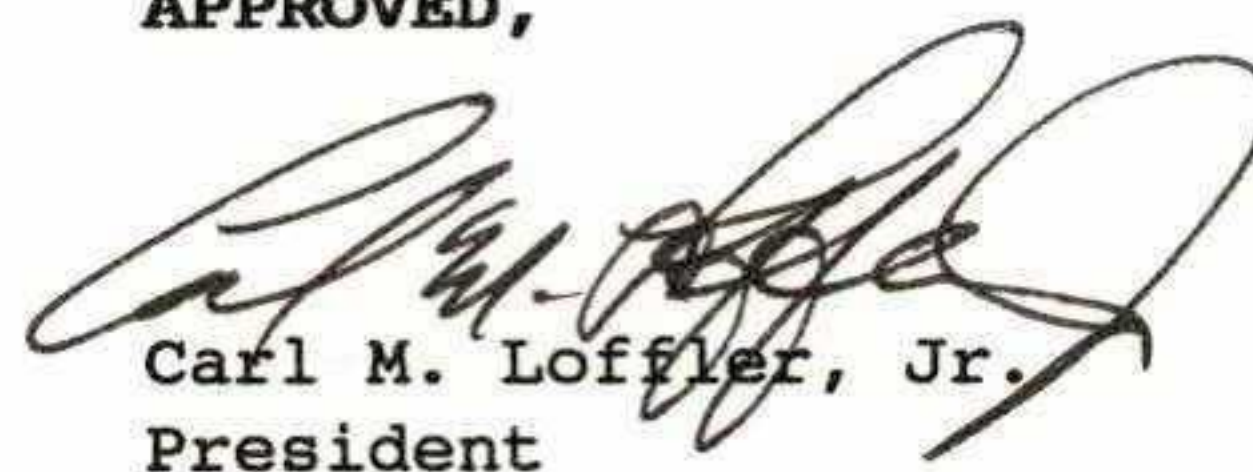
Dan Watters - Expressed concern about the property tax rate.

Sam Jones - Opposed to budget cuts to the Board of Education.

ADJOURNMENT

The meeting adjourned at 10:05 p.m.

APPROVED,


Carl M. Loffler, Jr.
President

