

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS**

March 31, 1992

**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

**CALL TO ORDER**

The meeting was called to order at 9:05 a.m.

**APPROVAL OF MINUTES**

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, March 24, 1992. Motion carried.

**APPROVAL OF BILLS**

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

**REMOVAL OF BASKETBALL HOOPS - COUNTY RIGHT-OF-WAY**

Commissioner Thompson reported that she has received several telephone calls regarding the county's removal of basketball hoops and expressed concern in the way the county had handled the matter.

The Commissioners requested that the Recreation and Parks Board review the policy of taking money in lieu of land which negates small neighborhood play areas.

**COUNTY ADMINISTRATOR ITEMS**

**Present:** Edward V. Cox, County Administrator

**1) REDISTRICTING PLAN**

The County Administrator advised that the Redistricting Board will meet with the Commissioners next week to present the final redistricting plan. He distributed a copy of the law and advised the Commissioners that the plan requires no action by the Commissioners. While the Commissioners do not play a role in the adoption of the Plan, according to the law (Section 26-3 of Code of Public Local Laws), the Plan must be submitted to the Commissioners. Then the Plan will become law.

**2) BUDGET AMENDMENT NO. 92-37  
PLANNING AND ZONING**

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To transfer funds to balance salary accounts per the direction of the Finance Office.

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

**3) MENTAL HEALTH AUTHORITY BOARD - BY LAWS**

As had previously been requested by the Commissioners, the County Administrator presented a list of the changes to the by-laws for the Mental Health Authority Board.

The Commissioners agreed to defer a decision on the acceptance of the by-laws until next week in order to allow them time to review the proposed changes.

**4) ANNUAL MOSQUITO CONTROL PROGRAM**

The County Administrator presented correspondence dated March 16 forwarding updated amendments to the cooperative mosquito control agreement, which indicates county funding at \$34,490. The program is for calendar years and by approving the 1992 program, the funds for Fiscal Year 1993 would be approved.



Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Mosquito Control Program amendment as submitted. Motion carried.

5) SEWAGE SLUDGE UTILIZATION PERMIT APPLICATIONS

The County Administrator presented correspondence dated March 23, 1992 from the Maryland Department of Environment forwarding three sewage sludge utilization permit applications for the application of sewage sludge on agricultural land.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to forward a letter to MDE indicating that the Commissioners will not request a public meeting/hearing and to reiterate concerns over environmental safety and land records notification. Motion carried.

6) JOB TRAINING PARTNERSHIP ACT GRANT MODIFICATION

The County Administrator presented correspondence dated March 26, 1992 from Southern Maryland Job Training Agency forwarding the Job Training Partnership Act Grant Modification, which provides an additional \$10,920 bringing the total funding level to \$358,756.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Job Training Partnership Act Grant Modification and Statement of Concurrence as presented. Motion carried.

7) CORRESPONDENCE  
SPELLING OF PEGG ROAD

The County Administrator presented correspondence responding to Daisy Pegg's concern relative to the misspelling of Pegg Road. The letter advises that copies of Ms. Pegg's letter is being forwarded to various county agencies to remind them of the correct spelling.

The Commissioners agreed to sign and forward the letter.

8) 1992 LEGISLATIVE PACKAGE UPDATE

The County Administrator distributed a status sheet for the county's 1992 legislative items.

During discussion of the status of the county's bills, County Administrator Cox advised that the State's Attorney's office has requested the Commissioners to support House Bill 623 which provides qualified immunity from civil liability for community services programs and worksites.

Later in the meeting, the County Administrator presented correspondence addressed to the legislators expressing the County's endorsement of House Bill 623 as requested by the State's Attorney.

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

MARYLAND HOUSE AND SENATE BUDGET BILLS

Present: Charles Wade, Director of Finance

Mr. Wade presented a copy of section of the March 27 Courthouse News from Maryland Association of Counties, which set forth the Fiscal Year 1993 House Fiscal Plan and Senate Bill adjustments. Mr. Wade pointed out the impact on St. Mary's County from the reductions in aid to local governments.

PROCLAMATION - FAIR HOUSING MONTH

Present: Nancy Hutson  
Charlene Elliott  
Sandra Johnson

The County Commissioners presented the referenced Proclamation designating the Month of April as Fair Housing Month in St. Mary's County.



**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **Leonardtwn Elementary School  
Heating System**

Also Present: George Jarboe

Mr. Ichniowski stated that at the request of the County Commissioners and in cooperation with Mr. Himmelheber of Public Schools, the Department of Public Works inspected Leonardtown Elementary School's heating system.

Mr. Jarboe explained that the heating system was put in place in 1954 and stated that the distribution system had deteriorated to the point of being unrepairable. He displayed pieces of pipe from the system which showed the deterioration. Remodeling the system, he pointed out, would improve the efficiency of the system and result in cost savings. During discussion of the system, Mr. Jarboe noted that improvements would include asbestos abatement, replacement of the fuel tank and fresh air circulation requirements and would take longer than the summer vacation months to complete.

After discussion Commissioner Loffler suggested that the Commissioners agree to look at the proposal from the Board of Education for the project, look at emergency funding and make a decision at next week's meeting.

2) **Americans With Disabilities Act**

Mr. Ichniowski distributed a handout which set forth the requirements of the Americans With Disabilities Act and its affect on county facilities. Mr. Ichniowski indicated that most of the county's buildings are in compliance; however, there are two exceptions--the Courthouse (access to State's Attorney's Office, which is being modified) and Governmental Center Building No. 4 (Board of Education). He further explained the required changes in dimensions for parking lots and signing. The Department of Public Works will be reviewing the new regulations, conducting building inspections, and revising design standards

3) **Addendum to Public Works Agreement**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Summitt Hill, Inc. and Board of County Commissioners extending the deadline for completion of improvements to May 1, 1993. The Addendum is backed by a Letter of Credit in the amount of \$273,600 with the Bank of Southern Maryland.

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

4) **Correspondence Calling Letters of Credit**

Mr. Ichniowski presented the following correspondence calling letters of credit:

Wildewood - White Oak Parkway

To Maryland Bank and Trust Co. calling Letter of Credit 370A in the amount of \$37,000 for a Public Works Agreement.

Wildewood Driveways

To Western Surety Company calling Bond No. 41681815 in the amount of \$5,000 for Construction Permit #CP 04/91 ROW-01.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the correspondence calling letters of credit to be forwarded if necessary. Motion carried.

**EXECUTIVE SESSION**

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 10:40 a.m. to 11:00 a.m.

**PUBLIC HEARING - PROPERTY TAX REFUNDS  
(ESTABLISHMENT OF ADMINISTRATIVE PROCESS)**

Present: Mary Pat Pope, Administrative Officer  
James Spence, Supervisor, Assessment and Taxation

The Board of County Commissioners conducted a public hearing on the establishment of an administrative process for the acceptance and approval of applications for property tax refunds as provided in Section of the Maryland Annotated Code.



Ms. Pope explained that Section 7 provides for a variety of general property tax exemptions, two of which are the subject of the proposed Ordinance-exemptions for blind individuals and for disabled veterans. Under current law granting a refund of prior tax payments to an individual who was qualified for the exemption requires a public hearing and Ordinance for each applicant. The proposed Ordinance establishes an administrative process and allows for the Commissioners to authorize refunds without an Ordinance for each applicant.

Mr. Spence discussed the Department of Assessment and Taxation's authority and reported that there are currently 26 disabled veterans on the tax exempt property rolls and approximately the same number of blind individuals.

After discussion the Commissioners opened the meeting to public comment. Hearing none, the public portion of the hearing was closed. The record will remain open for ten days.

#### **EXECUTIVE SESSION**

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (Consideration of appointments to Boards, Committees, and Commissions). Motion carried. The Session was held from 11:15 a.m. to 12:30 p.m.

#### **PERSONNEL - APPOINTMENT OF COURT REPORTER - CIRCUIT COURT**

The County Administrator presented a memorandum dated March 19 from the Personnel Officer advising that Judge John Hanson Briscoe has appointed Eugene A. Hayden as a Court Reporter, effective March 30, 1992. Based upon review of the position and qualifications of Mr. Hayden, Judge Briscoe has appointed Mr. Hayden at Grade 23, Step 7.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the appointment as presented. Motion carried.

#### **NOXIOUS WEED CONTROL PROGRAM - ANNUAL REPORT**

Present: Mark Smith, Dept. of Agriculture

Mr. Smith appeared before the Commissioners to present the Noxious Weed Control Program's 1991 Annual Report. He explained that the Committee oversees the activities of the county's program and advises the State on necessary actions. The St. Mary's County Program deals with Johnsongrass, shattercane, Canada and other thistles and multiflora rose.

A copy of the report is on file in the Commissioners' Office.

#### **NURSING CENTER BOARD - ANNUAL REPORT**

Present: George Smith, Director  
Rose Slade, Chairperson

The referenced individuals appeared before the Commissioners to present Nursing Center Board's 1991 Annual Report. Mr. Smith reviewed significant activities of the past year and plans for the current year.

A copy of the report is on file in the Commissioners' Office.

#### **MENTAL HEALTH AUTHORITY BOARD - ANNUAL REPORT**

Present: Frank Sullivan  
Frances Fenwick

The referenced individuals appeared before the Commissioners to present the Mental Health Authority Board's 1991 Annual Report. Mr. Sullivan reviewed the Board's responsibility which includes mental health planning, coordinating and implementing system of services, and maintaining quality health program. He further reviewed the Board's objectives for 1992 which include plans for children services.

A copy of the report is on file in the Commissioners' Office.

#### **COUNCIL ON CHILDREN AND YOUTH - ANNUAL REPORT**

Present: Wayne Guy, Past Chairman  
Becky Stevens, Community Services Coordinator

The referenced individuals appeared before the Commissioners to present the Council on Children and Youth's Annual Report for 1991. Mr. Guy reviewed the purpose, significant activities of the past year, and plans for 1992.



During discussion Commissioner Thompson advised that one of the projects of the Southern Maryland Drug Task Force deals with under-aged drinking and suggested that the Council may want to invite the Task Force to one of its meetings.

A copy of the report is on file in the Commissioners' Office.

**PROCLAMATION - CHILD ABUSE PREVENTION MONTH**

The Commissioners presented the referenced Proclamation designating the Month of April as Child Abuse Prevention Month in St. Mary's County.

**CRIMINAL JUSTICE MEETING**

The Commissioners left to attend the Criminal Justice meeting held at the Carter State Office Building Public Meeting Room.

**ADJOURNMENT**

The meeting adjourned at 5:00 p.m.

**APPROVED,**

  
Carl M. Loffler, Jr.  
President