

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

June 23, 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, June 16 1992. Motion carried.

APPROVAL OF BILLS

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

PROCUREMENT MANUAL AMENDMENTS

Present: Charles Wade, Director of Finance
James Haley, Procurement Officer

The referenced individuals appeared before the Commissioners to present proposed amendments to the County's Procurement Manual. Mr. Cox advised that the Economic Development Commission had submitted recommended changes which were reviewed by Mr. Wade and Mr. Haley, and a Resolution incorporating two amendments has been prepared for the Commissioners' consideration.

Mr. Haley described the two amendments: (a) that the county enter into contracts on the basis of best value using the elements of lowest price, delivery, quality and service; (b) that where identical bids have been received that the contract be given to the St. Mary's County bidder. Identical bids from in the county or out of the county would be decided by a coin toss.

The Commissioners concurred with Mr. Wade's recommendation that any time the award is not the lowest bidder at the best value the Commissioners informed.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 92-17 -Procurement Manual Amendment No. 3. Motion carried four to one with Commissioner Lancaster voting against the motion stating he believed the County should use the "low bidder" system.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) **Correspondence**
Environmental Quality Award Program

The County Administrator presented correspondence addressed to Capt. Donald Wright expressing congratulations to the Naval Air Station for winning for 1992 the Environmental Quality Award Program for the Department of Defense.

The Commissioners agreed to sign and forward the letter.

- 2) **1993 Legislative Package**

The County Administrator presented a memorandum to be distributed to all agencies, departments, boards and committees soliciting items for the 1993 Legislative Package. The memorandum included a timetable for the legislative package process.

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

3) **Information Release**

The County Administrator presented an Information Release announcing the Second Annual Fire/Rescue Appreciation Day on Saturday, August 8 at the St. Mary's County Governmental Center Grounds.

Commissioner Jarboe moved, seconded by Commissioner Bailey to distribute the Information Release as presented. Motion carried.

4) **Correspondence to Parents - St. Mary's College**

The County Administrator presented draft correspondence addressed to the parents of students entering St. Mary's College in the fall inviting them to visit the county during the summer. Mr. Cox inquired whether the Commissioners wished to sign each individual letter (approximately 200) as they had done last year.

The Commissioners agreed to sign each letter individually.

5) **Budget Amendments**

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

Budget Amendment No. 92-56

St. Mary's Public Schools

Justification: Advance funding required for site plan development and site plan approvals for the Fiscal Year 1993 mobile classroom project to expedite relocation for an early possible occupancy date (\$6,000).

Budget Amendment No. 92-57

Treasurer

Additional Funds for salaries and fringes through fiscal year end.

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

6) **Grants**

The County Administrator presented the following grant documents for the Commissioners' review and consideration:

Office on Aging - Revised Title III Grant

Notification of Grant Award for the revised Title III Grant Program for Fiscal Year 1992 - Grant Period 10/1/91 - 9/30/92 in the amount of \$179,004. The grant supersedes the award issued on April 16, 1992.

Substance Abuse Screening Program

Correspondence addressed to American Probation and Parole Association forwarding grant application for the county's substance abuse screening program responding to a request for proposals for a statewide approach to drug screening for criminal justice agencies.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the OOA Title III grant and to approve and sign the correspondence to American Probation and Parole Association as presented. Motion carried.

7) **Mileage Rate Increase**

As requested by the Commissioners on June 9 the County Administrator presented a memorandum dated June 17 from Director of Finance Wade advising that the mileage rate increase from \$.25 to \$.26 would cost \$2,270, which will be spread over each department.

8) **Property Tax Assessment Appeal Board - Nominations**

The County Administrator presented correspondence addressed to the Governor's Appointment Office submitting the following nominations to serve on the Property Tax Assessment Appeal Board: Doris C. Bean, John O. Gatton, Jr., and John Collich.

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

9) **Appointments**

Commissioner Bailey moved, seconded by Commissioner Jarboe, and motion carried, to make the following appointments with terms as indicated:

<u>Community Development Corporation</u>	<u>Term To Expire</u>
Elmer J. Brown	6/30/95
<u>Economic Development Commission</u>	
E. Leslie Shaw	6/30/95

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Wicomico Shores Special Taxing District**

Mr. Ichniowski reminded the Commissioners of previous discussions stating that the adoption of the Ordinance establishing a special taxing district for Wicomico Shores was conditioned upon the Metropolitan Commission obtaining appropriate permits. He stated that all necessary information has been submitted to the Maryland Department of Environment by the Metropolitan Commission, and should be finalized by the State shortly. Mr. Ichniowski advised that he has prepared a draft Resolution which indicates that MetComm has received the construction permit from the state.

Another pending issue was the conveying of the roads to the County and therefore, Mr. Ichniowski presented a Quit Claim Deed accepting the roads in Wicomico Shores into the County's highway maintenance system.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept the Quit Claim Deed as presented. Motion carried.

After further discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the President of the Board upon verification that MetComm has received the state construction permit to sign the Resolution indicating that the intent of the original taxing district ordinance has been met. Motion carried.

2) **Federal Functional Classification of Highways**

Mr. Ichniowski displayed a map, establishing urban boundaries for local areas of populations of more than 5,000 people, which had been prepared by the Federal Highway Administration with assistance from the Bureau of Census. The significance is the amount of funds received from the federal government. With the completion of the '90 Census the County's boundaries for urban areas have been revised. The two areas designated as urban areas in St. Mary's County are the Lexington Park area (over 9,900) and California (over 7,700). In this regard, Mr. Ichniowski presented correspondence addressed to the State Highway Administration acknowledging that St. Mary's has participated in the update of the Federal Functional Classification of Highways and the Urban Boundary for California and Lexington Park and is in agreement with the update of the Urban Area Boundary.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign the letter as presented. Motion carried.

3) **Easement Agreement
Indian Bridge Road Project**

Mr. Ichniowski presented an Easement Agreement between the Department of Natural Resources and St. Mary's County allowing the County access for the purpose of widening and straightening Indian Bridge Road.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Easement Agreement as presented. Motion carried.

4) **Petition for Road Name Change
Sugar Hole Road to Old Trappe Road**

Roof Top Circle Special Taxing District

Mr. Ichniowski presented a petition from residents of Sugar Hole Road in Avenue from Route 470 to the dead end requesting that portion of Sugar Hole Road to be returned to its original name, Old Trappe Road. A public hearing before the County Commissioners has been scheduled for July 28.

Also on July 28 a public hearing has been scheduled for the establishment of a Special Taxing District for Roof Top Circle Road in Golden Beach.

5) **Correspondence Calling Letters of Credit**

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

Pilgrim Manor

To The First National Bank of St. Mary's calling Letter of Credit No. A1-7-16-1990 for Public Works Agreement in the amount of \$75,500.

Miller Subdivision

To First National Bank of St. Mary's calling Letter of Credit No. A1-8-2-90 for Public Works Agreement in the amount of \$51,230.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence as presented, to be forwarded if necessary. Motion carried.

6) **Addenda to Public Works Agreements - Avenmar**

(Commissioner Loffler did not participate in the discussion/decision of this item. Commissioner Jarboe presided over the meeting for this item.)

Mr. Ichniowski presented the following Addenda to Public Works Agreements:

Avenmar Subdivision, Section 1

Between Avenmar Limited Partnership and Board of County Commissioners extending the deadline for completion to July 1, 1993. Addendum is backed by a Letter of Credit with Palmer National Bank in the amount of \$340,000.

Avenmar Subdivision, Section 2

Between Avenmar Limited Partnership and Board of County Commissioners extending the deadline for completion to July 1, 1993. Addendum is backed by a Letter of Credit with Palmer National Bank in the amount of \$440,000.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Jarboe to sign the Addenda as presented. Motion carried.

7) **Disposal of Used Tires**

For the Commissioners' information Mr. Ichniowski distributed a handout outlining the requirements of House Bill 1202 on Scrap Tire - Recycling and Fees. He pointed out that beginning on February 1, 1992 a \$1.00 tire recycling fee went into effect for all new tires, the revenues of which go to the "Used Tire Clean-up and Recycling Fund.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Sessions to discuss matters of Personnel and Litigation. Motion carried.

Personnel

(Held from 10:17 a.m. to 10:35 a.m.)

**DEPARTMENT OF PLANNING AND ZONING
DECISION DISCUSSIONS**

Present: Jon Grimm, Director, Planning and Zoning
Jeffrey Jackman, Planner
Peggy Childs, Recording Secretary

1) **FLOODPLAIN REGULATIONS**

This public hearing was held on June 2, 1992. Mr. Grimm reminded that the proposed regulations are actually a part of the current Zoning Ordinance Amendments, but have been processed separately to meet State deadline. The regulations are essentially the Model Ordinance approved in preliminary form by the State and both staff and the Planning Commission recommended approval.

Commissioner Lancaster moved that the Model Floodplain Ordinance be enacted as recommended and that staff be instructed to prepare the adopting Resolution for signature. The motion was seconded by Commissioner Jarboe and passed by unanimous vote.

2) CWSP #84-1083 - MARC HAWES PROPERTY

16.72 acres, zoned RPD (partial RCA Overlay) located on the east side of Rosebank Road, 600 feet north of Drury Road; Tax Map 40, Block 19, P 175.

CWSP #90-1245 - JOYNER PROPERTY

One acre, zoned RNC, located on the east side of Bayside Road, approximately 1,250 feet north of Lady Baltimore Avenue in Compton; Tax map 39B Block 24, Lots 49-56 and 110-120.

Public hearing on the Hawes request was held by the Commissioners on June 2, 1992; the public hearing on the Joyner property was held on December 17, 1991, but the request was deferred pending completion of the sanitary survey by the Health Department. Mr. Grimm provided a status report on the Allocation Waiting List, the list of failing systems identified by the sanitary survey, stating that 63 EDU's have been made available by MDE's recalculation of plant capacity based on a decreased flow rate.

Of the 63 EDU's available the Planning Commission moved on June 8, 1992 to hold 23 EDU's in abeyance until February 1, 1993, pending the update of the Comprehensive Water and Sewer Plan to determine the feasibility of serving the failing systems. This would leave 44 EDU's available for allocation to individuals on the waiting list. Approval of the category changes by the Commissioners would allow Mr. Hawes and Mr. Joyner to be considered for allocations, should they be available. The public hearing on the Comprehensive Water & Sewer Plan Update is targeted for August 1992.

Commissioner Loffler stated his view is to come up with a plan for a severed area and then work with MetComm to determine when those areas will be served, rather than running sewer lines all over. Mr. Grimm replied the intention of updating the Water/Sewer Plan is to determine whether the failing systems can be facilitated, and then whether, from an economic and environmental standpoint, other properties could hook on, so we would have a planned service area.

Mr. Grimm continued that staff's position has been somewhat different from the Planning Commission's; i.e., that we shouldn't be extending sewer lines into the RPD District, and Commissioner Jarboe pointed out the cost to run the lines may be prohibitive. Mr. Grimm responded that, unless there is a significant participation by the property owners, it will be too expensive to run the lines, but that is an issue which will be addressed separately. The Planning Commissioner indicated that they would hold the allocations until February 1993, at which time they hoped we would have a recommendation for facilities planning to serve the area, or to seek other alternatives if public sewer is not a viable option.

Commissioner Bailey noted that these two properties are within close proximity to the plant and moved to approve the category change for the Hawes property from S-6 to S-3D. The motion was seconded by Commissioner Thompson and passed by unanimous vote.

Regarding the Joyner request, Mr. Grimm stated the category change will allow the installation of a sewer line to serve vacant property.

Commissioner Jarboe moved for approval of the category change as requested, seconded by Commissioner Lancaster.

Commissioner Thompson questioned the way the EDU's are allocated, and said she fails to see a lot of justice in the process, as there is no plant to it. She said it seems to be that whoever gets to the Commissioners first gets the category changes and whoever gets to the Planning Commission first gets the EDU's, and suggested maybe the Commissioners should approve all the changes that have been requested. Commissioner Loffler replied all the properties have not all requested category changes, they may not be ready to do anything yet. Mr. Grimm responded that what those on the waiting list have requested is to wait in line for allocations, should they become available, to access a public sewer line; in some cases the line may be in place and in others it may not. Part of the problem, he added, is that the W/S Plan is so out of date, the process is not functioning.

The Chair called for a vote on the motion, which passed unanimously. Commissioner Loffler stated he really thinks we need to proceed with facilities planning, because the problem is created by the fact that the plant is inadequate for the needs of the area, and instructed staff to work with MetComm on a facilities review and recommendation.

FRANK KNOX LAND EXCHANGE

Present: Joseph Densford, County Attorney

Mr. Densford advised the Commissioners that the land exchange documents for Frank Knox School will not take place today because the Navy is in the process of doing a title search. The documents will be presented to the Commissioners in mid-July.

**LIBRARY BOARD OF TRUSTEES
FISCAL YEAR 1993 BUDGET**

Present: Mary Ann Chasen, President
Lynn Redmond, Member
Fred Powledge, "
Katherine Hurrey, Director, SMRLA
Mary Wood, Head Librarian
Charles Wade, Director of Finance

The referenced individuals appeared before the Commissioners to request additional funding for Fiscal Year 1993 in light of increased health insurance costs. Mrs. Chasen referred to the June 2 letter from the commissioners which indicated that the library could use the additional state revenue for this purpose; however, she pointed out that the revenue had to be used for other unanticipated costs (increased audit costs, increased liability insurance costs, etc.).

Mrs. Chasen distributed several graphs depicting increased population, increased library patron use, and the library budget. Mrs. Chasen also presented a chart outlining the library budgets of other counties similar in size to St. Mary's showing the differences in the book budgets.

The request to the Commissioners is for an additional \$20,000 to help with the increased health insurance rates. Mrs. Chasen stated that the only source would be the books account, which she indicated the library was reluctant to do because "books are their business." Mrs. Chasen pointed out that even with the \$20,000, the library would still be operating at \$31,000 less than Fiscal Year 1992.

During discussion Mr. Wade explained the process of disbursing additional funds for health insurance increases to all agencies, and had overlooked the library in Fiscal Year 1992.

After some discussion the Commissioners directed staff to research this and return with a recommendation.

(Commissioner Loffler left the meeting - 11:40 a.m.)

EXECUTIVE SESSION

(Authorization for Executive Session given in previous motion.)

Litigation

Also Present: Joe Densford, County Attorney
Dan Ichniowski, Director, Public Works
Charles Wade, Director of Finance
George Haliscak, Chairman, Airport Commission
Richard Wilson, "
Frank Munstertieger, Planning and Zoning

(Held from 11:45 a.m. to 1:15 p.m. (Mr. Munstertieger left the meeting at 12:20 p.m.; Mr. Haliscak and Mr. Wilson left at 12:40 p.m.)

CONDUCTING EFFECTIVE MEETINGS

The Commissioners attended the session on Conducting Effective Meetings held at the Carter State Office Building.

ADJOURNMENT

The meeting adjourned at 3:00 p.m.

Minutes approved by Board of
County Commissioners on June 30, 1992.

Judith A. Spalding
Recording Secretary